

WSR 19-22-021
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed October 28, 2019, 12:39 p.m.]

Subject of Possible Rule Making: The department is considering changes to recreational clam and oyster harvest season rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department must annually amend recreational clam and oyster season rules on some public tidelands in response to shellfish population changes, shifts in recreational effort, conservation issues, and negotiations with treaty tribes and other state agencies. Such amendments are designed to perpetuate shellfish resources while maximizing recreational harvest opportunity.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington department of health (DOH). The Washington department of fish and wildlife (WDFW) works closely with DOH to close beaches to recreational clam and oyster harvest if there is a risk to public health.

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 WDFW Rules Coordinator, P.O. Box 43152, Olympia, WA 98501, phone 360-902-2403, fax 360-902-2155, email Rules.Coordinator@dfw.wa.gov; or Camille Speck, Puget Sound Intertidal Bivalve Manager, 375 Hudson Street, Port Townsend, WA 98368, phone 360-302-3030 ext. 313, fax 360-302-3030, email Camille.Speck@dfw.wa.gov.

October 28, 2019
 Jacalyn M. Hursey
 Rules Coordinator

WSR 19-22-031
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed October 30, 2019, 3:25 p.m.]

Subject of Possible Rule Making: WAC 182-535-1245 Access to baby and child dentistry (ABCD) program; and other related 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 this section to reflect that ABCD program services provided by a nondental provider for eligible clients enrolled in an agency-contracted managed care organization (MCO) must be arranged for directly through the client's MCO. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

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

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 Valerie Smith, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication relay services (TRS) 711, email valerie.smith@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Pixie Needham, P.O. Box 45506, Olympia, WA 98504-5506, phone 360-725-9967, fax 360-586-9727, TRS 711, email pixie.needham@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

October 30, 2019
 Wendy Barcus
 Rules Coordinator

WSR 19-22-060
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Economic Services Administration)

[Filed November 5, 2019, 9:07 a.m.]

Subject of Possible Rule Making: The department plans to amend WAC 388-444-0010 Who is exempt from work registration while receiving basic food?; and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 74.08A.120; 7 C.F.R. 273.7, 7 C.F.R. 273.24.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department plans to amend WAC 388-444-0010 to align rule language with that of current federal regulations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The United States Department of Agriculture, Food and Nutrition Service (FNS) enforces the provisions of the federal Supplemental Nutrition Assistance Program (SNAP) as enacted in the 2008 Food and Nutrition Act and codified in the Code of Federal Regulations. The department will amend rules that are consistent with the act, federal regulations, and FNS administrative notices and formal guidance.

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

The department of social and health services (DSHS) incorporates regulations from the federal agencies, exercises state options, and implements approved waivers of federal regulatory requirements by adopting administrative rules for

food assistance programs administered under the Washington basic food program.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ivette Dones-Figueroa, Program Manager, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4651, fax 360-725-4905, email donesim@dshs.wa.gov.

October 31, 2019
Katherine I. Vasquez
Rules Coordinator

WSR 19-22-062
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed November 5, 2019, 10:00 a.m.]

Subject of Possible Rule Making: Implementation of EHB 1756 (chapter 304, Laws of 2019), Adult entertainers—Safety and security; RCW 49.17.470; WAC 296-800-140 Accident prevention program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 49.17 RCW, RCW 49.17.470.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making will implement the requirements of EHB 1756 (chapter 304, Laws of 2019) codified under RCW 49.17.470. Specifically, this rule making will address the following:

- The requirement that adult entertainment establishment[s] provide panic buttons in certain locations;
- The requirement that adult entertainment establishments record accusations of customer violence, including assault, sexual assault, or sexual harassment, towards an entertainer; and
- The requirement that the adult entertainment establishments ban customers for three years if an accusation of violence or harassment by a customer is supported by a statement made under penalty of perjury or other evidence.

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

Process for Developing New Rule: Stakeholder meetings will be held to allow those affected by the rule to provide input prior to the rule proposal being filed. 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, Department of Labor and Industries, Division of Occupational Safety and Health, P.O. Box 44620, Olympia, WA 98504, phone 360-902-6681, fax 360-902-5619, email kevin.walder@Lni.wa.gov, website <https://Lni.wa.gov/rulemaking-activity/>; or Chris Miller, phone 360-902-5516, fax 360-902-5619.

November 5, 2019
Joel Sacks
Director

WSR 19-22-070
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed November 5, 2019, 12:30 p.m.]

Subject of Possible Rule Making: The department plans to amend WAC 388-493-0010 Working family support, and other related rules as may be required.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department plans to amend WAC 388-493-0010 and other related rules as may be required to reflect that the working family support program continues to be funded in the 2019-2021 operating budget.

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 department of social and health services (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 Jake Deskins, Economic Services Administration, Community Services Division, P.O. Box 45470, Olympia, WA 98504-5470, phone 360-725-4580, fax 360-725-4904, email jake.deskins@dshs.wa.gov.

November 5, 2019
Katherine I. Vasquez
Rules Coordinator

WSR 19-22-071**PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY**

[Filed November 5, 2019, 1:25 p.m.]

Subject of Possible Rule Making: WAC 182-530-4050 Drug use and claims review; and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; H.R. 6, Section 1004; 42 U.S.C. 1396a(a) and 42 U.S.C. 1396r-8(g).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is revising this rule to comply with the requirements of Section 1004 of the Support for Patients and Communities Act under 42 U.S.C. 1396a(a) by more accurately detailing the drug use review activities to include reference to prior authorization requirements and include the activities of prescribing practitioners in addition to dispensing pharmacies. The agency is also revising subsection (1)(b) to update language in accordance with the Support Act. During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

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

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 Valerie Smith, Rules Program Manager, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication relay services (TRS) 711, email valerie.smith@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Charles Agte, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-1301, fax 360-586-9727, TRS 711, email charles.agte@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

November 5, 2019
Wendy Barcus
Rules Coordinator

WSR 19-22-092**PREPROPOSAL STATEMENT OF INQUIRY
UTILITIES AND TRANSPORTATION
COMMISSION**

[Filed November 6, 2019, 9:29 a.m.]

Subject of Possible Rule Making: The Washington utilities and transportation commission (commission) commences this inquiry to review the effects of adopted rule amendments to chapter 480-30 WAC in 2013 relating to flexible fares to allow flexibility in setting rates and promote competition in the auto transportation industry.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 80.01.040, 81.04.160, and 81.68.030.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The commission supervises and regulates every auto transportation company in this state by "fixing, altering, and amending just, fair, reasonable, and sufficient rates, fares, charges, classifications, rules, and regulations" as required by RCW 81.68.030(1). It is in the public interest for the commission to undertake a review of the rule changes adopted in 2013 as ordered in Docket TC-121328 and as prescribed in WAC 480-30-075.

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; and the commission will ask for written comments.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Mark L. Johnson, Washington Utilities and Transportation Commission, P.O. Box 47250, Olympia, WA 98504-7250, phone 360-664-1234, email records@utc.wa.gov, website <https://www.utc.wa.gov/e-filing>.

November 6, 2019
Mark L. Johnson
Executive Director
and Secretary

WSR 19-22-094**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
ENTERPRISE SERVICES**

[Filed November 6, 2019, 9:53 a.m.]

Subject of Possible Rule Making: Enforceable restrictions on vehicles parking on the capitol campus.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 46.08.150 Control of traffic on capitol grounds, 43.19.125 Capitol buildings and grounds—Custody and control, and 43.19.011.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule is needed to put in place a mechanism for immediately placing or modifying appropriate enforceable restrictions for vehicles parking on the capitol campus.

Process for Developing New Rule: The department of enterprise services (DES) staff will hold a series of workshops in order to develop a proposed rule with anyone interested. DES will provide an opportunity for anyone to submit written comments on the proposed rules during the public comment period and present oral testimony at the public hearings. The public is encouraged to participate in the development of the proposed rule, as described below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jack Zeigler, 1500 Jefferson, Olympia, WA 98504, phone 360-407-9209, email jack.zeigler@des.wa.gov, website <https://www.des.wa.gov/about/policies-laws-rules/draft-rules>.

Additional comments: Information about the rule making will be posted on the agency rule-making website <http://www.des.wa.gov/about/LawsRules/Pages/RuleMaking.aspx>. In addition, you can identify yourself as an interested party by sending an email to jack.zeigler@des.wa.gov with your contact information and typing "Interested party - Enforceable parking restrictions rulemaking" in the subject line.

November 6, 2019
Jack Zeigler
Policy and Rules Manager