

**WSR 22-04-006**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**ENTERPRISE SERVICES**

[Filed January 20, 2022, 10:55 a.m.]

Subject of Possible Rule Making: Amend chapter 200-110 WAC, Local government self-insurance health and welfare program.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.62.061 Rule making by state risk manager—Standards.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update of the rules is necessary to align with statutory changes placing health insurance for school employees under the oversight of the newly formed school employees benefits board. Other content changes are needed to align with recent changes to other self-insurance rules addressing solvency requirements and independent audit requirements.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of enterprise services (DES) will communicate and coordinate with the office of insurance commissioner, which has an interest in the rules governing joint self-insurance programs, as necessary. DES will also communicate with the state auditor's office, which is currently responsible for financial and accountability audits of local governments.

Process for Developing New Rule: DES staff will hold one or more workshops with anyone interested in participating in developing a proposed rule. An opportunity will also be provided 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 all agency rule making. Opportunities to participate in agency rule-making activities are provided on the DES rule-making website <https://des.wa.gov/about/policies-laws-rules/rulemaking>.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jack Zeigler, Policy and Rules Manager, 1500 Jefferson [Street S.E.], Olympia, WA 98501, phone 360-407-9209, email [jack.zeigler@des.wa.gov](mailto:jack.zeigler@des.wa.gov), website <https://des.wa.gov/about/policies-laws-rules/rulemaking>.

January 20, 2022  
Jack Zeigler  
Policy and Rules Manager

## WSR 22-04-013

## PREPROPOSAL STATEMENT OF INQUIRY

## DEPARTMENT OF LICENSING

[Filed January 21, 2022, 11:24 a.m.]

Subject of Possible Rule Making: WAC 308-124A-785 Broker first active renewal, 308-124A-790 Continuing education clock hour requirements, new 308-124A-XXX Defining prescribed fair housing and consumer protection curriculum, 308-124H-810 Course titles reserved for prescribed curriculum courses, 308-124H-820 General requirements for course approval, and 308-124H-825 Secondary education provider course content approval application.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 43.24.023 Rule-making authority.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Pursuant to SSB 5378 (2021), real estate brokers and managing brokers will be required to complete three or six clock hours of fair housing and consumer protection pre- and post-licensing education, effective June 1, 2022. Rule making is necessary to incorporate and clarify the new mandatory education requirements and the course application process for real estate schools and instructors. The department of licensing (DOL) will work with industry stakeholders and commissions to provide specific training curriculum for schools to administer and a method for brokers and managing brokers to provide proof of training to DOL.

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: DOL will seek input from impacted stakeholders.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ellis Starrett, 1125 Washington Street S.E., Olympia, WA 98371, phone 360-902-3846.

January 21, 2022  
Ellis Starrett  
Rules Coordinator

**WSR 22-04-018**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**CHILDREN, YOUTH, AND FAMILIES**  
[Filed January 21, 2022, 3:34 p.m.]

Subject of Possible Rule Making: Multisite child care programs operating under one owner or entity.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Section 229, chapter 334, Laws of 2021.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rules comply with the 2021 legislature's directive to adopt rules for implementing a pilot project that explores the feasibility of licensing multisite child care programs that operate under one owner or entity.

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](mailto:tyler.farmer@dcyf.wa.gov), website <https://dcyf.wa.gov/>.

January 21, 2022  
Brenda Villarreal  
Rules Coordinator

**WSR 22-04-029**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF REVENUE**

[Filed January 24, 2022, 8:58 a.m.]

Subject of Possible Rule Making: WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments.

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 apprise timber harvesters of the timber values used to calculate the timber excise tax. The department anticipates amending WAC 458-40-660 to provide valuations for the second half of 2022.

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 Washington 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 it is not necessary to involve them in the valuation revisions provided in WAC 458-40-660.

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 Brenton Madison, P.O. Box 47453, Tumwater, WA 98504, phone 360-534-1583, fax 360-534-1606, TTY 800-833-6384, email BrentonM@dor.wa.gov.

Additional comments: A preliminary draft of possible rule changes will be available upon request shortly before the public meeting. Written comments may be submitted by mail or email and should be directed to Brenton Madison using one of the contact methods above. Written and oral comments will be accepted at the public meeting on April 19, 2022, at 10:00 a.m., at Conference Room TBD, 6400 S.W. Linderson Way, Tumwater, WA; and virtual meeting, contact Keith Dacus at KeithD@dor.wa.gov for login/dial-in information.

January 24, 2022  
Atif Aziz  
Rules Coordinator

**WSR 22-04-039**  
**WITHDRAWAL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**

[Filed January 26, 2022, 8:32 a.m.]

The health care authority (HCA) requests withdrawal of the Pre-proposal statement of inquiry filed as WSR 22-03-050 on January 13, 2022, and distributed in the 22-03 State Register. HCA is not pursuing this rule making at this time.

Wendy Barcus  
Rules Coordinator

**WSR 22-04-044  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed January 26, 2022, 11:21 a.m.]

The department of fish and wildlife has withdrawn the preproposal notice, listed in WSR 19-07-044, related to the permit process for accommodations for hunters with disabilities. For more information, contact the agency rules coordinator Annie Szvetecz, [rules.coordinator@dfw.wa.gov](mailto:rules.coordinator@dfw.wa.gov).

Annie Szvetecz  
Rules Coordinator

**WSR 22-04-046**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed January 26, 2022, 1:28 p.m.]

Subject of Possible Rule Making: The department is considering amending the following chapters of rule to implement specific sections to SHB 1218. The department may amend other related rules as necessary.

- Chapter 388-76 WAC, Adult family home minimum licensing requirements,
- Chapter 388-78A WAC, Assisted living facility licensing rules,
- Chapter 388-97 WAC, Nursing homes, and
- Chapter 388-107 WAC, Licensing requirements for enhanced services facilities.

The department is considering amending the rules to:

- Adopt requirements for providers to publicly post stop placement orders,
- Adopt requirements for providers to create and maintain resident rosters as well as responding to requests from ombuds for roster information,
- Incorporate new definition of resident representative, and
- Replace the phrase "his or her" with appropriate gender-neutral terms.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.20.090 Rules, regulations, and standards, 18.51.070 Rules, 70.97.230 Rules for implementation of chapter, 70.128.040 Adoption of rules and standards—Negotiated rule making—Specialty license.

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

- SHB 1218 instructs the department to require providers to create and regularly maintain resident rosters as well as provide copies to ombuds within a reasonable time.
- In order to meet requirements in SHB 1218, the department is considering amending rules for posting stop placement orders to ensure they are in a conspicuous place for the public.
- SHB 1218 replaced "his or her" with "resident" and the department plans to update the rules with appropriate gender-neutral terms.
- SHB 1218 updated the definition for "resident representative" and the department plans to revise the rules to ensure consistency with this definition.

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

Process for Developing New Rule: Negotiated rule making; the department will use a collaborative rule-making process to develop and receive comments on draft rules. Contact the department staff listed below to receive draft material and information about how to participate in the rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brian Laughlin, P.O. Box 45600, Olympia, WA 98504, phone 360-867-8247, fax 360-438-7903, email [brian.laughlin@dshs.wa.gov](mailto:brian.laughlin@dshs.wa.gov).

January 25, 2022  
Katherine I. Vasquez  
Rules Coordinator

**WSR 22-04-047**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
[Filed January 26, 2022, 1:30 p.m.]

Subject of Possible Rule Making: The department is considering amending the following chapters of rule to implement specific sections to SHB 1218. The department may amend other related rules as necessary to meet the legislative intent of SHB 1218.

- Chapter 388-76 WAC, Adult family home minimum licensing requirements,
- Chapter 388-78A WAC, Assisted living facility licensing rules,
- Chapter 388-97 WAC, Nursing homes, and
- Chapter 388-107 WAC, Licensing requirements for enhanced services facilities.

The department is considering amending the rules to add requirements related to:

- Facility communication system, resident access to communications, and facility responsiveness to outside communications,
- Comprehensive disaster preparedness plans, and related policies and procedures, and equipment for a range of potential hazards, emergencies, and disasters,
- Visitation of essential support persons, and
- Resident's rights to a safe and healthy environment.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.20.090 Rules, regulations, and standards, 18.51.070 Rules, 70.97.230 Rules for implementation of chapter, 70.128.040 Adoption of rules and standards—Negotiated rule making—Specialty license.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In SHB 1218, the legislature found that:

- Residents in licensed long-term care facilities have been disproportionately impacted and isolated by the COVID-19 pandemic and over 50 percent of all COVID-19 deaths in Washington have been associated with long-term care facilities.
- Social isolation creates a "double pandemic" that disrupts care and exacerbates the difficulties of dementia, depression, suicide risk, chronic health conditions, and other challenges faced by long-term care residents and providers.
- A "digital divide" exists in many parts of Washington, particularly for older adults of color with low incomes and those in rural communities.
- Residents with sensory limitations, mental illness, intellectual disabilities, dementia, cognitive limitations, traumatic brain injuries, or other disabilities may not be able to fully utilize digital tools, which exacerbates their social isolation.
- Long-term care facilities already have the legal responsibility to care for their residents in a manner and in an environment that promotes the maintenance or enhancement of each resident's quality of life as detailed in chapter 70.129 RCW.

This rule making implements the intent of SHB 1218 and will address the systematic weaknesses in the state's long-term care system exposed by the COVID-19 pandemic and establish additional measures to protect and improve the health, safety, and quality of life of resi-

dents. This rule making will address the systemic weaknesses identified in the bill such as:

- Communication systems that are responsive to outside communications in a timely manner and give residents various methods for communicating with family and essential support persons.
- Appropriate comprehensive disaster preparedness plans, policies, procedures, and equipment for a range of potential hazards, emergencies, and disasters.
- Visitation of essential support persons.

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

Process for Developing New Rule: Negotiated rule making; the department will use a collaborative rule-making process to develop and receive comments on draft rules. Contact the department staff listed below to receive draft material and information about how to participate in the rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brian Laughlin, P.O. Box 45600, Olympia, WA 98504, phone 360-867-8247, fax 360-438-7903, email [brian.laughlin@dshs.wa.gov](mailto:brian.laughlin@dshs.wa.gov).

January 25, 2022  
Katherine I. Vasquez  
Rules Coordinator

WSR 22-04-054

PREPROPOSAL STATEMENT OF INQUIRY  
EASTERN WASHINGTON UNIVERSITY

[Filed January 27, 2022, 1:21 p.m.]

Subject of Possible Rule Making: WAC 172-139-010 Commercial activities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28B.35.120(12).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Update and expand the restrictions for commercial activities on campus.

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 Annika Scharosch, 211 Tawanka Hall, Eastern Washington University, Cheney, WA 99004, phone 509-359-6724, email [ascharosch@ewu.edu](mailto:ascharosch@ewu.edu), website <https://inside.ewu.edu/policies/>.

January 27, 2022  
Annika Scharosch  
Associate Vice President

WSR 22-04-055  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH  
(Board of Psychology)  
[Filed January 27, 2022, 1:37 p.m.]

Subject of Possible Rule Making: WAC 246-924-043, 246-924-046, 246-924-047, 246-924-049, 246-924-053, 246-924-056, 246-924-059, 246-924-070, 246-924-100, and 246-924-495 in chapter 246-924 WAC, Psychologists. The examining board of psychology (board) is considering amending the requirements for licensure: (1) For consistency with the American Psychology Association (APA) and other accreditation standards; (2) to address new national examination options; and (3) to address concerns with minimum competency. The board may also consider housekeeping changes to clarify and streamline these sections of rule as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.83.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rule making may be needed to amend the administrative rules governing licensure, including the doctoral degree and supervised experience requirements for both initial licensure and licensure by endorsement. As the current doctoral degree rule is based on obsolete APA accreditation standards, the board is considering amendments to align rules with the current APA and other accreditation standards. The board is also considering amendments to address new national examination options and address concerns with minimum competency. The board may also consider making housekeeping changes to clarify and streamline these sections of rule as appropriate.

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 Stacey Saunders, P.O. Box 47850, Olympia, WA 98504, phone 360-236-2813, fax 360-236-2901, TTY 711, email [stacey.saunders@doh.wa.gov](mailto:stacey.saunders@doh.wa.gov), website [www.doh.wa.gov](http://www.doh.wa.gov).

Additional comments: Rule development will take place in open public meetings prior to a formal rule proposal and comment period. All rule-making notices will be mailed via GovDelivery to various behavioral health professions lists. To receive notices, interested persons may sign up by going to <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. After signing up, please click open the box labeled "Health Systems Quality Assurance." Next, click open the box labeled "Health Professions," then check the box next to "Board of Psychology."

January 26, 2022  
Florence Katz Burstein, Chair  
Examining Board of Psychology

**WSR 22-04-056**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**CHILDREN, YOUTH, AND FAMILIES**

[Filed January 27, 2022, 1:42 p.m.]

Subject of Possible Rule Making: The department of children, youth, and families (DCYF) will be making changes to the child welfare WAC in chapter 110-50 WAC regarding referrals to the division of child support when children and [are] placed into DCYF's care. Currently DCYF has an automatic referral process to start collecting child support 72 hours after a child or youth is removed from the parents' or guardians' care and custody, unless good cause exists to not pursue collection. DCYF wants to minimize the number of referrals to the division of child support and revise good cause criteria as the current process can cause financial hardship and delay reunification.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.20.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Referrals to the division of child support can be harmful to families in the child welfare system by causing financial hardship, prolonged debt, and delayed reunification. Minimizing referrals will help family reunification occur sooner. Per RCW 74.14C.005, "children need their families and should be raised by their own families whenever possible," and "improvement of family functioning is essential in order to promote the child's health, safety, and welfare." Per RCW 13.34.020, the legislature declares that "the family unit should remain intact unless a child's right to conditions of basic nurture, health, or safety is jeopardized."

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Tara Camp, P.O. Box 12500, Mailstop B39-12, Yakima, WA 98909, phone 509-823-7503, email tara.camp@dcyf.wa.gov, website <https://dcyf.wa.gov>.

January 27, 2022  
Brenda Villarreal  
Rules Coordinator

**WSR 22-04-057**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed January 27, 2022, 2:07 p.m.]

Subject of Possible Rule Making: Chapter 246-930 WAC, Sex offender treatment providers (SOTP). The department of health (department) is opening the chapter to consider necessary amendments regarding definitions, required experience, professional standards, and other topics as identified by the SOTP advisory committee (committee), licensees, interested parties, and the department.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.155.040.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering amending chapter 246-930 WAC at the recommendation of the committee. As part of its responsibility under RCW 18.155.100 to advise the department concerning certification procedures, standards, workforce issues, and regulatory or administrative practices, the advisory committee has conducted a review of chapter 246-930 WAC and identified multiple areas that needed to be updated or clarified. This may include amending rules concerning definitions, required experience, professional standards, and other topics as appropriate. By opening the entire chapter, the department will be able to consider all necessary changes to help resolve issues identified by the committee, reported by licensees, or identified by the department.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department of social and health services contracts with some SOTPs and determines when SOTPs are eligible for department fee waivers. The department of corrections is indirectly involved in this profession, as it employs individuals who provide treatment to sex offenders. The committee contains appointed members representing these agencies who can provide guidance on how the agencies could be impacted by potential rule making. Additionally, [the] program will coordinate rule making directly with impacted agencies when appropriate.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brandon Williams, Office of Health Professions, P.O. Box 47850, Olympia, WA 98504-7850, phone 360-236-4611, TTY 711, email [brandon.williams@doh.wa.gov](mailto:brandon.williams@doh.wa.gov), website [www.doh.wa.gov](http://www.doh.wa.gov).

Additional comments: Rule-making notices will be delivered via GovDelivery. To receive notices, interested persons may sign up for the SOTP lists. Please go to <https://public.govdelivery.com/accounts/WADOH/subscriber/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 SOTP.

January 26, 2022  
Kristin Peterson, JD  
Deputy Secretary  
Policy and Planning  
for Umair A. Shah, MD, MPH  
Secretary

**WSR 22-04-071  
WITHDRAWAL OF  
PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF HEALTH**

[Filed January 30, 2022, 10:45 p.m.]

This memo serves as notice that the department of health (department) is withdrawing the CR-101 for WAC 246-827-0010, 246-827-0110, 246-827-0120, 246-827-0200, 246-827-0400, and 246-827-0610, medical assistants, which was filed August 31, 2021, and published in WSR 21-18-101.

The department is withdrawing this CR-101 because a rule amendment request came in from the public that the department determined should be included in this rule-writing process. In response to the request, the department will fill [file] a new CR-101 and will also consider updating WAC 246-827-0300, which includes the credentialing requirements to allow students in a health careers training program to qualify for a medical assistant-registered credential without a high school diploma.

Individuals requiring information on this rule should contact Renee Fullerton, executive director, at 360-236-2850.

Tami M. Thompson  
Regulatory Affairs Manager

**WSR 22-04-072**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**

[Filed January 30, 2022, 10:45 p.m.]

Subject of Possible Rule Making: WAC 246-827-0010, 246-827-0110, 246-827-0120, 246-827-0200, 246-827-0300, 246-827-0400, and 246-827-0610, medical assistants. The department of health (department) is considering rule amendments to several sections of medical assistant rules to update credentialing requirements and ensure that the rules are current and align with best practices. The department will also consider adding a new section to address telemedicine supervision. This filing will supersede a previous filing on this topic under WSR 21-18-101, filed on August 31, 2021.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.360.030, 18.360.040, and 18.360.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department is considering revisions to seven sections of medical assistant rules to remove outdated language, remove English language requirements, and update credentialing requirements. The department is also considering adding a new section to regulate telemedicine supervision. Amendments may be necessary to remove irrelevant or confusing rule language, which will make the rules more easily understood. Removing the English language requirements will allow non-English proficient persons to enter the medical assistant workforce more easily. The department will consider updating credentialing requirements to allow out-of-state licensing, experience, or training for medical assistant applicants. This would allow experienced medical assistants to more easily enter the Washington workforce. The department will also consider adding an exception to the requirement for completion of high school education or its equivalent for the medical assistant-registered application. The considered exception would be to allow students in a current health education program to obtain the credential. HB 1378 (chapter 44, Laws of 2021) revises RCW 18.360.010 to allow medical assistant supervision via audio and video technology during a telemedicine visit. Rules may be necessary to clarify the use of telemedicine supervision to address what tasks, if any, may be done while the telemedicine connection is not active.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Renee Fullerton, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2850, TTY 711, email Renee.Fullerton@doh.wa.gov, website www.doh.wa.gov.

Additional comments: All notices will be sent to the public through the department's distribution lists. Interested parties can join the distribution lists at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>.

January 30, 2022  
Kristin Peterson, JD  
Deputy Secretary  
Policy and Planning  
for Umair A. Shah, MD, MPH  
Secretary

**WSR 22-04-091**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**OFFICE OF THE**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter R 2022-01—Filed February 1, 2022, 8:04 a.m.]

Subject of Possible Rule Making: Insurance underwriting transparency.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 48.02.060 for the commissioner's general rule-making authority to implement RCW 48.01.030, 48.18.180, 48.18.2901, 48.18.292, 48.18.480, 48.18.545, 48.19.020, 48.19.035, and 48.30.010.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Insurance consumers are not provided with full disclosure and complete transparency from insurers for adverse actions, rate changes, or the factors that insurers consider in determining premiums. This prevents the insurance consumer from making informed decisions on their insurance policies, renewals, coverages, and pricing. This also causes the consumer to experience unfairness and deception in these transactions, where insurers are at a significant advantage with expert level knowledge of the insurance underwriting process, including how heavily and which rating factors are considered. Allowing insurers to make rate changes or to take adverse actions against consumers who are at a significant disadvantage in these dealings, where there is also lack of full disclosure, complete transparency, and fairness, results in unfair and deceptive trade practices.

The office of the insurance commissioner (OIC) has received consumer complaints that indicate insurers have used unfair and deceptive practices involving a lack of complete transparency in rating premiums for insurance consumers. The unfair and deceptive practices operate to the detriment of the consumer, who is uninformed not only on the factors considered and the insurance underwriting process, but also as to how their insurer scrutinized or assessed each variable. Requiring insurers to provide an itemized notice to the consumer, disclosing the exact changes in a consumer's insurance, including costs, and the entirety of factors considered for adverse impacts, will achieve complete transparency, honesty, and fairness in these transactions.

Currently, insurers must provide notice stating the significant factors of the credit history or insurance score that resulted in adverse actions against a consumer based in whole or in part on credit history or insurance score. However, the adverse action notice provided by insurers under RCW 48.18.545(2), does not sufficiently disclose the totality of factors or underwriting process decisions in adequate detail, and it does not achieve complete transparency in all insurance transactions. Insurers do not provide full disclosure to consumers containing honest and transparent reasons for their insurance product prices, nor do they provide any exact information on other factors considered that can result in adverse impacts. This causes confusion for consumers, while creating the potential for deception and unfairness in associated insurance transactions. Consumers are unfortunately left unaware of the factors being considered by insurance companies in setting their insurance premiums and rates. This presents complications for all affected parties with insurer actions against the consumer, such as determining whether the statutory rate standards and prohibitions on discrimination are being met (RCW 48.18.480 and 48.19.020).

Consumers need to be provided with full disclosure and complete transparency, if their insurers are considering factors that result in adverse impacts or determine premiums and rates for insurance coverage, which at times can be statutorily mandated. In addition to complete transparency and full disclosure, consumers need access to complete information about their rates to determine if they are unfairly discriminatory or excessive, which are both prohibited under the insurance code. Insurers should provide consumers with an itemized notice disclosing their rating factors and the weight of consideration for each variable in insurance underwriting. OIC recommends using the plain talk guidelines outlined by Executive Order 05-03 under Governor Christine Gregoire. This will afford consumers protection in the form of complete transparency and fairness in insurance underwriting, as well as the ability to make informed decisions on acquiring insurance, renewing policies, administering coverages, improving insurability, and managing insurance costs.

The business practice of insurers taking actions against consumers, without disclosing or giving notice to the exact factors and actuarial reasons for doing so, is deceptive. Permitting insurers to veil their underwriting practices with the guise that they are proprietary, confidential, or of no interest to the consumer, results in a lack of honesty, complete transparency, and fairness in insurance transactions. The lack of complete transparency also allows insurers to take adverse actions, such as increasing insurance costs, without disclosing the exact factors and considerations that negatively impacted consumers.

The business of insurance, and the insurance code, are both conditioned upon the belief and intent that insurance is affected by public interest, which requires all affected parties to act with good faith, abstain from deception, and practice honesty and equity in all insurance matters. The duty of preserving the integrity of insurance is upon the insurer, the insured, their providers, and their representatives. OIC's mission is to protect consumers, the public interest, and Washington's economy through the fair and efficient regulation of the insurance industry.

Therefore, the commissioner is considering rule making that will seek to achieve complete transparency in insurance underwriting by requiring insurers to provide notices to consumers for all factors evaluated in any associated insurer actions, which must include an itemized disclosure of all variables considered in underwriting, as well as the proportionality or weight at which those factors were evaluated. The required notice should provide the consumer with information indicating the exact changes in their insurance, whether related to costs, coverages, or insurer actions against the consumer. This rule making will attempt to accomplish complete transparency in underwriting by defining and clarifying the scope of insurer responsibility for adverse actions, premiums, rate changes, and consumer notice requirements.

Process for Developing New Rule: Submit written comments by March 1, 2022.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael Walker, 302 Sid Snyder Avenue S.W., Olympia, WA 98504, phone 360-725-7036, fax 360-586-3109, TTY 360-586-0241, email [rulescoordinator@oic.wa.gov](mailto:rulescoordinator@oic.wa.gov), website [www.insurance.wa.gov](http://www.insurance.wa.gov).

February 1, 2022

Mike Kreidler  
Insurance Commissioner

WSR 22-04-095

PREPROPOSAL STATEMENT OF INQUIRY  
HEALTH CARE AUTHORITY

(School Employees Benefits Board)

[Admin #2022-01—Filed February 1, 2022, 10:27 a.m.]

Subject of Possible Rule Making: Enrollment, eligibility, and appeals rules in chapters 182-30, 182-31, and 182-32 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The authority is reviewing multiple sections within chapters 182-30, 182-31, and 182-32 WAC to support the school employee benefits board program.

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: 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 Barbara Scott, P.O. Box 43684, Olympia, WA 98504-2684, phone 360-725-0830, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email Barbara.Scott@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Stella Ng, P.O. Box 43684, Olympia, WA 98504-2684, phone 360-725-0883, fax 360-587-9727, TRS 711, email Stella.Ng@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

February 1, 2022  
Wendy Barcus  
Rules Coordinator

## WSR 22-04-096

**PREPROPOSAL STATEMENT OF INQUIRY  
HEALTH CARE AUTHORITY**

(School Employees Benefits Board)

[Admin #2022-02—Filed February 1, 2022, 10:30 a.m.]

Subject of Possible Rule Making: The purpose of this proposal is to implement school employees benefits board (SEBB) policy resolutions and make other technical amendments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021 and 41.05.160; and SEBB policy resolutions.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The authority is reviewing multiple sections within chapters 182-30 and 182-31 WAC that may require SEBB policy resolutions to support the SEBB program.

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 Barbara Scott, P.O. Box 43684, Olympia, WA 98504-2684, phone 360-725-0830, fax 360-586-9727, telecommunication[s] relay services (TRS) 711, email Barbara.Scott@hca.wa.gov, website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking); or Stella Ng, P.O. Box 43684, Olympia, WA 98504-2684, phone 360-725-0883, fax 360-587-9727, TRS 711, email Stella.Ng@hca.wa.gov, website [www.hca.wa.gov/about-hca/rulemaking](http://www.hca.wa.gov/about-hca/rulemaking).

February 1, 2022  
Wendy Barcus  
Rules Coordinator

WSR 22-04-098

PREPROPOSAL STATEMENT OF INQUIRY  
HEALTH CARE AUTHORITY

(Public Employees Benefits Board)

[Admin #2022-01—Filed February 1, 2022, 10:44 a.m.]

Subject of Possible Rule Making: Enrollment, eligibility, and appeals rules in chapters 182-08, 182-12, and 182-16 WAC.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The authority is reviewing multiple sections within chapters 182-08, 182-12, and 182-16 WAC to support the public employees benefits board program.

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: 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 Barbara Scott, P.O. Box 43684, Olympia, WA 98504-2684, phone 360-725-0830, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email Barbara.Scott@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Stella Ng, P.O. Box 43684, Olympia, WA 98504-2684, phone 360-725-0883, fax 360-586-9727, TRS 711, email Stella.Ng@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

February 1, 2022  
Wendy Barcus  
Rules Coordinator

WSR 22-04-099

PREPROPOSAL STATEMENT OF INQUIRY  
HEALTH CARE AUTHORITY

(Public Employees Benefits Board)

[Admin #2022-02—Filed February 1, 2022, 10:45 a.m.]

Subject of Possible Rule Making: The purpose of this proposal is to implement public employees benefits board (PEBB) policy resolutions and make other technical amendments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160; and PEBB policy resolutions.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The authority is reviewing multiple sections within chapters 182-08 and 182-12 WAC that may require PEBB policy resolutions to support the PEBB program.

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: 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 Barbara Scott, P.O. Box 43684, Olympia, WA 98504-2684, phone 360-725-0830, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email Barbara.Scott@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Stella Ng, P.O. Box 43684, Olympia, WA 98504-2684, phone 360-725-0883, fax 360-586-9727, TRS 711, email Stella.Ng@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

February 1, 2022  
Wendy Barcus  
Rules Coordinator

WSR 22-04-100  
PREPROPOSAL STATEMENT OF INQUIRY  
PROFESSIONAL EDUCATOR  
STANDARDS BOARD

[Filed February 1, 2022, 11:01 a.m.]

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

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 28A.410 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This potential rule making would amend the dual endorsement requirement to address barriers to certification in Washington state for both in-state and out-of-state candidates.

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 Sophia Keskey, 600 Washington Street S.E., Olympia, WA 98504, phone 360-890-5814, email rulespesb@k12.wa.us, website www.pesb.wa.gov.

February 1, 2022  
Sophia Keskey  
Rules Coordinator

**WSR 22-04-106**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed February 1, 2022, 12:55 p.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-422-0020 What if you are afraid that cooperating with the division of child support (DCS) may be dangerous for you or the child in your care?; 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, 74.04.510.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments to WAC 388-422-0020 will clarify good cause for noncooperation with DCS under the temporary assistance for needy families (TANF) program.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The community services division will notify its WorkFirst partner agencies who assist with providing services to TANF WorkFirst families to ensure they are informed of this policy change and any impacts it may have on cross-agency processes.

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 Sarah Garcia, P.O. Box 45440, Olympia, WA 98504-5440, phone 360-522-2214, email sarah.garcia@dshs.wa.gov.

January 31, 2022  
Katherine I. Vasquez  
Rules Coordinator

**WSR 22-04-108**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed February 1, 2022, 1:01 p.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is planning to amend WAC 388-478-0015 Need standards for cash assistance; and other 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, 74.04.770, and 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Planned amendments will update standards of need for cash assistance programs as required by RCW 74.04.770.

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 Patrick Budde, P.O. Box 45470, Olympia, WA 98504-5470, fax 360-725-4905, email Patrick.Budde@dshs.wa.gov.

January 31, 2022  
Katherine I. Vasquez  
Rules Coordinator

**WSR 22-04-116**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**LIQUOR AND CANNABIS**  
**BOARD**

[Filed February 2, 2022, 11:50 a.m.]

Subject of Possible Rule Making: The Washington state liquor and cannabis board (WSLCB) is considering amending WAC 314-55-108 to update information related to pesticide action levels of marijuana products.

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: Rule updates on this subject are needed to update chemical information about some types of pesticides included in quality control testing. Updates are also needed to amend existing rule language concerning remediation of marijuana products that have failed quality control testing, and to update the term "quality assurance testing" to "quality control testing." This update will help to protect public health and safety by keeping pesticide action level information and remediation guidelines current.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: WSLCB will coordinate with the Washington state department of health and the Washington state department of agriculture, as may be necessary.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jeff Kildahl, Policy and Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, phone 360-664-1781, fax 360-664-9689, email [rules@lcb.wa.gov](mailto:rules@lcb.wa.gov), website [www.lcb.wa.gov](http://www.lcb.wa.gov).

Additional comments: Interested persons can participate in the rule-making process through open public meetings and by submitting written comments, and are encouraged to sign up for the interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WALCB/subscriber/new>. Rule-making notices and stakeholder engagement opportunities will be emailed via GovDelivery and posted to WSLCB website at [lcb.wa.gov](http://lcb.wa.gov).

February 2, 2022  
David Postman  
Chair