

WSR 22-05-001
PREPROPOSAL STATEMENT OF INQUIRY
LIQUOR AND CANNABIS
BOARD

[Filed February 2, 2022, 12:32 p.m.]

Subject of Possible Rule Making: The Washington state liquor and cannabis board (WSLCB) is considering amending rule sections in Title 314 WAC as may be required to allow WSLCB to serve certain notices electronically. WSLCB is also considering amending rules in these chapters to allow WSLCB to accept documents related to license applications and appeals through electronic submission.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Rules on this subject are needed to allow WSLCB to streamline business and adjudicative processes and improve efficiency by establishing in rule the ability to serve certain notices electronically, and to allow acceptance of documents submitted electronically to WSLCB by licensees and license applicants.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: WSCLB will coordinate rule making and business processes as needed with the office of administrative hearings.

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 Robert DeSpain, Policy and Rules Coordinator, P.O. Box 43080, Olympia, WA 98504, phone 360-664-1758, fax 360-664-9689, email rules@lcb.wa.gov, website www.lcb.wa.gov; or 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, website 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.

February 2, 2022
David Postman
Chair

WSR 22-05-009

PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION

[Filed February 3, 2022, 3:44 p.m.]

Subject of Possible Rule Making: The state board of education (SBE) is reviewing chapter 180-16 WAC, State support of public schools; and chapter 180-18 WAC, Waivers for restructuring purposes. The purpose of the review is to ensure the rules allow school districts to address the ongoing disruptions and challenges to educational program delivery while still meeting requirements of the program of basic education. Possible rule making may include changes to chapters 180-16 and 180-18 WAC to improve student outcomes or allow for policies that enhance delivery of the program of basic education. The board may propose changes identified during the review to implement recently passed legislation, make changes as necessary to align rule to current policy or practice, correct references to law, improve readability of the rule, or make other changes identified during the review.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.300.750 and 28A.150.220(7).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Due to disruptions and other challenges associated with the ongoing health emergency, the board finds it is necessary to review current rules to ensure they sufficiently address the needs of districts for flexibility and accountability as they deliver the program of basic education. Rule making may be needed for improvement of student learning or policies that enhance delivery of the program of basic education. As part of this review of chapters 180-16 and 180-18 WAC, the board may propose changes necessary to implement recently passed legislation, align rule to current policy or practice, correct references to law, improve readability of the rule, or make other changes identified during the review of the WAC chapter.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of superintendent of public instruction.

Process for Developing New Rule: SBE will seek feedback on the rule making from partner agencies and educational advocacy organizations.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jacki Verd, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-4475, fax 360-753-6712, email rulescoordinatorSBE@k12.wa.us, website www.sbe.wa.gov; or Parker Teed, 600 Washington Street S.E., Olympia, WA 98504, phone 360-742-4037, fax 360-753-6712, email rulescoordinatorSBE@k12.wa.us, website www.sbe.wa.gov.

January 28, 2022
Randy Spaulding
Executive Director

WSR 22-05-010
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF EDUCATION
[Filed February 3, 2022, 3:45 p.m.]

Subject of Possible Rule Making: The state board of education (SBE) is reviewing chapter 180-111 WAC, Emergency waiver of certain requirements, to update requirements for the class of 2023 and subsequent classes, implement recently passed legislation, make changes as necessary to align rule to current policy or practice, correct references to law, improve readability of the rule, or make other changes identified during the review.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.230.320, 28A.195.010, 28A.230.090, 28A.150.220(7).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rules require the board to revisit the emergency waiver program to address any potential changes to the rules to address the class of 2023 and subsequent classes. In addition, as part of its routine review of SBE rules, SBE is reviewing chapter 180-111 WAC to make changes as necessary to implement recently passed legislation, align rule to current policy or practice, correct references to law, improve readability of the rule, or make other changes identified during the review of the WAC chapter.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Office of superintendent of public instruction.

Process for Developing New Rule: SBE will seek feedback on the rule making from partner agencies and educational advocacy organizations.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jacki Verd, 600 Washington Street S.E., Olympia, WA 98504, phone 360-725-4475, fax 360-753-6712, email rulescoordinatorSBE@k12.wa.us, website www.sbe.wa.gov; or Parker Teed, 600 Washington Street S.E., Olympia, WA 98504, phone 360-742-4037, fax 360-753-6712, email rulescoordinatorSBE@k12.wa.us, website www.sbe.wa.gov.

January 28, 2022
Randy Spaulding
Executive Director

WSR 22-05-012
PREPROPOSAL STATEMENT OF INQUIRY
STATE BOARD OF HEALTH

[Filed February 4, 2022, 7:10 a.m.]

Subject of Possible Rule Making: Chapter 246-650 WAC, Newborn screening. The Washington state board of health (board) is considering adding ornithine transcarbamylase deficiency [deficiency] (OTCD) to the list of mandatory conditions for newborn screening conducted by the department of health (department).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70.83.050 and 70.83.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: OTCD is a severe condition with rapid onset that can result in significant morbidity and mortality if not detected and treated early. OTCD is a urea cycle disorder which causes ammonia to accumulate in the blood, affecting the liver and other body systems. Newborn screening, resulting in possible early diagnosis, is essential to improve quality of life for infants and their families, and reduce infant mortality.

Process for Developing New Rule: Collaborative; the board convened with the department, a technical advisory committee of multidisciplinary members to assess OTCD against a set of criteria for inclusion on the newborn screening panel. The board discussed the committee's recommendations and voted to proceed with rule making to consider rules that would allow for screening for OTCD in the newborn screening program.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Samantha Pskowski, P.O. Box 47990, Olympia, WA 98504-7990, phone 360-789-2358, TTY 711, email samantha.pskowski@sboh.wa.gov, website <https://sboh.wa.gov/Rulemaking/CurrentRulesandActivity/NewbornScreeningOTCD>.

Additional comments: To be added to the listserv for notifications regarding this rule making, email Samantha.pskowski@SBOH.wa.gov with the subject line "Newborn Screening - OTCD." For more information, please view the website at <https://sboh.wa.gov/Rulemaking/CurrentRulesandActivity/NewbornScreeningOTCD>.

February 3, 2022
Michelle A. Davis
Executive Director

WSR 22-05-034
PREPROPOSAL STATEMENT OF INQUIRY
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed February 7, 2022, 7:00 p.m.]

Subject of Possible Rule Making: WAC 392-401-020 Excused absences, proposing to include mental health as an excusable absence.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.300.046.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of superintendent of public instruction (OSPI) is considering rule making to include mental health as an excusable absence under WAC 392-401-020. Currently, the WAC section includes physical health illnesses, appointments, and treatments. Including language specifying mental health would make clear that mental health has as much significance as physical health and is similarly important to one's overall wellbeing. In addition, the ability to compile data concerning absences due to mental health will provide important information in developing and improving strategies for student support systems.

Process for Developing New Rule: Early solicitation of feedback and recommendations respecting new or amended rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Krissy Johnson, Attendance and Engagement, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6045, TTY 360-664-3631, email krissy.johnson@k12.wa.us, website k12.wa.us; or Bridget Underdahl, Attendance and Engagement, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-790-0527, TTY 360-664-3631, email bridget.underdahl@k12.wa.us, website k12.wa.us.

February 2, 2022.
Chris P. S. Reykdal
State Superintendent
of Public Instruction

WSR 22-05-043

PREPROPOSAL STATEMENT OF INQUIRY
BUILDING CODE COUNCIL

[Filed February 8, 2022, 3:35 p.m.]

Subject of Possible Rule Making: Chapter 51-51 WAC, Adoption and amendment of the 2021 International Residential Code.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.031, 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state building code council regularly reviews the Washington state residential code, as outlined in chapter 51-04 WAC and RCW 19.27.074, to evaluate revisions made to the International Residential Code, and to consider proposals for statewide code amendments. The estimated effective date of the 2021 codes is July 1, 2023.

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: Stakeholder and subject expert technical advisory group review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John McEntyre, Code Specialist, 1500 Jefferson Street S.E., Olympia, WA 98504-1449, phone 360-801-6633, email john.mcentyre@des.wa.gov, website www.sbcc.wa.gov.

February 7, 2022
Andrew S. Klein
Chair

WSR 22-05-044

PREPROPOSAL STATEMENT OF INQUIRY
BUILDING CODE COUNCIL

[Filed February 8, 2022, 3:37 p.m.]

Subject of Possible Rule Making: Chapter 51-50 WAC, Adoption and amendment of the 2021 International Building Code—Structural Provisions.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 19.27.031, 19.27.074.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The state building code council regularly reviews the Washington State Building Code, as outlined in chapter 51-04 WAC and RCW 19.27.074, to evaluate revisions made to the International Building Code, and to consider proposals for statewide code amendments. The estimated effective date of the 2021 codes is July 1, 2023.

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: Stakeholder and subject expert technical advisory group review.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting John McEntyre, Code Specialist, 1500 Jefferson Street S.E., Olympia, WA 98504-1449, phone 360-801-6633, email john.mcentyre@des.wa.gov, website www.sbcc.wa.gov.

February 7, 2022
Andrew S. Klein
Chair

WSR 22-05-052
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Aging and Long-Term Support Administration)
[Filed February 9, 2022, 11:52 a.m.]

Subject of Possible Rule Making: The department is considering adding clarifying language to WAC 388-112A-0490 What are the specialty training requirements for applicants, resident managers, administrators, and other types of entity representatives in adult family homes, assisted living facilities, and enhanced services facilities? The department may amend other related rules as required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.20.270, 18.88B.021, 18.88B.035, 70.128.230, 71A.12.030, 74.39A.009, 74.39A.070, 74.39A.074, 74.39A.341, 74.39A.351.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of social and health services (DSHS) business analysis and applications unit personnel have brought forward a concern related to the different types of certificates for specialty training required for applicants, resident managers, administrators, and other types of entity representatives in adult family homes, assisted living facilities, and enhanced services facilities. Clarification would improve understanding around which certificates, and in turn which version of the specialty curricula, must be completed for new applications.

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

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Angel Sullivan, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-2495, fax 360-438-8633, TTY 1-800-833-6388, email angel.sullivan@dshs.wa.gov.

February 9, 2022
Katherine I. Vasquez
Rules Coordinator

**WSR 22-05-068
WITHDRAWAL OF
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS**

[Filed February 14, 2022, 7:24 a.m.]

Pursuant to RCW 34.05.335 and WAC 1-21-060, the department of retirement systems withdraws Preproposal statement of inquiry (CR-101) WSR 05-12-034, filed May 24, 2005, property division in dissolution orders.

Comments, questions, or concerns may be directed to Rubi Reaume at 360-664-7311, or drs.rules@drs.wa.gov.

Rubi Reaume
Rules Coordinator

WSR 22-05-084
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF HEALTH
(Board of Denturists)
[Filed February 15, 2022, 12:26 p.m.]

Subject of Possible Rule Making: Chapter 246-812 WAC, Board of denturists. The board of denturists (board) is considering amending the infection control standards purpose statement in WAC 246-812-501 to ensure policies and procedures are maintained. The board is also considering establishing new sections of rule for requirements for prefabricated implant abutments.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.30.065.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The rule amendment is being considered by the board to ensure that a licensed dentist develop and maintain written infection control policies and procedures appropriate for the dentist services provided by the facility.

The board is also considering adding new rules for the use of prefabricated implant abutments. The board received a question asking if a dentist could place a prefabricated implant abutment. Three members of the board serve on the dental collaboration committee with dental quality assurance and dental hygiene examining committee members. The dental collaboration committee met with interested individuals discussing placement of prefabricated implant abutments by denturists. The committee asked the board to further evaluate chapters 18.30 RCW and 246-812 WAC related to the scope of practice. The board determined that a CR-101 be filed to start the official rule-making process to consider clarifying when a dentist can place the abutment.

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 Vicki Brown, Office of Health Professions, Board of Denturists, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4865, fax 360-236-2901, TTY 711, email vicki.brown@doh.wa.gov, website www.doh.wa.gov.

Additional comments: <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. Interested parties may sign up to receive rule-making notices at www.doh.wa.gov, select the green Subscribe button at the bottom of the page.

February 15, 2022
Trina Crawford
Executive Director

WSR 22-05-093

PREPROPOSAL STATEMENT OF INQUIRY

DEPARTMENT OF AGRICULTURE

[Filed February 16, 2022, 7:56 a.m.]

Subject of Possible Rule Making: Chapter 16-401 WAC, Nursery inspection fees; and chapter 16-470 WAC, Quarantine—Agricultural pests. The department is considering restructuring, increasing, and consolidating fees for inspections requested by stakeholders, nursery license fees, nematode laboratory fees, and plant pathology laboratory fees. The department is also considering revising language to increase clarity and readability and to conform with current industry practices.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.13.260, 15.13.280, 15.14.015, and 17.24.131.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department's plant services program provides inspection and certification services to businesses across Washington state. Some of these services include the inspection, sampling and testing of a wide variety of agricultural commodities for export and issuing export certificates that allow the commodity to enter another state or country. Program inspectors also provide regulatory inspection of licensed nurseries, conducting hundreds of physical and virtual inspections annually to ensure plants for sale meet Washington's quarantine requirements, and are free of pests and diseases. Over 5,000 nurseries pay an annual licensing fee based on plant sales. These fees are the primary funds supporting the nursery inspection program. The plant services program also maintains an official nematode laboratory in Prosser, that tests a number of exported agricultural commodities for quarantine species of nematodes and serves the agency's seed certification program as well. The department's Plant Pathology and Molecular Diagnostics Lab provides testing for phytosanitary certification necessary for both domestic and international export of many plants. Diagnostic services are also available, primarily on agricultural crops, but also nursery stock and some other hosts. The laboratory also participates in plant disease surveys in cooperation with the United States Department of Agriculture and other agencies. These activities directly support the agricultural industry by keeping unwanted pests out of Washington, protecting growers and the natural environment, and facilitating the movement of agricultural products. Fees for these programs were last increased in 2015, however, cost projections indicate that at the current rates, the programs will not have enough revenue to meet operating expenses within the next year. There has been an 11 percent increase in employee salaries and benefits since 2015. Expenses for vehicles and other costs of maintaining staff have increased as well. An additional inspector was added to the plant services program in 2021, utilizing 60 percent grant funding, to enable online enforcement of plant quarantines, something the industry has greatly encouraged the agency to undertake. Current fees are well below competitive rates and do not allow for additional staff to be hired to meet demand. Additionally, some of the current fees charged for services provided by inspectors are not adequate to compensate the program for the costs of providing such services. The department is considering an increase in fees so that the fees cover the costs of services rendered.

Increasing fees is necessary to maintain the financial stability of the programs, so that they may continue to meet current demand and provide valuable services to businesses across the state.

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholder groups. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearings.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Brad White, Assistant Director, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-951-4056, fax 360-902-2094, TTY 800-833-6388 or 711, email bwhite@agr.wa.gov, website <https://agr.wa.gov/services/rulemaking>; or Cindy Cooper, Plant Services Program Manager, Plant Protection Division, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-870-5069, fax 360-902-2094, TTY 800-833-6388 or 711, email ccooper@agr.wa.gov, website <https://agr.wa.gov/services/rulemaking>.

February 16, 2022
Brad White
Assistant Director

WSR 22-05-099
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed February 16, 2022, 9:29 a.m.]

Subject of Possible Rule Making: WAC 296-127-010 Definition of ordinary maintenance for chapter 296-127 WAC.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 39.12 RCW.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule making will consider changes to the definition of "ordinary maintenance," including "ordinary maintenance" specific to work on residential properties owned by housing authorities.

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 department of labor and industries (L&I) will develop the rule language with input from housing authorities, the prevailing wage advisory committee and other interested parties. Interested parties may participate in the decision to adopt the amended rules and formulation of the rules before publication by contacting the individual below. The public may also participate after amendments are proposed by providing written comments and/or testimony during the public hearing and comment period.

For more information on this rule making, visit L&I's rule-making activity website at <https://www.Lni.wa.gov/rulemaking-activity/> or contact the individual below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ellen Saline, L&I, Fraud Prevention and Labor Standards Division, P.O. Box 44400, Olympia, WA 98504-4400, phone 360-902-4475, email PWRules@Lni.wa.gov.

February 16, 2022
Joel Sacks
Director

WSR 22-05-101
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed February 16, 2022, 10:47 a.m.]

Subject of Possible Rule Making: Overlapping service for dual members of first class cities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.50.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: State pension plans limit a person from receiving more than one retirement service credit per month. This rule provides direction on how situations of excess service credit will be handled by the department.

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 Rubi Reaume, Department of Retirement Systems, P.O. Box 48380, Olympia, WA 98504-8380, phone 360-664-7311, TTY 711, email drs.rules@drs.wa.gov, website www.drs.wa.gov/rules.

February 16, 2022
Rubi Reaume
Rules Coordinator