

WSR 22-04-079

AGENDA

DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed January 31, 2022, 10:22 a.m.]

The department of labor and industries (L&I) prepares a semi-annual rules development agenda in January and July each year to inform the public of expected upcoming rule changes. Pursuant to RCW 34.05.314, the agenda is filed with the office of the code reviser for publication in the Washington State Register. This report details current and anticipated rule-making activities for L&I. This agenda is for informational purposes and the noted dates of anticipated rule-making actions are estimates. There may be additional rule-making activities not anticipated at this time, such as to implement new state laws, meet federal requirements, or other circumstances.

L&I encourages the public to be involved in the rule-making processes by attending public hearings and submitting comments regarding rules. Rule-making information is available on the agency website at <https://www.lni.wa.gov/rulemaking-activity/>. To stay informed of our progress and be notified of any changes, please sign up for email notifications <https://public.govdelivery.com/accounts/WADLI/subscriber/new>. Under General, select Rules Update.

Please contact Tracy West at 360-902-6954 or Tracy.West@lni.wa.gov if you have any questions.

KEY

CR: "Code reviser" on the rule-making forms, which are produced by the office of the code reviser for use by all state agencies.

CR-101: Preproposal statement of inquiry filed under RCW 34.05.310.

CR-102: Proposed rule-making notice filed under RCW 34.05.320 or 34.05.340.

CR-103: Rule-making order permanently adopting a rule, and filed under RCW 34.05.360 and 34.05.380.

CR-105: Expedited rule-making proposal filed under RCW 34.05.353.

RCW: Revised Code of Washington.

WAC: Washington Administrative Code.

WSR: Washington State Register official filing reference number given by the office of the code reviser when a notice is filed.

**Semi-Annual Rules Development Agenda
January 1 - June 30, 2022**

WAC CHAPTER	RULE SUBJECT	PURPOSE AND SCOPE OF RULE MAKING	Preproposal Notice (CR-101) Filing Date and WSR #	Proposed Rule (CR-102 or CR-105) Filing Date and WSR #	Permanent Rule (CR-103) Filing Date and WSR #	AGENCY CONTACT
Division: Division of Occupational Safety and Health (DOSH)						
296-36 296-155 Part Q	Compressed air (tunnels)	This rule making is in response to petitions and other requests from labor and business industry stakeholders to update the compressed air work requirements in chapters 296-36 and 296-155 WAC, Part Q.	9/18/12 12-19-075	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516

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296-62 296-155	Lead	This rule making is in response to a petition and a series of stakeholder meetings. This rule making was initiated to update existing lead standards in both general industry and construction in light of increasing evidence of the hazards associated with occupational lead exposure.	4/19/16 16-09-092	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516
296-67	Process safety management of highly hazardous chemicals for petroleum refineries	The purpose of this rule making is to amend existing sections and create several new sections in chapter 296-67 WAC, Safety standards for process safety management of highly hazardous chemicals, which will only apply to petrochemical refining facilities. The current rules are outdated, not having been updated in over 20 years and do not reflect current industry practices.	8/22/17 17-17-134	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516
296-52	Safety standards for possession, handling, and use of explosives	The purpose of this rule making is to update the safety standards concerning explosives in order to reflect technological advancements in explosives over the past 10 to 30 years, and better align with federal regulations. Focus areas will likely include definitions, licensing, storage, background check requirements, public disclosure, and transportation, among others sections.	1/23/18 18-03-162	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516
296-800	Adult entertainer safety (EHB 1756)	The purpose of this rule making is to implement the requirements of EHB 1756 (chapter 304, Laws of 2019) codified under RCW 49.17.470. Adult entertainers encounter unique workplace hazards that warrant specific occupational safety and health rules to best protect them from these hazards.	11/5/19 19-22-062	1/4/22 22-02-054	Anticipate filing 3/22/22	Chris Miller DOSH Standards Program 360-902-5516

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296-67	High hazard facilities— Workforce (ESHB 1817)	The purpose of this rule making is to implement 2019's ESHB 1817, chapter 49.80 RCW, High hazard facility workforce. Chapter 49.80 RCW requires owners of petroleum refining or petrochemical manufacturing facilities use a skilled and trained workforce when contracting for construction, alteration, demolition, installation, repair, or maintenance work. This rule will address the advanced safety-training curriculum and training provider approval requirements.	2/18/20 20-05-073	Anticipating filing March 2022	To be determined	Chris Miller DOSH Standards Program 360-902-5516
296-307	Temporary worker housing (TWH)	The purpose of this rule making, in conjunction with the department of health (DOH), is to consider permanent amendments to further protect occupants in TWH and cherry harvest camps. In February 2020, Governor Inslee proclaimed a State of Emergency in Washington state as a result of the coronavirus disease 2019 (COVID-19) outbreak, followed by proclamations and amendments. DOH and L&I also responded to the COVID-19 pandemic by adopting emergency rules (CR-103E) to protect occupants from COVID-19 hazards in licensed TWH.	9/10/20 20-19-050	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516
296-62	Wildfire smoke	The purpose of this rule making is to develop new workplace safety and health rules regarding wildfire smoke. Some of the issues that may be addressed include: Identification of harmful exposures; communication; training and instruction; and control of harmful exposures. L&I filed emergency rules (CR-103E) on July 16, 2021 (WSR 21-15-067) to ensure these requirements were in place during the 2021 Fire season while permanent rule making is ongoing.	10/20/20 20-21-093	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516

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To be determined	Occupational exposures to infectious or contagious diseases (ESSB 5092)	The purpose of this rule making is to implement the requirements of 2021's ESSB 5092, section 220(8), to establish occupational health protections related to infectious diseases to ensure the state has general guidelines to follow in the case of an infectious disease outbreak. This would include when there is an outbreak subject to a public health emergency under a national or state-declared state of emergency.	5/13/21 21-11-051	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516
296-155	Trenching rescue and excavation plan	The purpose of this rule making is to require employers to develop and implement a written excavation plan detailing appropriate risk analysis and rescue planning prior to beginning any work that requires a protective system (generally defined as any excavation four feet or deeper that is not in stable, solid rock).	6/22/21 21-13-140	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516
296-155	Cranes, rigging, and personnel lifting	The purpose of this rule making is to amend the safety standards for cranes and derricks in construction, due in part to the Occupational Safety and Health Administration (OSHA) updating their standards. This rule making is also intended to provide clarity on L&I's interpretation of requirements related to crane decertification and reinstatement. In addition, state-initiated amendments will also be considered to address other areas in chapter 296-155 WAC relating to cranes that either need to be updated based on current industry practice or clarifying some of the language to maintain safety and health protections for employees. Due to OSHA updating their standard, prior rule making preproposals regarding these subjects initiated in 2018 and 2019 were withdrawn under WSR 21-14-078 and 21-14-079.	7/6/21 21-14-080	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516

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296-62 296-307	Ambient heat exposure	The purpose of this rule making is to consider occupational heat exposure hazards from high ambient temperatures in all industries, including outdoor and indoor exposures. Requirements considered, but not limited to, include: Trigger temperatures or another measure of environmental conditions, stress to the human body such as the heat index or wet bulb globe temperature, time frames for when the rule is in effect, preventative measures (such as water, shade or other cooling means, and rest time/breaks), emergency response measures, training, and planning.	8/17/21 21-17-135	Anticipate filing 5/3/22	To be determined	Chris Miller DOSH Standards Program 360-902-5516
296-115	Safety requirements for charter boats	The purpose of this rule making is to better align chapter 296-115 WAC, Safety requirements for charter boats, with chapter 88.04 RCW, the Charter Boat Safety Act; chapter 49.17 RCW, the Washington Industrial Safety and Health Act; and United States Coast Guard requirements under 46 C.F.R. In addition, this rule making will address items from an audit of the charter boat program.	12/21/21 22-01-197	Anticipate filing 3/1/22	Anticipate filing 4/19/22	Chris Miller DOSH Standards Program 360-902-5516
296-360	Safety and health discrimination protections (ESHB 1097)	The purpose of this rule making is to implement 2021's ESHB 1097 related to safety and health discrimination.	1/4/22 22-02-055	Anticipate filing 3/1/22	Anticipate filing 5/3/22	Chris Miller DOSH Standards Program 360-902-5516
296-72 296-817	Hearing loss and recordkeeping	The purpose of this rule making is to update hearing loss recordkeeping requirements and housekeeping updates.	Not applicable	Anticipate filing winter 2022 (CR-105)	To be determined	Chris Miller DOSH Standards Program 360-902-5516
296-56	Longshore water operations	The purpose of this rule making is to align the standard with OSHA, address items in change log, and other eRules and housekeeping items.	Not applicable	Anticipate filing winter 2022 (CR-105)	To be determined	Chris Miller DOSH Standards Program 360-902-5516
296-304	Ship repair, shipbuilding and ship breaking	The purpose of this rule making is to address general updates to the chapter, which may include updates to eye protection to address (reference) current industry standards, such as use of auto-darkening helmets.	Not applicable	Anticipate filing winter 2022 (CR-105)	To be determined	Chris Miller DOSH Standards Program 360-902-5516
296-880	Fall protection	The purpose of this rule making is to address trigger height requirements for fall protection where OSHA deemed Washington state to be less effective than the federal standards.	Anticipate filing spring 2022	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516

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296-900	Daily penalties for violating an order of immediate restraint (ESHB 1097)	Rule making is anticipated to implement the provisions of 2021's ESHB 1097 related to daily penalties for violating an order of immediate restraint (OIR), including establish inspection procedures and enforcement policies related to calculating penalties when OIR and/or red tags are placed; and provide guidance on how to correctly calculate penalties arising from the placement of an OIR, or a red tag.	To be determined	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516
To be determined	Temporary workers in construction and manufacturing (SHB 1206)	Rule making is anticipated to implement the new requirements under 2021's SHB 1206 related to temporary workers in the construction and manufacturing.	To be determined	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516
296-307 Part I	Worker protection standard (pesticides) administrative changes	The purpose of this rule making is for housekeeping corrections from previous rule making to align language with the department of agriculture and add a table that is missing.	To be determined	To be determined	To be determined	Chris Miller DOSH Standards Program 360-902-5516
Division: Field Services and Public Safety						
296-150F	Factory assembled structures (FAS): Factory-built housing and commercial structures	The purpose of this rule making is to update the rules regarding factory-built housing and commercial structures, to include panelized construction. This rule making will include intent to make the rules related to E2SHB 1257 Energy efficiency, HB 1486 Delegation of authority, and SB [ESSB] 5383 Tiny homes.	7/2/19 19-14-106	To be determined	To be determined	Alicia Curry Field Services and Public Safety 360-902-6244
296-46B	Electrical board—Appeal rights and hearings	The purpose of this rule making is to amend the electrical rules governing appeals and the appeal process under WAC 296-46B-995. The state's Electrical Board petitioned L&I to amend the rules for the purpose of clarifying, simplifying, and making the procedures for appeals to the board easier to understand and navigate.	12/1/20 20-24-104	11/16/21 21-23-080	Anticipate filing 3/1/22	Alicia Curry Field Services and Public Safety 360-902-6244

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296-96	Elevator fee increase (fiscal year 2022)	The purpose of this rule making is to propose a 5.79 percent fee increase for inspections of conveyances and other elevator program public safety activities. The amount of the increase is the office of financial management's (OFM) maximum allowable fiscal growth factor rate for fiscal year 2022. The current fee levels are not enough to cover current program expenses. A fee increase is needed to ensure the program's revenue match expenditures, otherwise, service levels may need to be reduced.	10/5/21 21-20-119	11/30/21 21-24-068	Anticipate filing 2/15/22	Alicia Curry Field Services and Public Safety 360-902-6244
296-200A	Contractor registration fee increase (fiscal year 2022)	The purpose of this rule making is to propose a 5.79 percent fee increase for L&I's contractor registration program. The amount of the increase is OFM's maximum allowable fiscal growth factor rate for fiscal year 2022. A fee increase is needed to ensure the program remains consistent with fee increases as required by statute and to help improve the program's fund balance.	10/19/21 21-21-086	12/21/21 22-01-194	Anticipate filing 3/22/22	Alicia Curry Field Services and Public Safety 360-902-6244
296-104	Boiler fee increase (fiscal year 2023)	The purpose of this rule making is to propose a 5.58 percent fee increase for boiler inspections and pressure vessel inspections and other boiler program public safety activities. The amount of the increase is OFM's maximum allowable fiscal growth factor rate for fiscal year 2023. A fee increase is needed to ensure the program's revenue match expenditures, otherwise, service levels may need to be reduced.	10/19/21 21-21-087	12/21/21 22-01-195	Anticipate filing 4/19/22	Alicia Curry Field Services and Public Safety 360-902-6244

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296-96	Elevator rules (safety codes)	The purpose of this rule making is to consider adopting new safety codes from the 2019 edition of the American Society of Mechanic Engineers (ASME) A17.1/CSA B44 - 2019, Safety Code for Elevators and Escalators, and other related codes. The 2019 edition of ASME A17.1 would replace the current 2016 code. The elevator program is also considering updates, clarification, housekeeping, and other changes to the rules. This rule making excludes the rules with fees due to a separate rule making in progress.	10/19/21 21-21-088	Anticipate filing 6/21/22	Anticipate filing 10/4/22	Alicia Curry Field Services and Public Safety 360-902-6244
296-400A	Plumber certification rules— Phase 3	The purpose of this rule making is to consider amendments under chapter 206-400A WAC, Plumber certification rules, in order to implement the legislative changes made within 2020's Plumbing Act (chapter 153, Laws of 2020, SB 6170), updates to continuing education, training programs, and other necessary updates to all plumbing rules.	1/18/22 22-03-073	Anticipate filing 5/17/22	Anticipate filing 7/19/22	Alicia Curry Field Services and Public Safety 360-902-6244
296-96	Elevator fee increase	The purpose of this rule making is to consider a 17 percent fee increase for inspections of conveyances and other elevator program public safety activities. A fee increase is needed to fund a new conveyance management system (CMS). The CMS is the database used to provide permitting, inspection, and other information. Our current system is aging, failing, and no longer meets the service needs of our customers.	Anticipate filing 3/22/22	Anticipate filing 5/17/22	Anticipate filing 7/19/22	Alicia Curry Field Services and Public Safety 360-902-6244
296-150C 296-150F 296-150I 296-150M 296-150P 296-150T 296-150V	FAS fee increase	The purpose of this rule making is to consider a 17 percent fee increase for plan review and inspection of factory-built structures. A fee increase is needed to fund a new CMS. The new CMS is an enterprise software system that FAS will utilize to operate the program more efficiently.	To be determined	To be determined	To be determined	Alicia Curry Field Services and Public Safety 360-902-6244
296-200A	Contractor registration— Classification updates	The purpose of this rule making is to consider updates to the definitions for specialty contractor classifications.	To be determined	To be determined	To be determined	Alicia Curry Field Services and Public Safety 360-902-6244
Division: Fraud Prevention and Labor Standards						

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296-127	Prevailing wage: Ordinary maintenance	The purpose of this rule making is to consider clarifications to the definition of "ordinary maintenance."	To be determined	To be determined	To be determined	Ellen Saline Fraud Prevention and Labor Standards 360-902-4475
Division: Insurance Services						
296-17 296-17A	Employment covered by RCW 51.32.187 (Department of Energy (DOE) Hanford site contractors)	The purpose of this rule making is to allow contractors of the United States DOE working at the Hanford site to have their contractors and subcontractors covered under the state fund. L&I filed continuances on October 27 and November 6, 2020, ultimately extending the comment period to February 1, 2021, under WSR 20-22-038 and 20-23-017. The CR-102 Proposal was withdrawn (WSR 21-04-019) due to the need for more stakeholder involvement and coordination. L&I will continue working with stakeholders to refine proposed rules for potential future rule making.	3/3/20 20-06-060	9/22/20 20-19-132 (withdrawn)	To be determined	Jo Anne Attwood Employer Services 360-902-4777
	Montana reciprocal agreement	The purpose of this rule making is to update the Montana Reciprocal Agreement to include construction.	To be determined	To be determined	To be determined	Jo Anne Attwood Employer Services 360-902-4777
	Drywall rules rewrite	The purpose of this rule making is to rewrite the drywall rules for clarity and ease of administration for our customers.	To be determined	To be determined	To be determined	Jo Anne Attwood Employer Services 360-902-4777
296-17 296-17A	Classification and reporting amendments 2023	The purpose of this rule making is to implement clear rule writing to ensure L&I staff and customers can easily understand and apply the workers' compensation insurance classifications and reporting rules. Classification development studied some subclassifications for potential reduction in number, and reviewed reporting rules for improvement. This rule making will also remove the penalty dollar amounts from two state fund rules and one self-insured rule. A reference to the new penalty statute will be added to these rules. Also, Classification 6510 Domestic Servant will [be] updated to add "worker" to the title.	To be determined	To be determined	To be determined	Jo Anne Attwood Employer Services 360-902-4777

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296-17 296-17B	Industrial insurance premium rates 2023	The purpose of this rule making is to establish the premium rates and experience rating parameters for calendar year 2023.	To be determined	To be determined	To be determined	Jo Anne Attwood Employer Services 360-902-4777
296-23	Independent medical examinations (IMEs) (ESSB 6440)	The purpose of this rule making is to create new rules required by ESSB 6440 to address how to accommodate an injured worker if no approved IME in the specialty needed is available in a reasonably convenient location, as well as how telemedicine IMEs may be used.	10/6/20 20-20-111	To be determined	To be determined	Kristen Baldwin-Boe Health Services Analysis 360-902-6815
296-20 296-23	Medical aid rules— Conversion factors	The purpose of this rule making is to update rates for most professional health care services for injured workers, which are published annually in the medical aid rules and fee schedules.	12/21/21 22-01-196	Anticipate filing 3/1/22	Anticipate filing 5/3/22	Megan Lemon Health Services Analysis 360-902-5161
296-14	Presumptive PTSD coverage (SSB 6214)	The purpose of this rule making is to update existing rules and create new rules needed to implement SSB 6214, allowing industrial insurance coverage for posttraumatic stress disorders of law enforcement, firefighters, and emergency medical technicians.	8/21/18 18-17-151	To be determined	To be determined	Suzy Campbell Legal Services 360-902-5003
296-14	Occupational disease presumption	The purpose of this rule making is to amend existing rules that conflict with RCW 51.32.185, and clarify presumptive coverage for certain firefighters, law enforcement officers, and emergency medical technicians covered under workers' compensation. Legislation passed during the 2019 and 2018 sessions (chapter 133, Laws of 2019, HB 1913; and chapter 264, Laws of 2018, SSB 6214) resulted in updates to RCW 51.32.185.	11/19/19 19-23-081	To be determined	To be determined	Jordan Ely Legal Services 360-902-4616
296-21	Master's level therapists (MLTs) pilot	The purpose of this pilot rule making is to allow MLTs to treat injured workers. L&I decided to initiate a pilot to help determine how MLTs can best be incorporated into the workers' compensation setting. Under this pilot, these current provisions related to treatment by MLTs are waived for pilot participants only. The pilot began on January 1, 2020, and the exceptions granted are effective throughout a four-year pilot period or as otherwise specified.	12/3/19 19-24-087	To be determined	To be determined	Suzy Campbell Legal Services 360-902-5003

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296-23 296-15	IME—Case progress (ESSB 6440)	The purpose of this rule making is to define or outline criteria for "case progress" in relation to IMEs requested by L&I and self-insured employers. The rules include whether the results of IMEs requested are inconsistent with the list of reasons outlined in Title 51 RCW. ESSB 6440 was adopted into law by the legislature in 2020 requiring rules to be updated to reflect changes made to RCW 51.36.070.	5/18/21 21-11-086	12/21/21 22-01-202	Anticipate filing 2/15/22	Suzy Campbell Legal Services 360-902-5003
296-23	IME—Appeals (ESSB 6440)	The purpose of this rule making is to define how and under what circumstances an IME can be requested by L&I and self-insurers in order to resolve an appeal. ESSB 6440 was adopted into law by the legislature in 2020 requiring rules to be updated to reflect changes made to RCW 51.36.070.	8/3/21 21-16-093	12/21/21 22-01-203	Anticipate filing 2/15/22	Suzy Campbell Legal Services 360-902-5003
296-14	Pension discount rate (PDR) 2022	The purpose of this rule making is to lower the PDR to better align with the rate of return for long-term treasuries for self-insured and state fund pensions. The PDR is the interest rate used to account for the time value of money when evaluating the present value of future pension payments.	9/21/21 21-19-127	11/16/21 21-23-081	Anticipate filing 2/15/22	Suzy Campbell Legal Services 360-902-5003
296-20	Osteopathic physician assistants	The purpose of this rule making is to make language on physician assistants in the L&I medical aid rules consistent with language in SHB 2378 (chapter 80, Laws of 2020). This bill amends some sections in the DOH Title 18 RCW by deleting references to "osteopathic physician assistants" and repealing chapter 18.57A RCW, Osteopathic physician assistants. Effective July 1, 2022, all physician assistants will be regulated under chapter 18.71A RCW, Physician assistants. The following L&I definitions will need to be amended: "Practitioner or licensed health care provider" and "Treating provider."	Not applicable	To be determined (CR-105)	To be determined	Jami Lifka Office of the Medical Director Jami.Lifka@Lni.wa.gov
296-20	Medical aid rules—Definitions, treatment not authorized	The purpose of this rule making is twofold: (1) Seek to ensure that treatment is safe and effective; and (2) prevent serious harm.	To be determined	To be determined	To be determined	Jami Lifka Office of the Medical Director Jami.Lifka@Lni.wa.gov

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296-17B	Retrospective rating for workers' compensation insurance	This rule making will address extending requirements for businesses that enroll in individual retro plans and revise enrollment requirements for businesses under common majority ownership.	11/5/13 13-22-071	To be determined	To be determined	Rachelle Bohler Retrospective Rating 360-902-5967
296-17B	Retrospective rating for workers' compensation insurance— Common ownership (pilot)	This pilot rule making will consider/allow exceptions to the retroactive rating program's current common ownership rule (WAC 296-17B-770) as written.	8/5/15 15-16-132	To be determined	To be determined	Rachelle Bohler Retrospective Rating 360-902-5967
296-17A 296-17B	COVID-19-related relief option	<p>Data shows that the COVID-19 pandemic and resulting government required shutdowns disproportionately impacted employers who reported hours in 42 risk classes, thereby reducing the options to help workers return to work. This may lead to increased claim losses for businesses in the affected classes compared to other employers.</p> <p>For affected retro participants who experience increased loss ratios, they may be subject to a negative bias resulting in their refunds being reduced or additional premium assessed. Conversely, the less affected retro participants may experience a positive bias whereby they may receive enhanced refunds that they would not have otherwise received but for the pandemic's adverse impact on their peers.</p>	6/1/21 21-12-082	To be determined	To be determined	Leslie Qunell Retrospective Rating 360-902-5967
Division: Government Affairs and Policy Division						

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296-910 (new chapter)	Small employer emergency safety grant program (ESHB 1097)	The purpose of this rule making is to establish guidance for a safety grant program for small employers based on the type, scope, and time frame of a declared state [of] emergency, and criteria for how grants will be prioritized. ESHB 1097 (chapter 253, Laws 2021) provides for increased worker protections from hazards in the workplace. The bill also created a safety grant program for small employers during declared states of emergency. This law was motivated by recognition of the COVID-19 pandemic's impact on small businesses, especially those that had difficulty affording the cost of meeting required safety measures and providing personal protective equipment to workers.	8/3/21 21-16-099	11/16/21 21-23-089	Anticipate filing 2/1/22	Tracy West Government Affairs and Policy Division 360-902-6954

WSR 22-05-002

AGENDA

DEPARTMENT OF COMMERCE

[Filed February 2, 2022, 4:16 p.m.]

Following is the department of commerce semi-annual rules development agenda for publication in the Washington State Register, pursuant to RCW 34.05.314. There may be additional rule-making activity not on the agenda as conditions warrant.

Please contact Dave Pringle if you have questions, dave.pringle@commerce.wa.gov or 360-918-6033.

Semi-Annual Rule-Making Agenda
January through June 2022

Division	WAC Citation	Subject Matter/ Purpose of Rule	Current Activity/Approximate Filing Date
LGD—Bond cap allocation program	WAC 365-135-070	To modify the date from which exempt facility applicants may receive more than 30 percent of the initial allocation amount, and to maximize the ability of exempt facility applicants to utilize the initial set aside.	Developing project charter and scoping for an expedited rule making. Expected to begin between late February and March 2022, and conclude no later than June 2022.
LGD—GMS—Housing	Chapter 365-196 WAC; Add new chapter to Title 365 WAC	To create new and bring existing rules related to housing into conformance with recent legislative changes.	Developing project charter and scoping rule-making activities. Expected to begin in late March 2022 and conclude by December 2022.
Energy	WAC 194-24-180	To create new effective date for our water heater energy efficiency standards.	We currently have an emergency rule in place to delay the effective date for our water heater energy efficiency standards due to supply chain issues. We are examining the need to extend that delay, and are exploring possible rule-making options to do so. That might include issuing a CR-101 to start a new rule making on it, but we have not made the decision to do so.

WSR 22-05-004

INTERPRETIVE OR POLICY STATEMENT

DEPARTMENT OF HEALTH

[Filed February 3, 2022, 11:22 a.m.]

This memo serves as notice that the department of health (department) is withdrawing the following policy and interpretive statements:

WSR 19-18-027 filed on August 28, 2019. Titled: "Clinical supervision" for Mental Health Professionals working in Behavioral Health Agencies licensed under chapter 246-341 WAC. Interpretive Statement Number: CHS-08-27-19.

WSR 19-20-064 filed on September 26, 2019. Titled: Deeming Process for Tribal Behavioral Health Agency Licensure. Policy Statement Number: CHS-09-23-19.

WSR 20-15-100 filed on July 15, 2020. Titled: Co-Occurring Disorder Specialist working in Behavioral Health Agencies licensed under chapter 246-341 WAC. Policy Statement Number: CHS-07-01-20.

The department is withdrawing these policy and interpretive statements because they have been incorporated into permanent rule in chapter 246-341 WAC by WSR 21-12-042 and the policy and interpretive statements are no longer needed.

Individuals requiring information on this rule should contact Kseniya Efremova, at Kseniya.efremova@doh.wa.gov.

Tami M. Thompson
Regulatory Affairs Manager

WSR 22-05-005

INTERPRETIVE OR POLICY STATEMENT

DEPARTMENT OF HEALTH

[Filed February 3, 2022, 11:46 a.m.]

This memo serves as notice that the board of naturopathy (board) is withdrawing the policy statement for Enforcement of AIDS Education and Training Rules (BON 20-02), which was filed July 31, 2020, and published in WSR 20-16-118.

The department is withdrawing this policy statement because the rule requirements in WAC 246-836-410 and chapter 246-12 WAC, Part 8 were repealed to comply with ESSB 1551 (chapter 76, Laws of 2020). This policy statement is no longer needed.

Individuals requiring information on this rule should contact Susan Gragg, program manager, at naturopathy@doh.wa.gov.

Tami M. Thompson
Regulatory Affairs Manager

WSR 22-05-006

POLICY STATEMENT

DEPARTMENT OF HEALTH

[Filed February 3, 2022, 11:54 p.m.]

This memo serves as notice that the podiatric medical board (board) is withdrawing the policy statement for Enforcement of AIDS Education and Training Rules (PMB 20-52), which was filed August 25, 2020, and published in WSR 20-18-020.

The board is withdrawing this policy statement because the rule requirements in WAC 246-922-070 and chapter 246-12 WAC, Part 8 were repealed to comply with ESHB 1551 (chapter 76, Laws of 2020). This policy statement is no longer needed.

Individuals requiring information on this rule should contact Susan Gragg, program manager, at podiatric@doh.wa.gov.

Tami M. Thompson
Regulatory Affairs Manager

WSR 22-05-020

AGENDA

DEPARTMENT OF REVENUE

[Filed February 4, 2022, 11:29 a.m.]

**Semi-Annual Rule-Making Agenda
(January 1 - June 30, 2022)**

Listed below is the department of revenue's (department) semi-annual rule-making agenda for publication in the Washington State Register. This list identifies rules the department is currently working on and rules the department anticipates working on during the next six months.

The department's rule-making agenda is also available on its website. The information on the site is continually updated as the department files rule-making notices, or otherwise adds or deletes rules that it anticipates some action over the next six months, including rules added or deleted as a result of resource allocation, legislation, court decisions, or changes in rule-making priorities.

Rule Number and Title	Rule Drafter	Preproposal (CR-101)	Proposal (CR-102)	Expedited Proposal (CR-105)	Adoption (CR-103)	Reason for Anticipated Changes
WAC 458-14-127 Reconvened boards— Authority	Leslie Mullin	CR-101 Filed: 12/6/2017, WSR 17-24-126 Public Meeting: 1/10/18, at 10:00 a.m. Anticipate second CR-101 in 1st quarter of 2022.	CR-102 Filed: 4/3/2018, WSR 18-08-077 Public Hearing: 5/10/18, at 10:00 a.m. Anticipate filing second CR-102 and conducting additional public hearing in the 2nd quarter of 2022.	N/A	Anticipate adoption in the 2nd quarter of 2022.	General updates and to recognize legislation
WAC 458-16-080 Improvements to single family dwellings— Definitions—Exemption— Limitation—Appeal rights	Leslie Mullin	Anticipate CR-101 and public meeting in the 3rd quarter of 2022.	Anticipate CR-102 and public hearing in the 4th quarter of 2022.	N/A	Anticipate adoption in the 4th quarter of 2022.	Recognize 2021 legislation
WAC 458-16-266 Homeownership development	Leslie Mullin	Anticipate CR-101 and public meeting in the 3rd quarter of 2022.	Anticipate CR-102 and public hearing in the 4th quarter of 2022.	N/A	Anticipate adoption in the 4th quarter of 2022.	Recognize 2020 legislation
WAC 458-16A-100 Senior citizen disabled person, and one hundred percent disabled veteran exemption —Definitions	Leslie Mullin	Anticipate CR-101 and public meeting in the 3rd quarter of 2022.	Anticipate CR-102 and public hearing in the 1st quarter of 2023.	N/A	Anticipate adoption in the 1st quarter of 2023.	Recognize 2021 legislation
WAC 458-16A-120 Senior citizen, disabled person, and one hundred percent disabled veteran exemption —Determining combined disposable income	Leslie Mullin	Anticipate CR-101 and public meeting in the 4th quarter of 2022.	Anticipate CR-102 and public hearing in the 1st quarter of 2023.	N/A	Anticipate adoption in the 1st quarter of 2023.	Recognize 2021 legislation
WAC 458-16A-135 Senior citizen, disabled person, and one hundred percent disabled veteran exemption —Application procedures	Leslie Mullin	Anticipate CR-101 and public meeting in the 4th quarter of 2022.	Anticipate CR-102 and public hearing in the 1st quarter of 2023.	N/A	Anticipate adoption in the 1st quarter of 2023.	Recognize 2021 legislation
WAC 458-18-210 Sales of tangible personal property for farming—Sales of agricultural products by farmers	Leslie Mullin	Anticipate CR-101 and public meeting in the 3rd quarter of 2022.	Anticipate CR-102 and public hearing in the 4th quarter of 2022.	N/A	Anticipate adoption in the 4th quarter of 2022.	General updates
WAC 458-19-085 Refunds —Procedures—Applicable limits	Leslie Mullin	Anticipate CR-101 in the 1st quarter of 2022.	Anticipate CR-102 in the 2nd quarter of 2022.	N/A	Anticipate adoption in the 1st quarter of 2022.	General updates and to recognize legislation
WAC 458-19-550 State levy —Apportionment between cities	Leslie Mullin	Anticipate CR-101 in the 2nd quarter of 2022.	Anticipate CR-102 in the 3rd quarter of 2022.	N/A	Anticipate adoption in the 3rd quarter of 2022.	General updates

Rule Number and Title	Rule Drafter	Preproposal (CR-101)	Proposal (CR-102)	Expedited Proposal (CR-105)	Adoption (CR-103)	Reason for Anticipated Changes
WAC 458-20-119 Sales by caterers and food service contractors	Leslie Mullin	N/A	N/A	Anticipate CR-105 in the 2nd quarter of 2022.	Anticipate adoption in the 2nd quarter of 2022.	Recognize 2021 legislation
WAC 458-20-124 Restaurants, cocktail bars, taverns and similar businesses	Leslie Mullin	N/A	N/A	Anticipate CR-105 in the 2nd quarter of 2022.	Anticipate adoption in the 3rd quarter of 2022.	Recognize 2021 legislation
WAC 458-20-13501 Timber harvest operations	Brenton Madison	Anticipate CR-101 and public meeting in the 1st quarter of 2022.	Anticipate CR-102 and public hearing in the 2nd quarter of 2022.	N/A	Anticipate adoption in the 2nd quarter of 2022.	General updates
WAC 458-20-136 Manufacturing, processing for hire, fabricating	Matthew Largent	Anticipate CR-101 and public meeting in the 4th quarter of 2022.	Anticipate CR-102 and public hearing in the 1st quarter of 2023.	N/A	Anticipate adoption in the 2nd quarter of 2023.	General updates
WAC 458-20-13601 Manufacturers and processors for hire—Sales and use tax exemptions for machinery and equipment	Matthew Largent	CR-101 Filed: 4/4/2017, WSR 17-08-077 Public Meeting: 4/19/2017, at 10:00 a.m. Anticipate second CR-101 filing and additional public meeting in the 4th quarter of 2022.	CR-102 Filed: 5/19/2017, WSR 17-11-090 Public Hearing: 6/29/2017, at 10:00 a.m. Anticipate second CR-102 filing and additional public hearing in the 1st quarter of 2023.	N/A	Anticipate adoption in the 2nd quarter of 2023.	General updates
WAC 458-20-145 State and local sales and use tax—Sourcing retail sales—Sourcing for use tax purposes	Patrick Watkins	CR-101 Filed: 11/30/2021, WSR 21-24-074 Public Meeting: 1/12/22, at 10:30 a.m.	Anticipate CR-102 and public hearing in the 2nd quarter of 2022.	N/A	Anticipate adoption in the 2nd quarter of 2022.	General updates
WAC 458-20-15503 Digital products	Katie Koontz	CR-101 Filed: 2/6/2018, WSR 18-04-093 Public Meeting: 3/22/2018, at 1:00 p.m. Anticipate second CR-101 filing and additional public hearing in the 1st quarter of 2022.	Anticipate CR-102 and public hearing in the 2nd quarter of 2022.	N/A	Anticipate adoption in the 2nd quarter of 2022.	General updates
WAC 458-20-168 Hospitals, nursing homes, assisted living facilities, adult family homes and similar health care facilities	Leslie Mullin	N/A	N/A	Anticipate CR-105 in the 1st quarter of 2022.	Anticipate adoption in the 2nd quarter of 2022.	Recognize 2021 legislation
WAC 458-20-169 Nonprofit organizations	Leslie Mullin	N/A	N/A	Anticipate CR-105 in the 1st quarter of 2022.	Anticipate adoption in 2nd quarter of 2022.	Recognize 2021 legislation
WAC 458-20-17001 Government contracting—Construction, installations, or improvements to government real property	Patrick Watkins	CR-101 Filed: 10/25/2021, WSR 21-22-027 Public Meeting: 11/17/21, at 11:00 a.m.	CR-102 Filed: 1/18/2021, WSR 22-03-092 Public Hearing: 2/23/2022, at 10:00 a.m.	N/A	Anticipate adoption in the 2nd quarter of 2021.	General updates
WAC 458-20-171 Building, repairing or improving streets, roads, etc., which are owned by a municipal corporation or political subdivision of the state or by the United States and which are used primarily for foot or vehicular traffic	Darius Massoudi	Anticipate CR-101 and public meeting in the 3rd quarter of 2022.	Anticipate CR-102 and public hearing in the 4th quarter of 2022.	N/A	Anticipate adoption in the 1st quarter of 2023.	General updates
WAC 458-20-178 Use tax	Brenton Madison	Anticipate CR-101 and public meeting in the 4th quarter of 2022.	Anticipate CR-102 and public hearing in the 1st quarter of 2023.	N/A	Anticipate adoption in the 1st quarter of 2023.	General update

Rule Number and Title	Rule Drafter	Preproposal (CR-101)	Proposal (CR-102)	Expedited Proposal (CR-105)	Adoption (CR-103)	Reason for Anticipated Changes
WAC 458-20-181 Vessels, including log patrols, tugs and barges, operating upon waters in the state of Washington	Katie Koontz	CR-101 Filed: 8/31/2021, WSR 21-18-094 Public Meeting: 9/28/21, at 10:00 a.m.	Anticipate CR-102 and public hearing in the 2nd quarter of 2022.	N/A	Anticipate adoption in the 2nd quarter of 2022.	General updates
WAC 458-20-193 Interstate sales of tangible personal property	Brenton Madison	CR-101 Filed: 10/2/2018, WSR 18-20-095 Anticipate second CR-101 filing and additional public meeting in the 2nd quarter of 2022.	Anticipate CR-102 and public hearing in the 3rd quarter of 2022.	N/A	Emergency Filed: 9/26/2018, WSR 18-20-045 2nd Emergency Adoption: 1/31/2019, WSR 19-04-001 3rd Emergency Adoption: 5/22/2019, WSR 19-12-004 4th Emergency Adoption: WSR 19-19-079 5th Emergency Adoption: WSR 20-04-015 6th Emergency Adoption: WSR 20-12-009 7th Emergency Adoption: WSR 21-06-026 Anticipate adoption in 3rd quarter of 2022.	Recognize Wayfair decision and legislation
WAC 458-20-19402 Single factor receipts apportionment—Generally	Patrick Murphy	CR-101 Filed: 7/31/2017, WSR 17-16-113 Public Meeting: 9/11/2017, at 1:00 p.m. 2nd CR-101 Filed: 10/26/2021, WSR 21-22-032 Public Meeting: 1/19/2022, at 1:00 p.m.	Anticipate CR-102 and public hearing in the 2nd quarter of 2022.	N/A	Anticipate adoption in the 3rd quarter of 2022.	General updates
WAC 458-20-217 Lien for taxes	Ryan Bedford	N/A	N/A	Anticipate CR-105 in the 2nd quarter of 2022.	Anticipate adoption in the 3rd quarter of 2022.	Recognize 2021 legislation

Rule Number and Title	Rule Drafter	Preproposal (CR-101)	Proposal (CR-102)	Expedited Proposal (CR-105)	Adoption (CR-103)	Reason for Anticipated Changes
WAC 458-20-221 Collection of use tax by retailers and selling agents	Brenton Madison	Filed CR-101: 10/2/2018, WSR 18-20-098 Anticipate second CR-101 filing and additional public meeting in the 2nd quarter of 2022.	Anticipate CR-102 and public hearing in the 2nd quarter of 2022.	N/A	Emergency Filed: 9/26/2018, WSR 18-20-045 2nd Emergency Adoption: 1/31/2019, WSR 19-04-001 3rd Emergency Adoption: 5/22/2019, WSR 19-12-004 4th Emergency Adoption: 9/17/19, WSR 19-19-079 5th Emergency Adoption: 1/24/20, WSR 20-04-015 6th Emergency Adoption: WSR 20-12-009 7th Emergency Adoption: WSR 21-06-026, Anticipate adoption in 3rd quarter of 2022.	Recognize Wayfair decision of 2018 and 2019 legislation
WAC 458-20-233 Tax liability of medical and hospital service bureaus and associations and similar health care organizations	Darius Massoudi	Anticipate CR-101 and public meeting in the 3rd quarter of 2022.	Anticipate CR-102 and public hearing in the 4th quarter of 2022.	N/A	Anticipate adoption in the 1st quarter of 2023.	General updates
WAC 458-29A-200 Leasehold excise tax— Taxable rent and contract rent	Ryan Becklean	Anticipate CR-101 and public meeting in the 1st quarter of 2022.	Anticipate CR-102 and public hearing in the 2nd quarter of 2022.	N/A	Anticipate adoption in the 2nd quarter of 2022.	General updates
WAC 458-20-244 Food and food ingredients	Leslie Mullin	N/A	N/A	Anticipate CR-105 in the 1st quarter of 2022.	Anticipate adoption in the 2nd quarter of 2022.	Recognize 2021 legislation
WAC 458-20-249 Artistic and cultural organizations	Leslie Mullin	N/A	N/A	Anticipate CR-105 in the 1st quarter of 2022.	Anticipate adoption in the 2nd quarter of 2022	Recognize 2021 legislation
WAC 458-20-252 Hazardous substance tax	Darius Massoudi	Anticipate CR-101 and public meeting in the 2nd quarter of 2022.	Anticipate CR-102 and public hearing in the 3rd quarter of 2022.	N/A	Anticipate adoption in the 4th quarter of 2022.	General updates
WAC 458-20-262 Retail sales and use tax exemptions for agricultural employee housing	Jessi Brimigion	Anticipate CR-101 and public meeting in the 3rd quarter of 2022.	Anticipate CR-102 and public hearing in the 3rd quarter of 2022.	N/A	Anticipate adoption in the 4th quarter of 2022.	Recognize 2021 legislation
WAC 458-20-263 Exemptions from retail sales and use taxes for qualifying electric generating systems using renewable energy sources	Brenton Madison	Anticipate CR-101 and public meeting in the 3rd quarter of 2022.	Anticipate CR-102 and public hearing in the 3rd quarter of 2022.	N/A	Anticipate adoption in the 4th quarter of 2022.	Recognize 2019 legislation
WAC 458-20-27901 New exemptions on sales/leases of alternative fuel passenger vehicles	Leslie Mullin	Anticipate CR-101 and public meeting in the 2nd quarter of 2022.	Anticipate CR-102 and public hearing in the 3rd quarter of 2022.	N/A	Anticipate adoption in the 3rd quarter of 2022.	Recognize 2019 legislation
WAC 458-20-XXX New rule on workforce education investment surcharge— Select advanced computing businesses	Leslie Mullin	CR-101 Filed: 2/17/2021, WSR 21-05-068 Public Meeting: 3/10/2021, at 10:00 a.m.	CR-102 Filed: 7/28/2021, WSR 21-16-050 Public Hearing: 9/8/2021, at 10:00 a.m.	N/A	Anticipate adoption in the 2nd quarter of 2022.	Recognize 2020 legislation

Rule Number and Title	Rule Drafter	Preproposal (CR-101)	Proposal (CR-102)	Expedited Proposal (CR-105)	Adoption (CR-103)	Reason for Anticipated Changes
WAC 458-20-XXX New rule on exemptions— Working families—Eligible low-income persons— Penalties	Chelsea Brenegan	CR-101 Filed: 10/26/2021, WSR 21-22-033 Public Meeting: 11/15/2021, at 6:30 p.m.	Anticipate CR-102 and public hearing in the 2nd quarter of 2022.	N/A	Anticipate adoption in the 2nd quarter of 2022.	Recognize 2021 legislation
WAC 458-61A-211 Mere change in identity or form— Family corporations and partnerships	Leslie Mullin	N/A	N/A	Anticipate CR-105 in the 2nd quarter of 2022.	Anticipate adoption in 2nd quarter of 2022.	Recognize 2021 legislation
WAC 458-61A-214 Nominee	Brenton Madison	CR-101 Filed: 9/15/2021, WSR 21-19-077 Public Meeting: 10/19/2021, at 10:00 a.m.	CR-102 Filed: 12/22/2021, WSR 22-01-220 Public Hearing: 1/25/2022, at 10:00 a.m.	N/A	Anticipate adoption in the 2nd quarter of 2022.	General updates
WAC 458-61A-XXX Exemption for sale of self-help housing	Patrick Watkins	Anticipate CR-101 and public meeting in the 2nd quarter of 2022.	Anticipate CR-102 in the 2nd quarter of 2022.	N/A	Anticipate adoption in 2nd quarter of 2022.	Recognize 2019 legislation

Rules Requiring Periodic Updates

Rule Number and Title	Rule Drafter	Preproposal (CR-101)	Proposal (CR-102)	Expedited Proposal (CR-105)	Adoption (CR-103)	Reason for Anticipated Changes
WAC 458-18-220 Rates of interest	Leslie Mullin	N/A	N/A	Anticipate CR-105 in the 4th quarter of 2022.	Anticipate adoption in 4th quarter of 2022.	Annual updates
WAC 458-20-23801 Watercraft excise tax— Watercraft depreciation schedule	Brenton Madison	TBD	TBD	N/A	TBD	Annual updates
WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component	Leslie Mullin	N/A	N/A	Anticipate CR-105 in the 4th quarter of 2022.	Anticipate adoption in 4th quarter of 2022.	Annual updates
WAC 458-30-590 Rates of inflation—Publication—Interest rate—Calculation	Leslie Mullin	N/A	N/A	Anticipate CR-105 in the 4th quarter of 2022.	Anticipate adoption in 4th quarter of 2022.	Annual updates
WAC 458-40-540 Timber excise tax—Forest land values	Brenton Madison	Anticipate CR-101 and public meeting in the 3rd quarter of 2022.	Anticipate CR-102 in the 3rd quarter of 2022.	N/A	Anticipate adoption in 4th quarter of 2022.	Annual updates
WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments	Brenton Madison	Anticipate CR-101 and public meeting in the 2nd quarter of 2022.	Anticipate CR-102 in the 2nd quarter of 2022.	N/A	Anticipate adoption in 2nd quarter of 2022.	Semi-annual updates that are effective January 1st and July 1st of each year

WSR 22-05-024
PUBLIC RECORDS OFFICER
OFFICE OF THE
STATE TREASURER

[Filed February 4, 2022, 2:36 p.m.]

Pursuant to RCW 42.56.580, the public records officer for the Office of the State Treasurer is Jilene Siegel, P.O. Box 40202, Olympia, WA 98504, phone 360-902-8907, fax 360-902-9037, email Jilene.siegel@tre.wa.gov.

Michael Pellicciotti
State Treasurer

**WSR 22-05-025
RULES COORDINATOR
OFFICE OF THE
STATE TREASURER**

[Filed February 4, 2022, 2:38 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the Office of the State Treasurer is Jilene Siegel, P.O. Box 40202, Olympia, WA 98504, phone 360-902-8907, fax 360-902-9037, email Jilene.siegel@tre.wa.gov.

Michael Pellicciotti
State Treasurer

WSR 22-05-028

HEALTH CARE AUTHORITY

[Filed February 7, 2022, 8:31 a.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 22-0007
1915(i) Behavioral Health Personal Care - Amended Notice.

Effective Date: Anticipated to be January 1, 2023.

Description: The health care authority (HCA) in conjunction with the aging and long-term support administration (ALTSA) in the department of social and health services (DSHS) previously published their intent to submit medicaid SPA 22-0007 in WSR 22-01-142. This SPA will amend Washington's 1915(i) section of the medicaid state plan for home and community-based service benefits regarding behavioral health personal care (BHPC), in compliance with legislative direction. Currently, BHPC services are offered as nontraditional services through the managed care delivery system and are paid with state-only funds. The previous projected effective date for SPA 22-0007 was July 1, 2022; this has changed and is now anticipated to be effective January 1, 2023.

SPA 22-0007 is expected to increase the annual aggregate cost/payment for community behavioral health support services, which includes protective oversight and supervision and direct skill development or restoration. HCA will set rates to be paid for these new services in both the managed care and fee-for-service delivery models. HCA will utilize its established rate setting methodologies. The costs/payments associated with these new services will increase because HCA forecasts an increase in the number of clients eligible for these services; see below (note - this information is unchanged from the previous notice):

<i>Fiscal Year</i>	<i>State Costs</i>	<i>Federal Match</i>	<i>Total Cost</i>
2022	\$20,097,792.00	\$25,579,008.00	\$45,676,800.00
2023	\$22,509,527.04	\$28,648,488.96	\$51,158,016.00

SPA 21-0007 is in the development process. A copy will be available for review on February 10, 2022, on HCA's website. HCA and ALTSA would appreciate any input or concerns regarding this SPA. To request a copy when it becomes available or to submit comments, please contact the person named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

Interested parties may submit comments and concerns about the rates or the effects the changes may have on beneficiary access to care or continued service access. Please submit comments and concerns to the person named below by February 24, 2022. Please note that all comments are subject to public review and disclosure, as are the names of those who comment.

CONTACT: Rebecca Carrell, Medicaid Programs Division, 805 Plum Street, Olympia, WA 98501, phone 360-972-0347, TRS 711, email rebecca.carrell@hca.wa.gov, website hca.wa.gov.

WSR 22-05-032

HEALTH CARE AUTHORITY

[Filed February 7, 2022, 3:34 p.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 22-0004
Grouper Updates - Amended Notice.

Effective Date: July 1, 2022.

Description: The health care authority (HCA) filed notice under WSR 22-02-042 of its intent to submit medicaid SPA 22-0004 to update references to the 3M APR-DRG software grouper used to group hospital claims for payment, effective April 1, 2022. HCA has postponed the effective date to July 1, 2022, and is filing this amended notice to reflect that change.

SPA 22-0004 is expected to have no effect on the annual aggregate expenditures/reimbursement/payment for inpatient and outpatient hospital services.

SPA 22-0004 is in the development process; therefore, a copy is not yet available for review. HCA would appreciate any input or concerns regarding this SPA. To request a copy when it becomes available or submit comments, you may contact the person named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

CONTACT: Abigail Frazier-Cole, Hospital Finance and Rates, 626 8th Avenue S.E., Olympia, WA 98502, phone 360-725-1835, TRS 711, email abby.frazier-cole@hca.wa.gov.

WSR 22-05-035
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
(Veterinary Board of Governors)
[Filed February 7, 2022, 7:14 p.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health (DOH), veterinary board of governors for the year 2022. The board meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via email list and DOH website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the board reserves the right to change or amend agendas at the meeting.

Date	Time	Location
March 21, 2022	9:00 a.m.	Webinar only Possible location TBD
May 27, 2022	9:00 a.m.	Webinar only Possible location TBD
June 6, 2022	9:00 a.m.	Webinar Possible location TBD
September 12, 2022	9:00 a.m.	Webinar Possible location TBD
December 5, 2022	9:00 a.m.	Webinar Possible location TBD

If you need further information, please contact Lorelei Walker, Program Manager, DOH, Veterinary Board of Governors, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4947, fax 360-236-2901, email loralei.walker@doh.wa.gov, web <http://www.doh.wa.gov>.

Please be advised, the veterinary board of governors is required to comply with the Public Disclosure [Records] Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 22-05-036
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
 (Universal Health Care Commission)
 [Filed February 8, 2022, 8:19 a.m.]

Revised to reflect April 14, 2022, meeting time to 3:00 - 5:00 p.m.

The following is the schedule of regular meetings for the Washington state health care authority (HCA), universal health care commission meetings for 2022:

Date	Time	Location
January 4, 2022	2:00 - 4:00 p.m.	*Zoom
February 25, 2022	2:00 - 4:00 p.m.	*Zoom
April 14, 2022	3:00 - 5:00 p.m.	*Zoom
June 16, 2022	3:00 - 5:00 p.m.	*Zoom
August 16, 2021 [2022]	2:00 - 4:00 p.m.	*Zoom
October 13, 2022	2:00 - 4:00 p.m.	*Zoom
December 15, 2022	3:00 - 5:00 p.m.	*Zoom

*Dependent on public health emergency.

See HCA's universal health care commission web page to learn more about the universal health care commission, meeting materials, and Zoom information <https://www.hca.wa.gov/about-hca/universal-health-care-commission>.

If you need further information or are a person with a disability and need a special accommodation, please contact Tamarra Henshaw, P.O. Box 45502, Olympia, WA 98504-5502, 360-725-1419, tamarra.henshaw@hca.wa.gov.

WSR 22-05-040
NOTICE OF PUBLIC MEETINGS
ENVIRONMENTAL AND
LAND USE HEARINGS OFFICE
(Growth Management Hearings Board)
[Filed February 8, 2022, 11:57 a.m.]

Following is the schedule of regular meetings for the environmental and land use hearings office, growth management hearings board for 2022:

Date	Time	Location
March 9	9:00 a.m.	Zoom video conferencing
June 8	9:00 a.m.	Zoom video conferencing
September 14	9:00 a.m.	Zoom video conferencing
December 14	9:00 a.m.	Zoom video conferencing

If you need further information, contact Nancy Coverdell, 1111 Israel Road S.W., Tumwater, WA 98501, phone 360-664-9160, fax 360-586-2253, email eluho@eluho.wa.gov, website www.eluho.wa.gov.

WSR 22-05-046
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Filed February 8, 2022, 5:19 p.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services.

Economic Services Administration
Division of Child Support (DCS)

Document Title: Policy Clarification Memo 22-001: 2022 Change to the Self-Support Reserve.

Subject: PCM 22-001.

Effective Date: February 4, 2022.

Document Description: This policy clarification memo explains the 2022 change to the self-support reserve amount.

To receive a copy of the interpretive or policy statements, contact Rachel Shaddox, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone 360-664-5073, TDD/TTY 360-753-9122, fax 360-664-5342, email Rachel.Shaddox@dshs.wa.gov, website <http://www.dshs.wa.gov/dcs/>.

WSR 22-05-053
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
[Filed February 9, 2022, 1:21 p.m.]

Notice of Interpretive or Policy Statement

In accordance with RCW 34.05.230(12), following is a list of policy and interpretive statements issued by the department of social and health services (DSHS).

Economic Services Administration
Division of Child Support (DCS)

Document Title: DCS Administrative Policy 4.05: Purchase Payments.

Subject: DCS AP 4.05.

Effective Date: February 1, 2022.

Document Description: This DCS administrative policy establishes purchasing guidelines within DCS according to DSHS policy relating to the initiating, processing, authorizing, signing, and documenting purchases and vendor agreements.

To receive a copy of the interpretive or policy statements, contact Kirsten Turner, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone 360-664-5178, TDD/TTY 360-753-9122, fax 360-664-5342, email Kirsten.Turner@dshs.wa.gov, website <http://www.dshs.wa.gov/dcs/>.

WSR 22-05-058
PUBLIC RECORDS OFFICER
COUNTY ROAD
ADMINISTRATION BOARD

[Filed February 10, 2022, 10:56 a.m.]

Pursuant to RCW 42.56.580, the public records officer for the County Road Administration Board is Jason Bergquist, 2404 Chandler Court S.W., Suite 240, Olympia, WA 98502, phone 360-350-6077, email Jason.Bergquist@crab.wa.gov.

Jane Wall
Executive Director

WSR 22-05-064

NOTICE OF PUBLIC MEETINGS
SECRETARY OF STATE

(State Records Committee)
[Filed February 11, 2022, 10:17 a.m.]

MEETINGS, POWERS AND DUTIES

FOR STATE GOVERNMENT AGENCIES: There is created a committee, to be known as the records committee, composed of the archivist, an appointee of the state auditor, an appointee of the attorney general, and an appointee of the director of financial management.

The records committee shall meet at least once every quarter or oftener as business dictates. Action by the committee shall be by majority vote and records shall be kept of all committee business.

It shall be the duty of the records committee to approve, modify or disapprove the recommendations on retention schedules of all files of public records and to act upon requests to destroy any public records: *PROVIDED*, that any modification of a request or recommendation must be approved by the head of the agency originating the request or recommendation. **(RCW 40.14.050)**

You may verify meeting cancellations by visiting our website at <https://www.sos.wa.gov/archives/RecordsManagement/StateRecordsCommitteeNew.aspx> or call Washington state archives at 360-586-4901.

The 2022 meeting dates are as follows:

10 a.m.
1129 Washington Street S.E.,
Olympia
February 2
April 6
June 1
August 3
October 5
December 7

WSR 22-05-065

NOTICE OF PUBLIC MEETINGS

SECRETARY OF STATE

(Local Records Committee)

[Filed February 11, 2022, 10:20 a.m.]

MEETINGS, POWERS AND DUTIES

FOR LOCAL GOVERNMENT AGENCIES: The local records committee may adopt appropriate procedures for records disposition authorization, scheduling, and other matters relating to the retention, preservation, or destruction of public records of local government agencies. **(WAC 434-630-030)**

The local records committee shall review lists of records submitted to it for destruction authorization and may veto the destruction of any or all items contained therein.

The local records committee shall also review recurring disposition schedules recommended to it by agencies of local government and may veto, approve, or amend such schedules. **(WAC 434-630-040)**

You may verify meeting cancellations by visiting our website at <https://www.sos.wa.gov/archives/RecordsManagement/Local-Records-Committee.aspx> or call Washington state archives at 360-586-4901.

The 2022 meeting dates are as follows:

10 a.m.
1129 Washington Street S.E.
Olympia
February 2
April 6
June 1
August 3
October 5
December 7

WSR 22-05-067

INTERPRETIVE STATEMENT

DEPARTMENT OF REVENUE

[Filed February 11, 2022, 3:59 p.m.]

CANCELLATION OF INTERPRETIVE STATEMENT

The department of revenue has cancelled the following excise tax advisory (ETA):

ETA 3110.2009 Cost Apportionment—Treatment of Costs Incurred for Multiple Purposes

This ETA provides guidance on cost apportionment. This ETA is being cancelled because the cost apportionment methodology is not available in Washington as of June 1, 2010.

A copy of this document is available via the internet at Recent Rule and Interpretive Statements, Adoptions, and Repeals.

Atif Aziz
Rules Coordinator

WSR 22-05-069

INTERPRETIVE STATEMENT

DEPARTMENT OF REVENUE

[Filed February 14, 2022, 9:42 a.m.]

CANCELLATION OF INTERPRETIVE STATEMENT

The department of revenue has cancelled the following excise tax advisory (ETA):

ETA 3153.2009 Road Construction—Contractors Applying Sand, Gravel and Rock Retail Sales Tax—Use Tax

This ETA addresses the interpretation of public road construction and use tax valuation. This ETA is being cancelled because the matter it addresses is covered by WAC 458-20-112.

A copy of this document is available via the internet at Recent Rule and Interpretive Statements, Adoptions, and Repeals.

Atif Aziz
Rules Coordinator

WSR 22-05-070

AGENDA

THE EVERGREEN STATE COLLEGE

[Filed February 14, 2022, 5:19 p.m.]

Semi-Annual Rule-Making Agenda

January 1 - June 30, 2022

Following is the rule-making agenda for The Evergreen State College for publication in the Washington State Register pursuant to RCW 34.05.314.

There may be additional rule-making activity not on this agenda. Refer to our website for periodic updates.

If you have questions about the agenda, please contact Dan Ralph, rules coordinator, ralphd@evergreen.edu, 360-867-6500.

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102)	Permanent (CR-103P)
New rule	Waiver of tuition and fees	January 23, 2020 WSR 20-04-005		
174-276	Public records	December 10, 2021 WSR 22-01-078		

WSR 22-05-082

POLICY STATEMENT

DEPARTMENT OF HEALTH

[Filed February 15, 2022, 12:19 p.m.]

This memo serves as notice that the department of health (department) is withdrawing a policy statement titled Temporary Use of Ambulance Services and EMS Providers to Transport Decedent Remains within Hospital Systems, EMS 21-03, which was filed on January 28, 2022, and published in WSR 22-04-069.

The department is withdrawing this policy statement because this was a temporary measure intended to meet an urgent need and was only in effect until February 14, 2022.

Individuals requiring information on EMS policy should contact Catie Holstein at catie.holstein@doh.wa.gov.

Tami M. Thompson
Regulatory Affairs Manager