

**WSR 16-07-004**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**FOREST PRACTICES BOARD**

[Filed March 3, 2016, 2:20 p.m.]

Subject of Possible Rule Making: Amend chapter 222-08 WAC, Practices and procedures.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 76.09.040 and 76.09.370.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The board has identified a need to develop a process to ensure that submissions of information on action items are delivered to the board with adequate time for review prior to its meetings.

Receiving late submissions on decision items may create inconsistent processing and delivery to board members, further limiting their ability to use information submitted late. The board's work is complex and requires time for board members to consult with their staff in preparation for important decisions. The board seeks to develop a process that works for its members, staff, other agencies, and the public so that information may be received and reviewed in a timely manner prior to taking 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: The board will request input from interested stakeholders in the development of rule language.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by mailing, faxing, or e-mailing comments to Patricia Anderson, Forest Practices Board, Rules Coordinator, Department of Natural Resources, Forest Practices Division, 1111 Washington Street S.E., 3rd Floor, P.O. Box 47012, Olympia, WA 98504-7012, fax (360) 902-1428, e-mail forest.practicesboard@dnr.wa.gov.

February 24, 2016  
 Stephen Bernath  
 Chair

**WSR 16-07-007**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

(Washington Apple Health)

[Filed March 3, 2016, 3:45 p.m.]

Subject of Possible Rule Making: WAC 182-531-1500 Sleep studies and other rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending WAC 182-531-1500 Sleep studies, to clarify that the agency does not cover unattended sleep studies for children age twenty or younger. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and 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 Chantelle Diaz, P.O. Box 42716, Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, e-mail Chantelle.Diaz@hca.wa.gov.

March 3, 2016  
 Wendy Barcus  
 Rules Coordinator

**WSR 16-07-016**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed March 7, 2016, 9:07 a.m.]

Subject of Possible Rule Making: Chapter 181-85 WAC, Professional education—Continuing education requirements, certification requirements for continuing education and renewal.

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: Amending rules for teachers, administrator, education staff associates certification related to maintaining licensure.

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. Professional educator standards board meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site www.PESB.wa.gov.

March 7, 2016  
 David Brenna  
 Senior Policy Analyst

**WSR 16-07-026**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR AND CANNABIS**  
**BOARD**

[Filed March 9, 2016, 10:36 a.m.]

Subject of Possible Rule Making: WAC 314-23-085 What types of discounts are not allowed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is needed to clarify what discounts are and are not allowed between distributors and retailers.

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

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689.

March 9, 2016  
Jane Rushford  
Chairman

**WSR 16-07-027**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR AND CANNABIS**  
**BOARD**

[Filed March 9, 2016, 10:37 a.m.]

Subject of Possible Rule Making: WAC 314-02-130  
What types of changes to a licensed premises require board approval?

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 66.08.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making is needed to clarify requirements for outside liquor service at a liquor licensed premises.

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

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Karen McCall, Agency Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1631, fax (360) 664-9689.

March 9, 2016  
Jane Rushford  
Chairman

**WSR 16-07-031**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Developmental Disabilities Administration)

[Filed March 10, 2016, 11:05 a.m.]

The developmental disabilities administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 15-09-114 on April 21, 2015 (chapter 388-829A WAC), regarding alternative living.

The developmental disabilities administration plans to file a new preproposal statement of inquiry notice in the near future after withdrawing this notice.

Katherine I. Vasquez  
Rules Coordinator

**WSR 16-07-032**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Developmental Disabilities Administration)

[Filed March 10, 2016, 11:14 a.m.]

The developmental disabilities administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 15-09-116 on April 21, 2015 (chapter 388-829C WAC), regarding companion homes.

The developmental disabilities administration plans to file a new preproposal statement of inquiry notice in the near future after withdrawing this notice.

Katherine I. Vasquez  
Rules Coordinator

**WSR 16-07-033**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Developmental Disabilities Administration)

[Filed March 10, 2016, 11:29 a.m.]

The developmental disabilities administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 15-05-045 on February 12, 2015 (chapter 388-827 WAC), regarding state supplementary payment program.

The developmental disabilities administration plans to file a new preproposal statement of inquiry notice in the near future after withdrawing this notice.

Katherine I. Vasquez  
Rules Coordinator

**WSR 16-07-040**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Developmental Disabilities Administration)  
 [Filed March 11, 2016, 10:13 a.m.]

Subject of Possible Rule Making: The department is amending chapter 388-829A WAC, Alternative living, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.39A.074 Training requirements for long-term care workers, 74.39A.341 Continuing education requirements for long-term care workers, 74.39A.351 Advanced training, and 18.88B.041 Exemptions from training requirements.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to update and make changes to this chapter. Primary changes will be related to training for alternative living providers. Some of the changes should help to mitigate confusion between the various training requirements for different types of providers and businesses that fall under training requirements under chapter 74.39A RCW and training exemptions under RCW 18.88B.041. The updates will also include changes in terminology and updating references to RCW and WAC, where needed.

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 Alan McMullen, Developmental Disabilities Administration, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3524, fax (360) 407-0955, TTY 1-800-833-6388, e-mail alan.mcmullen@dshs.wa.gov.

March 10, 2016  
 Katherine I. Vasquez  
 Rules Coordinator

**WSR 16-07-041**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**  
 [Filed March 11, 2016, 11:02 a.m.]

Subject of Possible Rule Making: Coastal mackerel purse seine fishery, duties of commercial receivers and processors.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, 77.12.047, 77.65.280.

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

of fish and wildlife is considering rule amendments relating to the sale and processing of mackerel from commercial fisheries. The rule amendments will limit the amount of mackerel that can be processed for purposes other than human consumption. This limitation supports maximizing the value of the catch.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The National Marine Fisheries Service regulates certain commercial fisheries in federal waters. Rule coordination is accomplished through the Pacific Fishery Management Council.

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 Jacalyn Hursey, Acting Rules Coordinator, 600 Capitol Way North, Olympia, WA 98501, phone (360) 902-2861, e-mail Jacalyn.Hursey@dfw.wa.gov. Contact by April 30, 2016. Expected proposal filing on or after May 6, 2016. Updates will be added to the agency's rule-making page at <http://wdfw.wa.gov/about/regulations/development.html>.

March 11, 2016  
 Jacalyn M. Hursey  
 Acting Rule[s] Coordinator

**WSR 16-07-044**  
**WITHDRAWL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HORSE RACING COMMISSION**  
 [Filed March 14, 2016, 8:58 a.m.]

The Washington horse racing commission would like to withdraw from publication our preproposal statement of inquiry (CR-101), WSR 15-24-032, filed on November 20, 2015.

Douglas L. Moore  
 Executive Secretary

**WSR 16-07-053**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF REVENUE**  
 [Filed March 14, 2016, 12:59 p.m.]

Subject of Possible Rule Making: WAC 458-20-151 (Rule 151) Dentists and other health care providers, dental laboratories and dental technicians.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule 151 explains the application of business and occupation (B&O), retail sales, and use taxes to the business activities of dentists and other health care providers, dental laboratories, and dental technicians.

The department is proposing to revise the rule to specifically provide taxability information for audiologists. Updat-

ing and some reorganization of the rule is proposed, as well as including the term "audiologists" in the revised title.

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 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 draft of possible rule changes is available via the department's online Rules Agenda.

Written comments may be submitted by mail and should be directed to Leslie Mullin, ITA Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail LeslieMu@dor.wa.gov.

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

Public Meeting Location: Capital Plaza Building, 4th Floor, Executive Conference Room, 1025 Union Avenue S.E., Olympia, WA, on May 5, 2016, at 10:00 a.m. *Call-in option can be provided upon request no later than three days before the meeting date.*

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.

March 14, 2016  
Kevin Dixon  
Rules Coordinator

ington state department of natural resources both regulate forest practices, neither is involved in valuation for taxation purposes. The nontax processes and definitions are coordinated with these agencies to avoid conflict, but there should be no need to involve them in the valuation revisions provided in this rule.

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 draft of possible rule changes will be available upon request shortly before the public meeting.

Written comments may be submitted by mail and should be directed to Mark E. Bohe, ITA Division, P.O. Box 47453, Olympia, WA 98504-7453, e-mail markbohe@dor.wa.gov.

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

Public Meeting Location: Capital Plaza Building, 4th Floor, Executive Conference Room, 1025 Union Avenue S.E., Olympia, WA, on May 3, 2016, at 10:00 a.m. *Call-in option can be provided upon request no later than three days before the meeting date.*

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.

March 14, 2016  
Kevin Dixon  
Rules Coordinator

#### WSR 16-07-054

##### PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF REVENUE

[Filed March 14, 2016, 1:17 p.m.]

Subject of Possible Rule Making: WAC 458-40-610 Timber excise tax—Definitions, 458-40-640 Timber excise tax—Stumpage value area (map), and 458-40-680 Timber excise tax—Volume harvested—Approved scaling and grading methods—Sample scaling—Conversions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 84.33.096, 82.32.300, and 82.01.060(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 84.33.091 requires the department of revenue to revise the stumpage value tables every six months. The department establishes stumpage value tables to appraise timber harvesters of the timber values used to calculate the timber excise tax. The department anticipates amending WAC 458-40-610, 458-40-640, and 458-40-680 to make possible changes to the map concerning haul zones and stumpage value areas (SVAs) to be effective for the second half of 2016.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Although the United States Forest Service and Wash-

#### WSR 16-07-057

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

(Developmental Disabilities Administration)

[Filed March 15, 2016, 9:19 a.m.]

Subject of Possible Rule Making: The department is updating chapter 388-829C WAC, Companion homes, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.39A.074 Training requirements for long-term care workers, 74.39A.341 Continuing education requirements for long-term care workers, 74.39A.351 Advanced training, and 18.88B.041 Exemptions from training requirements.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is proposing to update and make changes to this chapter. Primary changes will be related to training for providers. Some of the changes should help to mitigate confusion between the various training requirements for different types of providers and businesses that fall under training requirements of chapter 74.39A RCW and training exemptions under RCW 18.88.04

[18.88B.041]. The changes will also include updates such as changes in terminology and references to RCW and WAC where needed.

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 Alan McMullen, Developmental Disabilities Administration, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3524, fax (360) 407-0955, TTY 1-800-833-6388, e-mail alan.mcmullen@dshs.wa.gov.

March 14, 2016  
Katherine I. Vasquez  
Rules Coordinator

#### WSR 16-07-059

##### PREPROPOSAL STATEMENT OF INQUIRY GAMBLING COMMISSION

[Filed March 15, 2016, 11:07 a.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 the public requesting amendments to raffle operating and recordkeeping requirements.

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 Newer, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, fax (360) 486-3625, e-mail Susan.Newer@wsgc.wa.gov.

[Meetings on] March 10 or 11, 2016, at the Great Wolf Lodge, 20500 Old Highway 99 S.W., Grand Mound, WA 98531, (360) 273-7718, visit [www.wsgc.wa.gov](http://www.wsgc.wa.gov) on March 1 for meeting location and start time; on April 14 or 15, 2016, at the DoubleTree by Hilton, 415 Capitol Way North, Olympia, WA 98501, (360) 570-0555, visit [www.wsgc.wa.gov](http://www.wsgc.wa.gov) on April 1 for meeting location and start time; and on May 12 or 13, 2016, at the Red Lion Pasco, 2525 North 20th Avenue, Pasco, WA 99301, (509) 547-0701, visit [www.wsgc.wa.gov](http://www.wsgc.wa.gov) on May 1 for meeting location and start time.

March 15, 2016  
Susan Newer  
Rules Coordinator

#### WSR 16-07-064 WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF FINANCIAL MANAGEMENT

[Filed March 15, 2016, 2:28 p.m.]

On February 2, 2016, the office of financial management (OFM) filed a preproposal statement of inquiry (WSR 16-04-100). This CR-101 was filed to give notice that OFM was beginning the rule-making process for rules related to the Washington state all-payer health care claims database. Specifically, this rule-making process would address:

- The procedures for ensuring that all data received from data suppliers are securely collected and stored in compliance with state and federal law.
- The procedures for ensuring compliance with state and federal privacy laws.

OFM is cancelling this rule making and withdrawing the CR-101. These rules will be rolled into a separate rule-making process that will also include additional rules needed to implement the all-payer claims database (APCD).

If you have any questions about this withdrawal or subsequent rule making, please feel free to contact the project team by e-mail [apcd@ofm.wa.gov](mailto:apcd@ofm.wa.gov), or sign up on the APCD listserv at <http://listserv.wa.gov/cgi-bin/wa?A0=APCD>.

Roselyn Marcus  
Assistant Director  
Legal and Legislative Affairs

#### WSR 16-07-065 PREPROPOSAL STATEMENT OF INQUIRY OFFICE OF FINANCIAL MANAGEMENT

[Filed March 15, 2016, 3:01 p.m.]

Subject of Possible Rule Making: The subject of this rule making relates to the statewide all-payer health care claims data base (APCD). Specifically, the rules will address: The format for the calculation and display of aggregate cost data; procedures for data release; reasons to decline a request for data; encounter data; procedures for ensuring that all data received from data suppliers are securely collected and stored in compliance with law; procedures for ensuring compliance with state and federal privacy laws; and penalties for inappropriate disclosure or use of direct patient identifiers, indirect patient identifiers, or proprietary financial information.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.371.050 (2) and (6) and 43.371.070 (1)(d), (e), (g) and (h).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 43.371 RCW directs the office of financial management (OFM) to establish a statewide APCD to support transparent public reporting of health care information. To accomplish this requirement, OFM is further directed to select a lead organization to coordinate and manage the data base. RCW 43.371.050 (2) and

(6) and 43.371.070 (1)(d), (e), (g) and (h) provide that the OFM director shall adopt rules necessary to implement this chapter including those subject[s] specified above that are the subject of this rule making.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The office of chief information officer has standards that must be met for both security and privacy. There are state and federal laws regarding protection of private data, which must be followed in regards to the establishment and operation of the data base. Coordination will be accomplished through meetings and other written methods of communication. As agency points of contact become known, we will add them to the stakeholder list to ensure receipt of correspondence of all rule-making activities.

Process for Developing New Rule: A collaborative approach will be used. The APCD web site and associated listserv will be used to provide information and seek comments before a draft is filed for hearing. Stakeholder meetings to review and discuss draft rules will also be scheduled as appropriate. In addition, a privacy and security workgroup was formed with stakeholders from state agencies and the private sector. This group will help sort out the issues and review drafts before released for a more general review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. To participate in the rule-making process, you may:

- Send OFM an e-mail with your name and contact information (and questions or comments) at [apcd@ofm.wa.gov](mailto:apcd@ofm.wa.gov).
- Sign up on the APCD listserv at <http://listserv.wa.gov/cgi-bin/wa?A0=APCD>. Those who sign up will receive information on the rules, hearing dates and the latest drafts of the rules for your comments.

March 15, 2016  
Roselyn Marcus  
Assistant Director  
Legal and Legislative Affairs  
Rules Coordinator

**WSR 16-07-070**  
**WITHDRAWL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Filed March 16, 2016, 3:49 p.m.]

The department of labor and industries is withdrawing the preproposal statement of inquiry for chapter 296-15 WAC, WSR 08-17-117 which was filed on August 20, 2008.

If you have any questions, please contact Maggie Leland, rules coordinator at (360) 902-4504.

Maggie Leland  
Rules Coordinator  
Senior Policy Advisor

**WSR 16-07-072**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed March 17, 2016, 9:15 a.m.]

Subject of Possible Rule Making: The department is proposing to amend chapter 388-106 WAC, Long-term care services, and other related rules as may be required related to private duty nursing.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090, 74.09.520.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is amending WAC 388-106-1000 through 388-106-1055 to clarify the definition for nurse services intervention, define the scope of services to be authorized, and explain the necessity for documentation to support the required services.

Other related changes that arise during this rule making may be incorporated. Other related WAC chapters may need to be updated as a result of this rule making.

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

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5600, phone (360) 725-2495, fax (360) 407-7582, TTY (360) 493-2637, e-mail [angel.sullivan@dshs.wa.gov](mailto:angel.sullivan@dshs.wa.gov).

March 16, 2016  
Katherine I. Vasquez  
Rules Coordinator

**WSR 16-07-082**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2016-04—Filed March 17, 2016, 2:32 p.m.]

Subject of Possible Rule Making: Title insurance agent affiliated business reports.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 and 48.29.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: RCW 48.29.015 requires that all title insurance agents annually file a report of their affiliated business ownership with the office of insurance commissioner. WAC 284-29-110 as adopted allows those title insur-

ance agents who have no affiliated business ownership or who are wholly owned by a title insurer that is traded on a national stock not to file a report. This WAC section is in conflict with the statute and the proposed rules will consider repealing WAC 284-29-110.

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 May 6, 2016, to Jim Tompkins, P.O. Box 40260, Olympia, WA 98504-0260, 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 40260, Olympia, WA 98504-0260, e-mail rulescoordinator@oic.wa.gov, fax (360) 586-3109.

March 17, 2016  
Mike Kreidler  
Insurance Commissioner

### WSR 16-07-083

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

[Insurance Commissioner Matter No. R 2016-05—Filed March 17, 2016, 2:41 p.m.]

Subject of Possible Rule Making: Title insurance agent escrow practices and accounts.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 and 48.29.005.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Currently independent escrow agents are licensed by the department of financial institutions and are subject to extensive rules and regulation[s] by that agency, from which title insurance companies and title insurance agents are exempt. The commissioner will consider adopting similar rules regulating the escrow practices of title insurance agents.

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 May 31, 2016, to Jim Tompkins, P.O. Box 40260, Olympia, WA 98504-0260, 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 40260, Olympia, WA 98504-0260, e-mail rulescoordinator@oic.wa.gov, fax (360) 586-3109.

March 17, 2016  
Mike Kreidler  
Insurance Commissioner

### WSR 16-07-104

#### PREPROPOSAL STATEMENT OF INQUIRY PROFESSIONAL EDUCATOR STANDARDS BOARD

[Filed March 18, 2016, 12:18 p.m.]

Subject of Possible Rule Making: Chapter 181-79A WAC, Standards for teacher, administrator, and educational staff associate certification, certification requirements related to professional certification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.210.410, 28A.410.010, and 28A.150.-220.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amending rules for teacher, administrator, education staff associates certification. Addresses requirements for teachers, administrators and education staff associates for obtaining, retaining and renewing their certificate.

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. Professional educator standards board meeting[s] are open to the public and regularly scheduled. The calendar of meetings is announced on the web site [www.PESB.wa.gov](http://www.PESB.wa.gov).

March 18, 2016  
David Brenna  
Senior Policy Analyst

### WSR 16-07-105

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

[Filed March 18, 2016, 12:46 p.m.]

The department of labor and industries (L&I) is withdrawing the preproposal statement of inquiry for chapter 296-15 WAC, WSR 16-01-166 which was filed on December 22, 2015. L&I has decided to postpone this specific rule-making effort and will file another preproposal statement of inquiry, CR-101, when appropriate.

If you have any questions, please contact Maggie Leland, rules coordinator at (360) 902-4504.

Maggie Leland  
Rules Coordinator  
Senior Policy Advisor

**WSR 16-07-114**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed March 21, 2016, 4:01 p.m.]

Subject of Possible Rule Making: Chapter 181-78A WAC, Teacher preparation programs, higher education programs standards 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 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](http://www.PESB.wa.gov).

March 21, 2016  
 David Brenna  
 Senior Policy Analyst

**WSR 16-07-115**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**EMPLOYMENT SECURITY DEPARTMENT**

[Filed March 21, 2016, 4:51 p.m.]

Subject of Possible Rule Making: Amendment and adoption of rules within Title 192 WAC related to the payment of unemployment insurance benefits. Some rule changes allow claimants and employers to take advantage of new services available through the department's new benefit payment system, such as filing and backdating claims, and permitting certain filings via eservices. Other sections will be amended or adopted to implement recommended policy changes that have been on hold due to the limitations of the department's existing payment system. These include clarifying response deadlines, calculation of base period wages, accrual of interest on benefit overpayments, permitting claimants to request holding payment until a determination of eligibility is made, and assignment of benefit charges. Other new or amended rules may be identified through the rule-making process.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50.12.010 and 50.20.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules are needed to take advantage of improvements in technology that will streamline the application and eligibility determination for unem-

ployment benefits. Claimants and employers will be allowed to take advantage of eservices offered by the new computer system. Documents may be provided by the department to customers by means other than the postal service, such as e-mail. Amending rules related to filing, backdating and cancelling claims will provide consistency in services. Allowing claimants to request having payments held pending eligibility determination will provide them the opportunity to reduce or eliminate some overpayments.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Labor (USDOL) reviews the state's administration of the unemployment insurance program to ensure conformity to federal statutes and regulations. The state has broad flexibility in the implementation of unemployment insurance laws as long as conformity is maintained. The proposed regulations will be shared with USDOL prior to adoption.

Process for Developing New Rule: The proposed rules will be shared with stakeholders identified in the rule-making process. We will solicit input from stakeholders and consider all comments in the development of the final rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Juanita Myers, Unemployment Insurance Rules Manager, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, fax (360) 902-9200, e-mail [jmyers@esd.wa.gov](mailto:jmyers@esd.wa.gov). Please include your name, organization (if any), mailing address, e-mail address and phone number.

March 21, 2016  
 Lisa Marsh  
 Deputy Commissioner

**WSR 16-07-120**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed March 22, 2016, 10:23 a.m.]

Subject of Possible Rule Making: Trolley lines, chapter 296-155 WAC, Safety standards for construction work.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Division of occupational safety and health (DOSH) is initiating rule making in response to a public petition received January 13, 2016, requesting that L&I/DOSH change the requirements found in WAC 296-155-428 relating to the minimum clearance distance of vehicular or mechanical equipment when working around energized trolley lines.

Historically, numerous employers performing work near energized trolley lines have had to request variances from DOSH to perform aspects of the work regulated under WAC 296-155-428, its subsections, and other sections within chapter 296-155 WAC related to working near energized lines, which has resulted in a considerable administrative burden on



all parties involved. As DOSH recognizes that there are industry-wide controls that are widely accepted and effective at keeping workers safe in practice, and DOSH has a number of options to address alternative protections for workers, it is the goal of the agency to work with stakeholders to determine and implement practical changes to chapter 296-155 WAC language that will minimize the administrative burden of the variance process for all parties while continuing to keep workers safe and remaining as-effective-as the Occupational Safety and Health Administration or greater.

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 the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kevin Walder, Administrative Regulations Analyst, Department of Labor and Industries, DOSH, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5401, e-mail kevin.walder@lni.wa.gov.

March 22, 2016  
Joel Sacks  
Director

**WSR 16-07-121**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed March 22, 2016, 10:26 a.m.]

Subject of Possible Rule Making: Chapter 296-155 WAC, Safety standards for construction work, Part C-1, Fall protection requirements for construction and Part O, Concrete, concrete forms, shoring, and masonry construction.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In June 2013 and October 2015 the division of occupational safety and health (DOSH) received notification from the federal Occupational Safety and Health Administration (OSHA) relating to DOSH's fall protection standards. The latest notification advised the department that DOSH needed to amend our fall protection rules in chapter 296-155 WAC in order for them to be at-least-as-effective-as those administered by OSHA. Consequently, DOSH will be amending our rules to make them at-least-as-effective-as OSHA, as required by the Washington state plan. Other housekeeping amendments may also be proposed in this chapter.

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 the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Cynthia Ireland, Administrative Regulations Analyst, Department of Labor and Industries, DOSH, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5522, fax (360) 902-5619, e-mail cynthia.ireland@lni.wa.gov.

March 22, 2016  
Joel Sacks  
Director

**WSR 16-07-122**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**

[Filed March 22, 2016, 10:26 a.m.]

Subject of Possible Rule Making: Card games.

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 the public requesting amendments to card game rules.

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 Newer, Rules Coordinator, P.O. Box 42400, Olympia, WA 98504-2400, (360) 486-3466, fax (360) 486-3625, e-mail Susan.Newer@wsgc.wa.gov.

[Meetings on] April 14 or 15, 2016, at the DoubleTree by Hilton, 415 Capitol Way North, Olympia, WA 98501, (360) 570-0555, visit [www.wsgc.wa.gov](http://www.wsgc.wa.gov) on April 1 for meeting location and start time; on May 12 or 13, 2016, at the Red Lion Pasco, 2525 North 20th Avenue, Pasco, WA 99301, (509) 547-0701, visit [www.wsgc.wa.gov](http://www.wsgc.wa.gov) on May 1 for meeting location and start time; and on July 14 or 15, 2016, at the Red Lion Seattle, 18220 International Boulevard, Seattle, WA 98188, (206) 246-5535, visit [www.wsgc.wa.gov](http://www.wsgc.wa.gov) on July 1 for meeting location and start time.

March 22, 2016  
Susan Newer  
Rules Coordinator

**WSR 16-07-124**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed March 22, 2016, 11:09 a.m.]

Subject of Possible Rule Making: WAC 392-121-210 and 392-121-217, 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 provide "housekeeping" updates regarding the definition of basic education certificated instructional staff and institutional education certificated instructional staff.

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, School Apportionment and Financial Services, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6308.

March 16, 2016  
 Randy Dorn  
 State Superintendent  
 of Public Instruction

**WSR 16-07-125**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed March 22, 2016, 11:11 a.m.]

Subject of Possible Rule Making: In chapter 392-190 WAC, Equal educational opportunity—Unlawful discrimination prohibited, the office of superintendent of public instruction (OSPI) is considering rule making regarding language access services for limited-English proficient students and families, and specifically school districts' communication of their language access policy and procedure with parents, students, employees, and volunteers.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.642.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In ESSB 6052, Part V, Sec. 501(5), the Washington state legislature directed OSPI to adopt rules regarding school districts' communication of their language access policy and procedure for limited-English proficient parents, students, employees, and volunteers. New rules about school districts' language access policies and procedures - including communication of their policy and procedure - will promote awareness of language access rights and available services, as well as improve compliance with civil rights requirements regarding meaningful communication with limited-English proficient families.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Education, Office for Civil Rights; the United States Department of Justice, Civil Rights Division; and the Washington state human rights commission regulate similar nondiscrimination laws. OSPI will invite these agencies to provide feedback and recommendations regarding the proposed rules.

Process for Developing New Rule: Early solicitation of public comments and recommendations regarding new or amended 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 Calandra Sechrist, Director, Equity and Civil Rights Office, OSPI, phone (360) 725-6162, TTY (360) 664-2967, e-mail equity@k12.wa.us. A public hearing will be scheduled as per the CR-102.

March 22, 2016  
 Randy Dorn  
 Superintendent of  
 Public Instruction

**WSR 16-07-126**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed March 22, 2016, 11:12 a.m.]

Subject of Possible Rule Making: The office of superintendent of public instruction (OSPI) is considering amending chapter 392-191A WAC, Professional growth and evaluation of school personnel.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Chapter 392-191A WAC was enacted in 2013 for the purpose of adopting minimum criteria for school districts to use when evaluating professional educators through the teacher and principal evaluation program (TPEP), RCW 28A.405.100. The TPEP steering committee and other stakeholders have recommended that OSPI revisit the rules for the following reasons:

- Fix inconsistencies in titles and terminology.
- Remove redundancies.
- Clarify the definition of "observation."
- Revise the scoring for the focused evaluation process for teachers.

Process for Developing New Rule: Early solicitation of public comments, including from the TPEP steering committee, 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 Sue Anderson, Director, Educator

Effectiveness Office, OSPI, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6116, sue.anderson@k12.wa.us.

March 16, 2016  
Randy Dorn  
State Superintendent  
of Public Instruction

filed as WSR 15-15-111 on July 16, 2015 (chapter 388-97 WAC), regarding nursing homes.

The aging and long-term support administration plans to file a new preproposal statement of inquiry notice in the near future after withdrawing this notice.

Katherine I. Vasquez  
Rules Coordinator

**WSR 16-07-127**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed March 22, 2016, 11:37 a.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 15-15-098 on July 15, 2015 (chapter 388-78A WAC), regarding assisted living facilities.

The aging and long-term support administration plans to file a new preproposal statement of inquiry notice in the near future after withdrawing this notice.

Katherine I. Vasquez  
Rules Coordinator

**WSR 16-07-130**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed March 22, 2016, 12:25 p.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 15-15-109 on July 16, 2015 (chapter 388-101 WAC), regarding certified community residential services and supports.

The aging and long-term support administration plans to file a new preproposal statement of inquiry notice in the near future after withdrawing this notice.

Katherine I. Vasquez  
Rules Coordinator

**WSR 16-07-128**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed March 22, 2016, 11:55 a.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 15-15-122 on July 16, 2015 (chapter 388-107 WAC), regarding enhanced services facilities.

The aging and long-term support administration plans to file a new preproposal statement of inquiry notice in the near future after withdrawing this notice.

Katherine I. Vasquez  
Rules Coordinator

**WSR 16-07-131**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed March 22, 2016, 12:49 p.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 15-15-099 on July 15, 2015 (chapter 388-76 WAC), regarding adult family homes.

The aging and long-term support administration plans to file a new preproposal statement of inquiry notice in the near future after withdrawing this notice.

Katherine I. Vasquez  
Rules Coordinator

**WSR 16-07-129**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed March 22, 2016, 12:09 p.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice

**WSR 16-07-132**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
[Filed March 22, 2016, 1:00 p.m.]

Subject of Possible Rule Making: WAC 392-140-972 Finance—Special allocations—Salary bonus for teachers and

other certificated staff who hold current certification by the national board.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.290(1) and 28A.405.415.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: These rule revisions provide "housekeeping" updates regarding which staff in public schools are eligible for the national board bonus.

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, School Apportionment and Financial Services, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6308.

March 22, 2016

Randy Dorn  
State Superintendent  
of Public Instruction

### WSR 16-07-133

#### PREPROPOSAL STATEMENT OF INQUIRY SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed March 22, 2016, 1:13 p.m.]

Subject of Possible Rule Making: WAC 392-121-124 Full-time equivalent enrollment for work based learning.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.305.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: WAC 392-121-124 requires updating to clarify that work based learning provided by a state-approved skill center program is limited to preparatory work based learning.

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, P.O. Box 47200, Olympia, WA 98504-7200, (360) 725-6306.

March 22, 2016

Randy Dorn  
Superintendent of  
Public Instruction

### WSR 16-07-136

#### WITHDRAWAL OF PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

[Filed March 22, 2016, 2:18 p.m.]

The health care authority requests withdrawal of the pre-proposal statement of inquiry filed as WSR 16-07-007, distributed in the 16-07 State Register, regarding WAC 182-531-1500.

Wendy L. Barcus  
Rules Coordinator

### WSR 16-07-137

#### PREPROPOSAL STATEMENT OF INQUIRY HEALTH CARE AUTHORITY

(Washington Apple Health)

[Filed March 22, 2016, 2:31 p.m.]

Subject of Possible Rule Making: WAC 182-531-0050 Physician-related services definitions, 182-531-0200 Physician-related and health care professional services requiring prior authorization, 182-531-0550 Experimental and investigational services, 182-500-0005, 182-500-0030, 182-500-0050, and 182-500-0085 Medical definitions, E, I, and P, 182-550-1050 Hospital services definitions, and other rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is revising WAC 182-531-0550 regarding experimental and investigational services and moving it to chapter 182-501 WAC, Administration of medical programs—General. These rules apply to all apple health programs. The agency is also moving several definitions to chapter 182-500 WAC, Medical definitions, and fixing cross-references in other sections that are affected by these moves. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and 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 Katie Pounds, P.O. Box 42716, Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, e-mail katherine.pounds@hca.wa.gov.

March 22, 2016

Wendy Barcus  
Rules Coordinator

**WSR 16-07-138****PREPROPOSAL STATEMENT OF INQUIRY  
EXECUTIVE ETHICS BOARD**

[Filed March 22, 2016, 3:29 p.m.]

Subject of Possible Rule Making: Chapter 292-130 WAC, Agency organization—Public records.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 42.52.360.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update the rules and provide guidance and clarity to public records requestors.

Process for Developing New Rule: Seek stakeholder input.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Kate Reynolds, P.O. Box 40149, Olympia, WA 98504-0149, (360) 664-0871, kater[at]atg.wa.gov.

March 22, 2016  
Ruthann Bryant  
Administrative Officer

**WSR 16-07-143****PREPROPOSAL STATEMENT OF INQUIRY  
HEALTH CARE AUTHORITY**

(Washington Apple Health)

[Filed March 23, 2016, 8:23 a.m.]

Subject of Possible Rule Making: WAC 182-531-1500 Sleep studies, and other rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is amending WAC 182-531-1500 Sleep studies, to clarify sleep studies criteria for children age twenty or younger. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and 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 Chantelle Diaz, P.O. Box 42716, Olympia, WA 98504-2716, fax (360) 586-9727, TTY 1-800-848-5429, e-mail Chantelle.Diaz@hca.wa.gov.

March 23, 2016  
Wendy Barcus  
Rules Coordinator

**WSR 16-07-145****WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF LICENSING**

(Board of Registration for Professional Engineers and Land Surveyors)

[Filed March 23, 2016, 8:50 a.m.]

The department of licensing, board of registration for professional engineers and land surveyors requests withdrawal of the preproposal statement of inquiry filed as WSR 13-20-011 and 13-20-012, chapter 196-29 WAC. The CR-101s were filed on September 20, 2013, and appeared in issue 13-20 of the State Register. This document serves as the official notification of our rule withdrawal.

Damon Monroe  
Rules Coordinator

**WSR 16-07-147****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Developmental Disabilities Administration)**

[Filed March 23, 2016, 8:54 a.m.]

Subject of Possible Rule Making: The department is proposing to amend chapter 388-827 WAC, State supplementary payment program, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.140, 74.39A.400, 74.39.010, 74.08.-090, 74.09.520, 74.36.110, ESHB 2746.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration intends to make changes and updates to chapter 388-827 WAC, State supplementary payment program. The updates and changes will improve the management of the program while also making the program and eligibility requirements more easily understood.

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 Alan McMullen, Developmental Disabilities Administration, P.O. Box 45310, Olympia, WA 98504-5310, phone (360) 725-3524, fax (360) 407-0955, TTY 1-800-833-6388, e-mail alan.mcmullen@dshs.wa.gov.

March 15, 2016  
Katherine I. Vasquez  
Rules Coordinator

**WSR 16-07-156**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR AND CANNABIS**  
**BOARD**

[Filed March 23, 2016, 10:42 a.m.]

Subject of Possible Rule Making: The Washington state liquor and cannabis board (WSLCB) is considering rules to establish a process and requirements for marijuana recalls.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 69.50.342 and 69.50.345.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Marijuana and marijuana products sold in WSLCB licensed retail stores are a consumable product and it is important that they are safe for human consumption. In the event that product posing a risk to public health is discovered, rules are needed to establish the process and requirements for marijuana recalls to allow for affected product to be identified and removed from the marketplace in a fast and efficient manner.

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

Process for Developing New Rule: Interested parties can participate in the discussions formulating this rule change by contacting or sending written comments to the agency staff listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Joanna Eide, Policy and Rules Coordinator, P.O. Box 43080, Olympia, WA 98504-3080, (360) 664-1622, fax (360) 664-9689.

March 23, 2016  
Jane Rushford  
Chairman

**WSR 16-07-157**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF ECOLOGY**

[Order 16-02—Filed March 23, 2016, 10:49 a.m.]

Subject of Possible Rule Making: The department of ecology (ecology) plans to amend chapter 173-360 WAC, Underground storage tank (UST) regulations. As part [of] the rule making, ecology plans to:

1. Incorporate federal rule changes needed to maintain state program approval, as specified in 40 C.F.R. Parts 280 and 281 and adopted in June 2015.

2. Incorporate changes to the state's UST program specified in the authorizing state statute, chapter 90.76 RCW.

3. Make other selective changes to the requirements governing the state's UST program (such as updating UST service provider requirements).

4. Streamline rule requirements, improve rule clarity, and improve consistency within the rule and with other state and federal laws and rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 90.76 RCW, Underground storage tanks.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Ecology is conducting the rule making to:

1. Maintain federal approval of the state's UST program, as required by the authorizing state statute, chapter 90.76 RCW.

2. Implement changes to state's UST program specified in the authorizing state statute, chapter 90.76 RCW.

3. Reduce the number and severity of releases of petroleum and other hazardous substances from UST systems, which pose a serious threat to human health and the environment, including drinking water.

4. Make the rule easier to use and understand by the regulated community.

The rule making is intended to accomplish the following:

1. Federal approval of the state's UST program.

2. Compliance with the authorizing state statute, chapter 90.76 RCW.

3. Reduction in the number and severity of releases of petroleum and other hazardous substances from UST systems, and the threat posed by those releases to human health and the environment, including drinking water.

4. Rule that is easier to use and understand by the regulated community.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The U.S. Environmental Protection Agency (EPA) establishes requirements for state program approval and regulates UST systems in states without approved programs and in Indian country. Washington has a federally approved UST program. Ecology will consult with EPA and provide opportunities to review rule language throughout the rule-making process to ensure the state's rules are at-least-as-stringent-as the federal rules and meet the requirements for state program approval. Ecology will work closely with other interested state and local government agencies and encourage them to provide input during the rule-making process.

Process for Developing New Rule: Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act, chapter 34.05 RCW.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication. Interested parties can stay informed about the rule making and public involvement opportunities by:

1. Visiting the agency web page at <http://www.ecy.wa.gov/programs/tcp/regs/wac173360/1602ov.html>.

2. Signing up to receive e-mail notices at <http://listserv.wa.gov/cgi-bin/wa?A0=ECOLOGY-UST-RULE>.

3. Contacting the Rule[s] Coordinator, Scott O'Dowd, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-7195, fax (360) 407-7154, e-mail [USTrule@ecy.wa.gov](mailto:USTrule@ecy.wa.gov).

Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

March 23, 2016  
Jeff Johnston, Manager  
Information and Policy Section  
Toxics Cleanup Program