

WSR 21-24-004
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed November 18, 2021, 10:01 a.m.]

Subject of Possible Rule Making: Diapering station privacy in early learning child care programs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.216.055, 43.216.065, and 43.216.250.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Protect children enrolled in early learning child care programs by better preventing public view of diapering stations.

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tyler Farmer, phone 360-628-2151, email tyler.farmer@dcyf.wa.gov, website <https://dcyf.wa.gov/practice/policy-laws-rules/rule-making/participate/online>.

November 18, 2021
 Brenda Villarreal
 Rules Coordinator

WSR 21-24-015
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed November 19, 2021, 8:50 a.m.]

Subject of Possible Rule Making: WAC 182-554-400 Enteral nutrition—Provider requirements; 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 amending these rules to remove the requirement to use shipping dates or receipt dates as the date of service. This change simplifies the billing process for enteral products. During the course of this review, health care authority 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 Center[s] 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 Freudenstein, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1344, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email valerie.freudenstein@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or

Shauna Muendel, Program Questions, P.O. Box 45502, Olympia, WA 98504-5502, phone 360-725-2005, fax 360-586-9727, TRS 711, email shauna.muendel@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

November 19, 2021
 Wendy Barcus
 Rules Coordinator

WSR 21-24-017
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Developmental Disabilities Administration)

[Filed November 19, 2021, 10:20 a.m.]

Subject of Possible Rule Making: WAC 388-823-0510 What constitutes substantial limitation due to autism?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, 71A.12.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is planning to amend WAC 388-823-0510 to expand the list of professionals from whom DDA accepts a statement that a person's autism prevents the person from completing a full-scale intellectual quotient test. During the course of this review, the department may make additional changes that are necessary to improve clarity or update policy.

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 Chantelle Diaz, DDA, P.O. Box 45310, Olympia, WA 98504-5310, fax 360-407-0955, TTY 1-800-833-6388, email chantelle.diaz@dshs.wa.gov.

November 19, 2021
 Katherine I. Vasquez
 Rules Coordinator

WSR 21-24-019
PREPROPOSAL STATEMENT OF INQUIRY
COMMUNITY COLLEGES
OF SPOKANE

[Filed November 19, 2021, 11:09 a.m.]

Subject of Possible Rule Making: Amend chapter 132Q-10 WAC, Standards of conduct for students.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: On August 21, 2015, the Community Colleges of Spokane (CCS) adopted permanent rules in order to be compliant with the printed amendment to Title IX regulations. Updates to the rules is necessary in order to add new language clarifying the appeal process including that parties have the right to appeal the dismissal of a formal complaint as well as language clarifying a president's authority to appoint an administrative law judge or third party to serve as hearing officer. In addition, on August 4, 2020, the Washington Court of Appeals Division III filed an opinion regarding academic misconduct in the *Daniel Nelson v. Spokane Community College* case (No. 36556-5-III). CCS will provide clarification regarding its treatment of academic misconduct to ensure compliance with the decision of the court of appeals.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: Agency study.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Glen Cosby, Vice President of Student Services, 1810 North Greene Street, Spokane, WA 99217-5320, phone 509-533-7015, TTY 1-800-833-6384, email Glen.Cosby@scc.spokane.edu, website <https://ccs.spokane.edu/About-Us/Public-Disclosures#RuleMaking>; or Keith Sayles, Vice President of Student and Administrative Services, 3410 West Whistalks Way, Spokane, WA 99224-5204, phone 509-533-3514, TTY 1-800-833-6384, email Keith.Sayles@sfcc.spokane.edu, website <https://ccs.spokane.edu/About-Us/Public-Disclosures#RuleMaking>.

November 19, 2021

John O'Rourke
WAC Coordinator

WSR 21-24-062

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed November 29, 2021, 4:46 p.m.]

Subject of Possible Rule Making: WAC 388-101D-0030 and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 71A.12.030, 71A.12.120.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The developmental disabilities administration (DDA) is planning to amend WAC 388-101D-0030 to revise criteria for employees hired by residential habilitation providers. During the course of this review, the department may make additional changes that are necessary to improve clarity or update policy.

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 Chantelle Diaz, DDA, P.O. Box 45310, Olympia, WA 98504-5310, fax 360-407-0955, TTY 1-800-833-6388, email chantelle.diaz@dshs.wa.gov.

November 24, 2021

Katherine I. Vasquez
Rules Coordinator

WSR 21-24-064

PREPROPOSAL STATEMENT OF INQUIRY

HEALTH CARE AUTHORITY

[Filed November 30, 2021, 7:50 a.m.]

Subject of Possible Rule Making: WAC 182-503-0535 Washington apple health—Citizenship and immigration status, 182-507-0135 Immigration status requirement for refugee medical assistance (RMA); 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 amending the definition of qualified alien in WAC 182-503-0535 to include certain persons from Iraq and Afghanistan. The agency is amending WAC 182-507-0135 to add certain persons from Iraq and Afghanistan to the individuals eligible for refugee medical assistance. During this review, health care authority 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: United States Department of Health and Human Services, Centers for Medicare and Medicaid Services, and Office of Refugee Resettlement.

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 Brian Jensen, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-0815, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email brian.jensen@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Dody McAlpine, Program Questions, P.O. Box 45534, Olympia, WA 98504-5534, phone 360-725-9964, fax 360-586-9727, TRS 711, email dody.mcalpine@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

November 30, 2021
Wendy Barcus
Rules Coordinator

WSR 21-24-070
PREPROPOSAL STATEMENT OF INQUIRY
FOREST PRACTICES BOARD

[Filed November 30, 2021, 10:16 a.m.]

Subject of Possible Rule Making: Type Np (nonfish perennial) water riparian management zone buffers in chapter 222-30 WAC.

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: Pursuant to RCW 76.09.370 (6), the forest practices board may adopt new rules protecting aquatic resources consistent with recommendations resulting from the scientifically based adaptive management process.

The board's adaptive management program is in the process of completing a series of six studies on the adequacy of current riparian buffers on Type Np streams. The adaptive management program is developing alternative recommendations, based upon the results of all of the Type Np studies, to present to the board. These recommendations may result in changes to the riparian management zone buffers associated with Np stream segments to ensure the buffers protect water quality and other aquatic resources from potential temperature increases.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The forest practices board's rules pertaining to water quality protection must be in agreement with the director of the department of ecology or the director's designee on the board (RCW 76.09.040).

Process for Developing New Rule: The timber/fish/wildlife policy committee alternatives may include Type Np RMZ rule recommendations to the board in 2022.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Patricia Anderson, P.O. Box 47012, Olympia, WA 98504-7012, phone 360-902-1413, fax 360-902-1428, email forest.practicesboard@dnr.wa.gov, website dnr.wa.gov.

November 10, 2021
Alexander K. Smith
Chair

WSR 21-24-074
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF REVENUE

[Filed November 30, 2021, 2:01 p.m.]

Subject of Possible Rule Making: WAC 458-20-145 (State and local sales and use tax—Sourcing retail sales—Sourcing for use tax purposes).

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering updating this rule for a number of reasons, including: (a) Incorporating existing provisions for sourcing sales of tangible personal property found in WAC 458-20-193 (Part 2); (b) incorporating provisions and examples that clarify the department's existing historical policies for use tax sourcing; (c) reorganizing and reformatting; (d) clarifying existing provisions and examples in the rule to ensure the department's existing historical policies are clearly represented; (e) retitling the rule to better represent the content and scope of the rule; and (f) clarifying or incorporating any other relevant or related information based on external stakeholder comments.

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 by contacting Patrick Watkins, P.O. Box 47453, Olympia, WA 98504-7453, phone 360-534-1539, fax 360-534-1606, TTY 800-833-6384, email PatrickW@dor.wa.gov, website dor.wa.gov.

Additional comments: Written comments may be submitted by mail or email and should be directed to Patrick Watkins using one of the contact methods above by January 31, 2022. Written and oral comments will be accepted at the public meeting on Wednesday, January 12, 2022, at 10:30 a.m., hybrid in-person and virtual meeting, at Conference Room 114C, 6400 Linderson Way S.W., Tumwater, WA 98501.

To attend virtually by phone or video conference, contact Keith Dacus at KeithD@dor.wa.gov for dial-in/login information.

November 30, 2021
Atif Aziz
Rules Coordinator

WSR 21-24-080
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
FISH AND WILDLIFE

[Filed November 30, 2021, 4:13 p.m.]

Subject of Possible Rule Making: The department is considering rule changes to WAC 220-413-030 which relates to regulating importation of hunted cervids (deer, elk, moose, and caribou) from other states or countries.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12-240.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments are needed to add states and countries to this WAC in order to prevent ani-

mal parts with chronic wasting disease from entering Washington.

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 Eric Gardner, P.O. Box 43200, phone 855-925-2801 project code 8650, TTY [phone] 360-902-2349, TTY 1-800-833-6388 or 711, email ChronicWastingDisease101@PublicInput.com, website <https://publicinput.com/ChronicWastingDisease101>; or Heather Bonagofski, phone 360-902-2512, email heather.bonagofski@dfw.wa.gov, website Hunting Season Setting Homepage.

Additional comments: For Washington department of fish and wildlife rule-making information <https://wdfw.wa.gov/about/regulations>.

November 30, 2021
Annie Szvetcz
Rules Coordinator

WSR 21-24-081

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed November 30, 2021, 4:30 p.m.]

Subject of Possible Rule Making: The department is considering rule changes for the methods of harvest and the restriction regulations required during hunting seasons.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.-240.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments are needed to provide clarification to rules related to methods of take and restrictions related to possession of harvested wildlife during the hunting seasons.

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 Eric Gardner, P.O. Box 43200, phone 855-925-2801 project code 4527, TTY [phone] 360-902-2349, TTY 1-800-833-6388 or 711, email WeaponsRestrictions101@PublicInput.com, website <https://publicinput.com/WeaponsRestrictions101>; or Heather Bonagofski, phone 360-902-2512, email heather.bonagofski@dfw.wa.gov, website Hunting Season Setting Homepage.

Additional comments: For Washington department of fish and wildlife rule-making information <https://wdfw.wa.gov/about/regulations>.

November 30, 2021
Annie Szvetcz
Rules Coordinator

WSR 21-24-082

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed November 30, 2021, 4:32 p.m.]

Subject of Possible Rule Making: The department is considering a rule change to WAC 220-415-100 Cougar hunting seasons and regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.-240.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule amendment is needed to adjust the annual hunting season regulation for the future hunting season.

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 Eric Gardner, P.O. Box 43200, 855-925-2801 project code 4460, TTY [phone] 360-902-2349, TTY 1-800-833-6388 or 711, email 2022CougarSeason101@PublicInput.com, website <https://publicinput.com/2022CougarSeason101>; or Heather Bonagofski, phone 360-902-2512, email heather.bonagofski@dfw.wa.gov, website Hunting Season Setting Homepage.

Additional comments: For department of fish and wildlife rule-making information <https://wdfw.wa.gov/about/regulations>.

November 30, 2021
Annie Szvetcz
Rules Coordinator

WSR 21-24-092

PREPROPOSAL STATEMENT OF INQUIRY DEPARTMENT OF FISH AND WILDLIFE

[Filed November 30, 2021, 5:25 p.m.]

Subject of Possible Rule Making: The department is considering rule changes for hunting season regulations.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.-240.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Amendments are needed to provide clarification to rules and to expand or decrease recreational hunting opportunities, while maintaining sustainable game populations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Migratory birds are also regulated by the United States Fish and Wildlife Service (USFWS) and coordination is managed through the Pacific Flyway. State regulations are designed to fit within the parameters of the USFWS regulation guidelines.

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 Eric Gardner, P.O. Box 43200, phone 855-925-2801 project code 4542, TTY [phone] 360-902-2349, TTY 1-800-833-6388 or 711, email 2022HuntingSeason101@PublicInput.com, website <https://publicinput.com/2022HuntingSeason101>; or Heather Bonagofski, phone 360-902-2512, TTY 360-902-2349, TTY 1-800-833-6388 or 711, email Heather.Bonagofski@dfw.wa.gov, website Hunting Season Setting homepage.

Additional comments: For Washington department of fish and wildlife rule-making information <https://wdfw.wa.gov/about/regulations>.

November 30, 2021
Annie Szvetcz
Rules Coordinator

WSR 21-24-102
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Board of Optometry)
[Filed December 1, 2021, 9:40 a.m.]

Subject of Possible Rule Making: WAC 246-851-090 through 246-851-230, the board of optometry (board) will conduct a review of the continuing education (CE) and related rules to consider increasing the number of allowable online credits. The board may also make clarifications to existing rules and updates to citations as needed. Rule making may include creating new rule sections and repealing existing rule sections.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.54.070(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Due to the coronavirus 2019 (COVID-19) pandemic, the board adopted a policy to allow unlimited online continuing education credits. This policy was published on May 18, 2020, as WSR 20-11-068. The board has found that quality online CE is widely available, provides attendees flexibility and cost savings, and it is therefore considering adjusting the allowance of online courses going forward. Further, the board recently completed its statutorily required five-year review of rules and will consider suggestions from that review to clarify, streamline, and simplify existing rules.

Process for Developing New Rule: Collaborative.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Lorelei Walker, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4947, fax 360-236-2901, TTY 711, email lorelei.walker@doh.wa.gov, website doh.wa.gov.

Additional comments: Rule-making notices will be delivered via GovDelivery. To receive notices, interested persons may sign up for any or all of the lists. Please go to <https://public.govdelivery.com/accounts/WADOH/subscribe/new>. After signing in, please click open the box labeled "Health Systems Quality Assurance." Next click open the

box labeled "Health Professions." From there, you may check the box next to one or more of the professions listed.

December 1, 2021
Traci Orr
Interim Deputy Office Director

WSR 21-24-107
PREPROPOSAL STATEMENT OF INQUIRY
SEATTLE COLLEGES

[Filed November 29, 2021, 9:17 a.m.]

Subject of Possible Rule Making: Traffic rules and regulation[s].

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.50.140, 28B.50.090(3).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The objectives of these rules are to protect and control pedestrian and vehicular traffic on district campus sites; to ensure access at all times for emergency equipment; to minimize traffic disturbances; to facilitate the operation of the district by ensuring access to vehicles; to allocate limited parking space for the most efficient use; to protect state property; and to encourage and support travel to district campus sites by means other than single occupancy vehicle[s].

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

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 Terence Hsiao, Terence.Hsiao@seattlecolleges.edu; or Blake Pitt, Dennis.Pitt@seattlecolleges.edu.

November 29, 2021
Dennis Pitt
Transportation Coordinator