

WSR 18-13-043
RULES OF COURT
STATE SUPREME COURT

[June 7, 2018]

IN THE MATTER OF SUGGESTED ) AMENDED
AMENDMENTS TO APR 28—LIMITED ) ORDER
PRACTICE RULE FOR LIMITED ) NO. 25700-A-1231
LICENSE LEGAL TECHNICIANS; APR )
28 APPENDIX—REGULATION 2 )
PRACTICE AREAS—SCOPE OF PRAC- )
TICE AUTHORIZED BY LIMITED )
LICENSE LEGAL TECHNICIAN RULE; )
APR 28 APPENDIX REGULATION 3— )
EDUCATION REQUIREMENTS FOR )
LLLT APPLICANTS AND APPROVAL )
OF EDUCATION PROGRAMS; OF THE )
APR 28 LIMITED LICENSE LEGAL )
TECHNICIAN BOARD; RULES OF )
PROFESSIONAL CONDUCT (RPC) )
1.0B—ADDITIONAL WASHINGTON )
TERMINOLOGY; RPC 1.17—SALE OF )
LAW PRACTICE; RPC 4.3—DEALING )
WITH A PERSON NOT REPRESENTED )
BY A LAWYER; RPC 5.8—MISCON- )
DUCT INVOLVING LAWYERS AND )
LLLTs NOT ACTIVELY LICENSED TO )
PRACTICE LAW; RPC 8.1—BAR )
ADMISSION AND DISCIPLINARY )
MATTERS; AND LLLT RULES OF PRO- )
FESSIONAL CONDUCT (LLLT RPC) )
LLLT RPC 1.0B—ADDITIONAL TER- )
MINOLOGY; LLLT RPC 1.2—SCOPE )
OF REPRESENTATION AND ALLOCA- )
TION OF AUTHORITY BETWEEN CLI- )
ENT AND LLLT; LLLT RPC 1.5—FEES; )
LLLT RPC 1.8 CONFLICT OF INTER- )
EST: CURRENT CLIENTS: SPECIFIC )
RULES; LLLT RPC 1.15A—SAFE- )
GUARDING POLICY; LLLT RPC 1.16— )
DECLINING OR TERMINATING REP- )
RESENTATION; LLLT RPC 1.7 SALE )
OF A LAW PRACTICE; LLLT RPC 2.3 )
[RESERVED]; LLLT RPC 3.1—ADVIS- )
ING AND ASSISTING CLIENTS IN )
PROCEEDINGS BEFORE A TRIBU- )
NAL; LLLT RPC 3.6-3.9 [RESERVED]; )
LLLT RPC 4.1—TRUTHFULNESS IN )
STATEMENTS TO OTHERS; LLLT RPC )
4.2—COMMUNICATION WITH PER- )
SON REPRESENTED BY LAWYER; )
LLLT RPC 4.3—DEALING WITH PER- )
SON NOT REPRESENTED BY LAW- )
YER; LLLT RPC 5.4—PROFESSIONAL )
INDEPENDENCE OF A LLLT; LLLT RPC )
5.5 UNAUTHORIZED PRACTICE OF )
LAW; LLLT RPC 8.1—LICENSING, )
ADMISSION, AND DISCIPLINARY )
MATTERS; LLLT RPC 8.4—MISCON- )
DUCT )

The Washington State Supreme Court Limited License Legal Technician Board, having recommended the suggested amendments to Limited License Legal Technician (LLLT) Board Suggested Amendments to APR 28—Limited Practice Rule for Limited License Legal Technicians; APR 28 Appen-

dix; Rules of Professional Conduct (RPC); and LLLT Rules of Professional Conduct (LLLT RPC), and the Court having considered the amendments and comments submitted thereto;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendments as shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than September 14, 2018. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 7th day of June, 2018.

For the Court

Fairhurst, C.J.

CHIEF JUSTICE

GR9 COVER SHEET

Suggested Amendments
ADMISSION AND PRACTICE RULES (APR) 28
Limited Practice Rule for Limited License Legal Technicians
Submitted by the Limited License Legal Technician Board

A. Name of Proponent:

Limited License Legal Technician (LLLT) Board

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C. Purpose:

The primary purpose of the suggested amendments is to enhance the scope of the Limited License Legal Technician (LLLT) domestic relations practice area in order to improve the LLLT's ability to render efficient and effective legal services to pro se clients.

These suggested amendments will enable LLLTs to better serve their clients by allowing LLLTs to provide a wider range of services and more support in the courtroom. This more cohesive set of services will help LLLTs provide much needed access to legal services, guidance, and advice, to low and moderate income pro se clients. The suggested amendments have been discussed and reviewed at length and are designed to enhance the existing domestic relations practice area consistent with client needs and the intended role of LLLTs as legal practitioners.

The LLLT Board began discussing possible enhancements to the domestic relations practice area in late 2014 in response to questions and concerns from law school professors who were teaching the LLLT practice area classes. Students in the LLLT classes, practicing LLLTs, and lawyers who work with LLLTs also raised several issues and offered ideas for ways in which the domestic relations scope could be improved to allow LLLTs to provide a more cohesive set of services to their clients.

The Family Law Advisory Workgroup of the LLLT Board was charged with discussing these questions and offering recommendations to the LLLT Board regarding the possible ways in which the scope of practice could be adjusted. The Family Law Advisory Workgroup includes members of the Board (including family law lawyers), other family law practitioners, lawyers who practice in other legal areas, and a practicing LLLT. The Family Law Advisory Workgroup worked collaboratively with several of the law professors teaching the family law practice area classes as well as solicited further information from practicing LLLTs. Throughout 2016 and the beginning of 2017, the workgroup studied the issues and provided recommendations to the LLLT Board. The LLLT Board approved the suggested amendments in early 2017 and presented information generally describing the intended enhancements to the domestic relations scope of practice to the Supreme Court on March 8, 2017, and to the Board of Governors on May 19, 2017.

The LLLT Board posted the suggested amendments on the WSBA website and solicited comments between May and July 2017. Over 30 comments were received from lawyers, LLLTs, at least one client of a LLLT, a firm employing a LLLT, a member of the Board of Bar Examiners, the King County Bar Association Family Law Section, a member of the WSBA Family Law Section Executive Committee, the Northwest Justice Project, and members of the public. On August 16, 2017, the Family Law Advisory Workgroup reviewed the comments submitted, discussed all comments that posed specific drafting questions or suggestions in detail, and modified and refined the suggested amendments where it deemed necessary. The modifications were also responsive to the informal feedback received from the Access to Justice Board's Rules Committee. At its August 17, 2017, meeting, the LLLT Board approved the suggested amendments as modified by the Family Law Advisory Workgroup.

The following describes each suggested amendment and the amendment's purpose and intended effect:

#### **APR 28(B)**

The Board suggests an administrative amendment to APR 28 (B)(1) to correct the reference to the "Admission to Practice Rules" to the "Admission and Practice Rules."

The Board's suggested amendment to APR 28 (B)(4) strikes a phrase relating to the current prohibition on LLLTs attending court proceedings, which would be modified by these suggested amendments. The nature of a LLLT's client being "pro se" is preserved in APR 28(F), Scope of Practice Authorized by Limited Practice Rule, rather than including it in the definition of a LLLT.

#### **APR 28(F)**

The Board has suggested several administrative amendments to the first paragraph of APR 28(F). The amendments are designed to unify the terminology used in the introduction to APR 28, repeating phrases such as "render legal assistance" and reinforcing that the LLLT is providing limited legal assistance to a pro se client. The amendments would also clarify that LLLTs have an affirmative duty to inform clients to seek the services of a lawyer when an issue outside of their scope of practice has been identified. In APR 28 (F)(3), a further clarification of the LLLT's duties to clients with respect to filing and service of documents was added, stating specifically that the LLLT may both advise and assist clients in correctly filing and serving documents.

The suggested amendments would delete the words "from the opposing side" from APR 28 (F)(5) in order to delineate that LLLTs may review documents or exhibits provided to the client from any source, not only from the opposing side. The suggested amendment to what will be APR 28 (F)(10) is grammatical, changing "a client" to "the client" in order to create consistency with the other paragraphs in the subsection. The suggested change to what will be APR 28 (F)(11) is semantic, changing "documents" to "records" in order to better describe the list of records that follows.

APR 28 (F)(12) and (13) are new suggested subsections that relate to the enhancements to the LLLT scope of practice. New APR 28 (F)(12) suggests that LLLTs be permitted to communicate or negotiate with the opposing party or the party's representative regarding procedural matters. New APR 28 (F)(13) suggests that LLLTs be permitted to negotiate the client's legal rights or responsibilities provided that the client has given written consent defining the parameters of the negotiation. LLLTs and lawyers for the opposing party have reported that significant barriers to efficient case administration are imposed by the current restriction that LLLTs must not communicate with anyone other than the client regarding the subject matter of the representation. LLLTs have encountered difficulties instructing their clients about how to independently accomplish various ministerial activities such as rescheduling hearing dates, confirming service addresses, and informing opposing parties when an issue with their pleadings has been identified. The LLLT Board believes that communication regarding procedural matters should be allowed in order to increase efficiency of the services LLLTs provide to their clients.

The new subsection APR 28F(14) would provide that additional types of legal assistance not otherwise prohibited generally by APR 28 could be authorized by regulations relating to the scope of practice permitted within a specific practice area. This would allow LLLTs to provide certain legal assistance necessary for a particular approved practice area but that may not be needed, justified, or wise to include within the scope of all approved practice areas.

**APR 28(G)**

Three amendments to APR 28(G) have been suggested. The first would delete the words "appear or" from APR 28 (G)(2)(a) in order to coordinate this section with suggested amendments to the domestic relations scope of practice in Regulation 2(B). The second suggested amendment in the same paragraph would reinforce that LLLTs must look to the specific regulation regarding their practice area to fully comprehend their scope of practice.

The third suggested amendment in APR 28 (G)(4) would preserve the LLLT's obligation to sign documents and pleadings they prepare while allowing an exception for LLLTs assisting a client or a third party in preparing a declaration or sworn statement. Requiring LLLTs to sign the sworn statement of another person deviates from common practice among lawyers when preparing declarations for signature by a client or third party.

**APR 28(H)**

The suggested amendments to APR 28(H) would unify the amendments to the domestic relations scope in Regulation 2 with the permitted actions under the LLLT license. The suggested amendment to APR 28 (H)(5) would reinforce that to understand the entirety of the scope of practice for a licensed LLLT, one must look to the specific practice area regulation.

The suggested amendments to APR 28H(6) would allow LLLTs to negotiate with the opposing party or their representative when the client has defined the scope of the negotiation prior to its onset. The current prohibition against LLLTs negotiating for their clients has frequently resulted in situations where the LLLT must schedule hearings regarding issues that could likely be negotiated, thereby using substantially more of the parties' and the court's time and unnecessarily increasing the cost of the representation. Additionally, LLLT clients who are in the midst of a difficult dissolution, custody battle, or domestic violence dispute may find themselves in the position of being contacted by their spouse or abuser when it would be in their best interest to have a third party act as the mediator or contact person. Also significantly, a number of lawyers for opposing parties have reported that they would prefer to negotiate with a legal professional rather than a pro se layperson who is emotionally involved in the outcome of the issue. For LLLTs who are multilingual, being able to negotiate with opposing parties would also allow them to maximize essential services to clients who may not speak English but do speak the same language(s) as the LLLT.

The suggested additions of what would be APR 28 (H)(8) and (9) would move prohibitions that previously existed in the LLLT domestic relations scope regulation to this subsection because these restrictions should apply to all LLLTs, regardless of approved practice area.

**APR 28 Regulation 2(A)**

In APR 28 Regulation 2(A), the suggested amendments are purely administrative and would align the style with other portions of APR 28.

**APR 28 Regulation 2(B)**

APR 28 Regulation 2(B) provides a detailed treatment of the scope of the LLLT domestic relations practice. The sug-

gested amendments to APR 28 Regulation 2 (B)(1) would modify the permitted scope of practice by including all parenting plan modifications and nonparental custody actions. For protection orders, the LLLT family law scope of practice is currently limited to domestic violence actions only. The suggested amendments would add other protection or restraining orders arising from a domestic relations case in addition to the current domestic violence protection orders. Additionally, the suggested amendments reorganized the listing of the permitted actions to be roughly sequential from primary actions through modifications and other related actions.

Currently, LLLTs are permitted to help clients with uncontested parenting plan modifications but may not advise or assist clients regarding contested major parenting plan modifications unless the terms have been agreed to by the parties before the onset of the representation. Because of the existing prohibition in APR 28 Regulation 2(B), clients have not been able to obtain advice from the LLLT on the relevant issues that will be before the court for determination at an adequate cause hearing. Under the current provisions, therefore, the client must attempt to negotiate the terms of major parenting plan modifications without receiving advice from the LLLT as the client prepares to argue the issues. The LLLT Board recommends that LLLTs be permitted to assist with all major modification cases up to the point of the adequate cause hearing, and thus, suggests removing the phrase "when the terms are agreed to by the parties."

The LLLT Board also suggests that LLLTs be permitted to assist with nonparental custody cases up to the point of the adequate cause hearing. Tens of thousands of children in Washington live with a guardian other than a parent. Very few of these guardians have legal custody, which causes complex problems with access to medical, educational, and housing services. Child in Need of Services cases and dependencies are commonly resolved through nonparental custody with relatives and family friends, who often cannot afford to hire an attorney. Additionally, nonparental custody matters are accomplished through the use of pattern forms which LLLTs can be trained to use competently. Permitting LLLTs to assist with these matters would promote judicial efficiency by helping pro se parties navigate this aspect of the legal system.

The first paragraph of APR 28 Regulation 2 (B)(2) contains suggested stylistic amendments. It also would clarify that a domestic relations LLLT may provide legal services specified by the Regulation. The suggested amendments to APR 28 Regulation 2 (B)(2)(a) are grammatical.

In APR 28 Regulation 2 (B)(2)(b), the suggested substantive amendments would permit a LLLT to provide services related to the division of real property. In the current text of APR 28, there is an absolute prohibition in Regulation 2 (B)(3)(i) against dividing real property. This restriction was originally called into question by the professors and students participating in the LLLT family law practice area classes. Practicing LLLTs reported that clients experienced significant barriers because of the LLLTs' inability to divide the family home as part of the legal process.

In response to these issues, the LLLT Board suggests that LLLTs be allowed to assist with gathering information on the value and potential encumbrances on a home, as cli-

ents are often unable to independently find the information necessary for the court to evaluate the value of their real property assets. The LLLT Board also suggests that LLLTs be allowed to advise and assist with division of single family residential real property in which the parties have equity of up to twice the homestead exemption (currently \$125,000; see RCW 6.13.030). This would allow two parties who own a home together to potentially divide the equity in the home and preserve their maximum exemption if either party files for bankruptcy at a later date. The homestead exemption is set by the legislature and adjusted periodically according to economic factors.

Real property division was prohibited by the LLLT Board when initially contemplated because there were concerns about being able to adequately address the topic in the practice area curriculum. The family law professors and the Family Law Advisory Workgroup of the LLLT Board worked together to address this issue. The professors and Workgroup believe that it would be possible to teach LLLTs how to divide single family residential real property using the current family law forms because the mandatory forms were designed, in large part, to be able to be completed by pro se litigants. The LLLT Board has developed a checklist for LLLTs to use when dividing property; a sample is enclosed. The checklist collects important information about the disposition of the property, liens, encumbrances, and remedies in the case of default. The family law professors plan to revise the existing LLLT family law education curriculum to allow LLLTs to capably perform this limited scope of real estate division.

APR 28 Regulation 2 (B)(3)(c)(i) currently prohibits LLLTs from advising clients about or dividing retirement assets using a supplemental order, including all defined benefit plans and defined contribution plans. The family law professors and the Family Law Advisory Workgroup believe this prohibition is too restrictive. Under suggested APR 28 Regulation B (2)(c) and (d), LLLTs would be permitted to advise as to retirement asset allocation for specified retirement plans and include language in a decree describing how QDROs or supplemental orders are to be prepared. LLLTs would continue to be prohibited from preparing the actual QDRO or supplemental order dividing retirement assets.

Suggested APR 28 Regulation 2 (B)(2)(e) addresses LLLT participation in alternative dispute resolution proceedings and suggested section 2 (B)(2)(f) would specifically allow LLLTs to accompany, assist, and confer with their pro se clients at depositions. Alternative dispute resolution (such as mediation, arbitration, or settlement conferences) is mandated in contested family law cases in Washington State; it would be a significant help to clients and to the court system to permit LLLTs to assist with mediations in family law cases. Professors and practitioners on the Family Law Advisory Workgroup noted that sending a client into the mediation without support - when that person may or may not understand the nature of the process or the finer details of the case - would likely set up the client for failure. The current prohibition was initially designed to align with the prohibition on negotiation. If the suggested amendment removing the prohibition against negotiation in APR 28 (H)(6) is adopted, the Board believes there would be no reason to

restrict LLLT participation in alternative dispute resolution proceedings.

Similarly, suggested section 2 (B)(2)(f) would allow a LLLT to accompany the pro se client at a deposition. The LLLT would not take or defend the deposition and would not make objections. The LLLT could provide advice and explain questions and their impact to the client during breaks.

Suggested section 2 (B)(2)(g) would allow LLLTs to present agreed orders, uncontested orders, default orders and accompanying documents. Today, paralegals and legal assistants without a license to practice law are permitted to appear at ex parte calendars to present orders for entry in most counties in Washington. When a court denies entry of ex parte orders there is no record (transcript, clerk's notes, or recording) for a LLLT to rely upon to determine why the orders were not entered if the client does not understand or cannot properly convey a court's reasoning. The LLLT risks sending a client back to court without fully resolving the issue(s) that caused the initial denial. Permitting a LLLT to present orders for ex parte entry on behalf of the client would ensure that the client's case will be properly finalized and provides assurance for the LLLT that documents bearing their signature have been properly handled.

Suggested section 2 (B)(2)(h) would allow LLLTs to accompany and assist their pro se clients at certain hearings and respond to direct questions from the court or tribunal regarding factual and procedural issues only. The LLLT could not represent the client like a lawyer would. The permitted hearings would be primarily motion hearings, as well as administrative child support hearings. Section (h)(i) would allow LLLTs to accompany and assist clients at hearings related to domestic violence protection orders and other protection or restraining orders arising from a domestic relations case. The current prohibition against participating in court proceedings has presented significant barriers to the LLLTs' ability to provide efficient services to clients. LLLTs report that mistakes made by clients at hearings, such as incorrectly answering questions from the judge due to a lack of understanding of legal terminology, handing the court the wrong suggested order, and not understanding orders from the court or court procedures, are negatively impacting the cases by causing unnecessary confusion, repetition, and delays.

The amendments to the main paragraph of APR 28 Regulation 2 (B)(3) and sections (a) and (b)(i) and (b)(ii) are grammatical. Substantive amendments regarding the division of real estate and retirement assets can be found in (b)(iii). This amendment would clarify that division or conveyance of formal business entities, commercial property, or residential property would be prohibited except as permitted in Regulation 2 (B)(2)(b).

Regulation 2 (B)(3)(b)(iv) is a new section containing the current prohibition on LLLTs preparing QDROs and supplemental orders dividing retirement assets.

The LLLT Board suggests removing what is currently Regulation 2 (B)(3)(b)(iv) because criminal no contact orders are entered by prosecutors and therefore LLLTs would not be able to enter them even if permitted to do so. Other protection orders currently prohibited in Regulation 2 (B)(3)(b)(iv) would also be removed by this amendment because other

amendments would permit LLLTs to render these forms of legal assistance if they arise from a domestic relations case.

The new suggested section (ix) would permit LLLTs to render legal assistance with nonparental custody matters and major parenting plan modifications through the adequate cause hearing, unless the terms are agreed to by the parties or one party defaults, in which case there is no prohibition.

The new suggested section (b)(xi) would prohibit LLLTs from providing legal assistance with objections or responses in contested relocation actions.

The suggested deletions of sections (d) and (e) relating to the taking of a deposition and responding to or initiating an appeal have been moved to general prohibitions under APR 28H.

### APR 28 Regulation 3(C)

If the suggested amendments are adopted, changes to the domestic relations scope of practice will require currently licensed LLLTs receive additional training about the enhancements outlined in the suggested amendments. The LLLT Board intends to create and offer mandatory continuing legal education to accomplish this. The LLLT Board will provide notice of the supplemental education requirement and the deadline for completion of the requirement to LLLT candidates and currently licensed LLLTs.

### Conclusion

The Court adopted the LLLT license in order to provide greater public access to trained and licensed legal professionals within an approved area of law and proscribed scope of practice. This new and innovative model has drawn notice throughout the country and the world. Educators, Board members, and newly practicing LLLTs have had the opportunity to critically examine the LLLT service model and to observe how the initial formulation of the domestic relations scope of practice impacted clients. Based on those observations and an examination of the license to date, the LLLT Board believes these suggested amendments will serve to enhance public access to the legal system in Washington and will allow LLLTs to provide more comprehensive services to pro se clients in need of legal assistance in family law. These suggested amendments are presented along with corresponding suggested amendments to the LLLT Rules of Professional Conduct and the Rules of Professional Conduct for lawyers that are necessary to implement the suggested amendments to APR 28. The LLLT Board requests the Court adopt all the suggested amendments together.

**D. Hearing:** Because of the outreach conducted and input previously received by the LLLT Board, a hearing is not requested.

**E. Expedited Consideration:** Expedited consideration is requested in order to promote the effective practice of licensed LLLTs and align the curriculum of the next cohort of LLLT students.

**F. Supporting Material:** In addition to the submission of the suggested amendments to APR 28, a copy of the suggested amendments to the LLLT RPC and the Lawyer RPC are included. The LLLT Board is also providing a sample of a Real Property Disposition Form and the April 3, 2017 letter from the Court to the LLLT Board, which stated, "A majority of the Court voted yes to expanding the family law area."

### SUGGESTED AMENDMENTS TO APR 28

#### TITLE

ADMISSION AND PRACTICE RULES (APR)

**RULE 28. LIMITED PRACTICE RULE FOR LIMITED LICENSE LEGAL TECHNICIANS**

#### A. Purpose.

[NO CHANGES]

**B. Definitions.** For purposes of this rule, the following definitions will apply:

(1)-(3) [NO CHANGES]

(4) "Limited License Legal Technician" (LLL) means a person qualified by education, training and work experience who is authorized to engage in the limited practice of law in approved practice areas of law as specified by this rule and related regulations.

(5)-(10) [NO CHANGES]

#### C. Limited License Legal Technician Board

[NO CHANGES]

#### D. [Reserved.]

#### E. [Reserved.]

**F. Scope of Practice Authorized by Limited Practice Rule.** The Limited License Legal Technician shall ascertain whether the issue is within the defined practice area for which the LLLT is licensed. If it is not, the LLLT shall not render any legal assistance on this issue and shall advise the client to seek the services of a lawyer. If the issue is within the defined practice area, the LLLT may render the following limited legal assistance to a pro se client:

(1)-(2) [NO CHANGES]

(3) Inform the client of and assist with applicable procedures for proper service of process and filing of legal documents;

(4) [NO CHANGES]

(5) Review documents or exhibits that the client has received ~~from the opposing side~~, and explain them to the client;

(6)-(7) [NO CHANGES]

(8) Draft letters setting forth legal opinions that are intended to be read by persons other than the client; ~~and~~

(9) Draft documents beyond what is permitted in paragraph (6), if the work is reviewed and approved by a Washington lawyer;

~~(10)~~ Advise the a client as to other documents that may be necessary to the client's case, and explain how such additional documents or pleadings may affect the client's case;

~~(11)~~ Assist the client in obtaining necessary records documents, such as birth, death, or marriage certificates.

(12) Communicate and negotiate with the opposing party or the party's representative regarding procedural matters, such as setting court hearings or other ministerial or civil procedure matters;

(13) Negotiate the client's legal rights or responsibilities provided that the client has given written consent defining the parameters of the negotiation prior to the onset of the negotiation; and

(14) Render other types of legal assistance when specifically authorized by the scope of practice regulations for the approved practice area in which the LLLT is licensed.

### G. Conditions Under Which A Limited License Legal Technician May Provide Services

(1)-(2) [NO CHANGES]

(a) An explanation of the services to be performed, including a conspicuous statement that the Limited License Legal Technician may not ~~appear or~~ represent the client in court, formal administrative adjudicative proceedings, or other formal dispute resolution process or negotiate the client's legal rights or responsibilities, unless permitted under GR 24(b) or specifically authorized by the scope of practice regulations for the approved practice area in which the LLLT is licensed;

(b)-(g) [NO CHANGES]

(4) A document prepared by an LLLT shall include the LLLT's name, signature, and license number beneath the signature of the client. LLLTs do not need to sign sworn statements or declarations of the client or a third party, and do not need to sign documents that do not require a signature by the client, such as information sheets.

**H. Prohibited Acts.** In the course of dealing with clients or prospective clients, a Limited License Legal Technician shall not:

(1)-(4) [NO CHANGES]

(5) Represent a client in court proceedings, formal administrative adjudicative proceedings, or other formal dispute resolution process, unless permitted by GR 24 or specifically authorized by the scope of practice regulations for the approved practice area in which the LLLT is licensed;

~~(6) Negotiate the client's legal rights or responsibilities, or communicate with another person the client's position or convey to the client the position of another party, unless permitted by GR 24(b);~~

~~(67) Provide services to a client in connection with a legal matter in another state, unless permitted by the laws of that state to perform such services for the client;~~

~~(78) Represent or otherwise provide legal or law related services to a client, except as permitted by law, this rule or associated rules and regulations;~~

~~(8) Conduct or defend a deposition;~~

~~(9) Initiate or respond to an appeal to an appellate court;~~ and

~~(109) Otherwise violate the Limited License Legal Technicians' Rules of Professional Conduct.~~

**I.-O.**

[NO CHANGES]

#### APPENDIX APR 28. REGULATIONS OF THE APR 28 LIMITED LICENSE LEGAL TECHNICIAN BOARD

REGULATION 1: [RESERVED.]

REGULATION 2: APPROVED PRACTICE AREAS--SCOPE OF PRACTICE AUTHORIZED BY LIMITED LICENSE LEGAL TECHNICIAN RULE

In each practice area in which an LLLT is licensed, the LLLT shall comply with the provisions defining the scope of practice as found in APR 28 and as described herein.

#### A. Issues Beyond the Scope of Authorized Practice.

(1)-(4) [NO CHANGES]

After an issue beyond the LLLT's scope of practice has been identified, if the client engages a lawyer with respect to the issue, then an LLLT may prepare a document related to the issue only if a lawyer acting on behalf of the client has

provided appropriate documents and written instructions for the LLLT as to whether and how to proceed with respect to the issue. If the client does not engage a lawyer with respect to the issue, then the LLLT may prepare documents that relate to the issue if:

~~(1):~~ 1 The client informs the LLLT how the issue is to be determined and instructs the LLLT how to complete the relevant portions of the document, and

~~(2):~~ 2 Above the LLLT's signature at the end of the document, the LLLT inserts a statement to the effect that the LLLT did not advise the client with respect to any issue outside of the LLLT's scope of practice and completed any portions of the document with respect to any such issues at the direction of the client.

~~The LLLT may proceed in the manner described above only if no other defined prohibitions apply.~~

#### B. Domestic Relations.

1. *Domestic Relations, Defined.* For the purposes of these Regulations, domestic relations shall include only the following actions: (a) divorce and dissolution child support modification actions, (b) parenting and support dissolution actions, (c) parentage or paternity domestic violence actions, except as prohibited by Regulation 2B(3), (d) child support modification committed intimate relationship actions only as they pertain to parenting and support issues, (e) parenting plan modification legal separation actions, (f) domestic violence protection orders major parenting plan modifications when the terms are agreed to by the parties before the onset of the representation by the LLLT, (g) committed intimate relationships only as they pertain to parenting and support issues minor parenting plan modifications, (h) legal separation parenting and support actions, (i) nonparental and third party custody paternity actions, and (j) other protection or restraining orders arising from a domestic relations case, and (k) relocation actions, except as prohibited by Regulation 2B(3).

2. *Scope of Practice for Limited License Legal Technicians—Domestic Relations.* LLLTs licensed in domestic relations may render provide legal services to clients as provided in APR 28F and this regulation, except as prohibited by APR 28H and Regulation 2B(3).

(a) Unless an issue beyond the scope arises or a prohibited act would be required, LLLTs may advise and assist clients with (1) to initiating e and responding to actions and related (2) regarding motions, discovery, trial preparation, temporary and final orders, and modifications of orders.

(b) LLLT legal services regarding the division of real property shall be limited to matters where the real property is a single family residential dwelling with owner equity less than or equal to twice the homestead exemption (see RCW 6.13.030). LLLTs shall use the form for real property division as approved by the LLLT Board.

(c) LLLTs may advise as to the allocation of retirement assets for defined contribution plans with a value less than the homestead exemption, and as provided in U.S. Internal Revenue Code (IRC) Sections 401 a; 401 k; 403 b; 457; and Individual Retirement Accounts as set forth in IRC section 408.

(d) LLLTs may include language in a decree of dissolution awarding retirement assets as described in APR 28 Regulation 2B (2)(c) when the respondent defaults, when the parties agree upon the award or when the court awards the assets

following trial. The award language in the decree shall identify (1) the party responsible for having the QDRO or supplemental order prepared and by whom, (2) how the cost of the QDRO or supplemental order preparation is to be paid, (3) by what date the QDRO or supplemental order must be prepared, and (4) the remedy for failure to follow through with preparation of the QDRO or supplemental order.

(e) LLLTs may prepare paperwork and accompany and assist clients in dispute resolution proceedings including mediation, arbitration, and settlement conferences where not prohibited by the rules and procedures of the forum.

(f) LLLTs, when accompanying their client, may assist and confer with their pro se clients at depositions.

(g) LLLTs may present to a court agreed orders, uncontested orders, default orders and accompanying documents;

(h) LLLTs, when accompanying their client, may assist and confer with their pro se clients and respond to direct questions from the court or tribunal regarding factual and procedural issues at the hearings listed below:

i. domestic violence protection orders and other protection or restraining orders arising from a domestic relations case;

ii. motions for temporary orders, including but not limited to temporary parenting plans, child support, maintenance, and orders to show cause;

iii. enforcement of domestic relations orders;

iv. administrative child support;

v. modification of child support;

vi. adequate cause hearings for nonparental custody or parenting plan modifications;

vii. reconsiderations or revisions;

viii. trial setting calendar proceedings with or without the client when the LLLT has confirmed the available dates of the client in writing in advance of the proceeding.

3. *Prohibited Acts.* In addition to the prohibitions set forth in APR 28H FF, in the course of rendering legal services to dealing with clients or prospective clients, LLLTs licensed to practice in domestic relations:

a. shall not render legal services to represent more than one party in any domestic relations matter;

b. shall not render provide legal services in:

i. ~~in~~ defacto parentage or nonparental custody actions; and

ii. actions that involve ~~if~~ 25 U.S.C. Chapter 21, the Indian Child Welfare Act, or RCW 13.38, the Washington State Indian Child Welfare Act, applies to the matter;

e. shall not advise or assist clients regarding:

iii. division or conveyance of owned real estate, formal business entities, commercial property, or residential real property except as permitted by Regulation 2B or retirement assets that require a supplemental order to divide and award, which includes division of all defined benefit plans and defined contribution plans;

iv. preparation of QDROs and supplemental orders dividing retirement assets beyond what is prescribed in Regulation 2 (B)(2)(d);

v. any retirement assets whereby the decree effectuates the division or the implementation of the division of the asset;

vi. ~~in~~ bankruptcy, including obtaining a stay from bankruptcy;

vii. ~~in~~ disposition of debts and assets, if one party is in bankruptcy or files a bankruptcy during the pendency of the proceeding, unless: (a) the LLLT's client has retained a lawyer to represent him/her in the bankruptcy, (b) the client has consulted with a lawyer and the lawyer has provided written instructions for the LLLT as to whether and how to proceed regarding the division of debts and assets in the domestic relations proceeding, or (c) the bankruptcy has been discharged;

iv. ~~anti-harassment orders, criminal no contact orders, anti-stalking orders, and sexual assault protection orders in domestic violence actions;~~

viii. ~~jointly acquired committed intimate relationship property issues in committed intimate relationship actions;~~

~~ix. major parenting plan modifications and nonparental custody actions beyond the adequate cause hearing unless the terms were agreed to by the parties or one party defaults before the onset of the representation by the LLLT;~~

x. ~~vii.~~ the determination of Uniform Child Custody Jurisdiction and Enforcement Act issues under RCW 26.27 or Uniform Interstate Family Support Act issues under RCW 26.21A unless and until jurisdiction has been resolved;

~~vii. xi. objections or responses in contested relocation actions objections to relocation petitions, responses to objections to relocation petitions, or temporary orders in relocation actions; and~~

xi. final revised parenting plans in relocation actions except in the event of default or where the terms have been agreed to by the parties.

d. shall not appear or participate at the taking of a deposition; and

e. shall not initiate or respond to an appeal to an appellate court.

### REGULATION 3: EDUCATION REQUIREMENTS FOR LLLT APPLICANTS AND APPROVAL OF EDUCATIONAL PROGRAMS

An applicant for admission as an LLLT shall satisfy the following education requirements:

#### A. Core Curriculum.

[NO CHANGES]

#### B. Practice Area Curriculum

[NO CHANGES]

**C. Required Supplemental Education.** The LLLT Board has discretion to require all LLLTs to complete supplemental education in order to maintain their licenses due to changes in the permitted scope of practice for LLLTs. The LLLT Board shall provide notice to LLLTs of the supplemental education requirement and the deadline for completion of the requirement, allowing at least 12 months to complete the required supplemental education. LLLTs may be administratively suspended pursuant to the procedures set forth in APR 17 if they fail to comply with the supplemental education requirements by the stated deadline.

#### 1. Domestic Relations.

[NO CHANGES]

### REGULATION 4-20

[NO CHANGES]

## GR9 COVER SHEET

**Suggested Amendments to  
RULES OF PROFESSIONAL CONDUCT (RPC)  
Submitted by the Limited License Legal Technician  
Board**

**A. Name of Proponent:**

Limited License Legal Technician (LLLT) Board

Staff Liaison/Contact:

Jean McElroy, Chief Regulatory Counsel

Washington State Bar Association (WSBA)

1325 Fourth Avenue, Suite 600

Seattle, WA 98101-2539

(Phone: 206-727-8277)

**B. Spokesperson:**

Stephen R. Crossland

Chair of LLLT Board

P.O. Box 566

Cashmere, WA 98815

(Phone: 509-782-4418)

**C. Purpose:**

These suggested amendments are presented in conjunction with suggested amendments to Admission and Practice Rule (APR) 28 and related Regulations and the LLLT Rules of Professional Conduct (LLLT RPC). The suggested amendments to APR 28 enhance the scope of the LLLT Family Law Practice Area. The LLLT Board began discussing possible enhancements to the domestic relations practice area in late 2014 in response to questions and concerns from law school professors who were teaching the LLLT practice area classes. Students in the LLLT classes, practicing LLLTs, and lawyers who work with LLLTs also raised several issues and offered ideas for ways in which the domestic relations scope could be improved to allow LLLTs to provide a more cohesive set of services to their clients. The suggested amendments to the LLLT RPC make necessary changes to align with the suggested amendments to APR 28. Therefore, the primary purpose of these suggested amendments to the Rules of Professional Conduct (Lawyer RPC) is to align the Lawyer RPC with the suggested amendments to APR 28 and the corresponding suggested amendments to the LLLT RPC to ensure consistency and accuracy across all three sets of rules.

As with the suggested amendments to the LLLT RPC, the LLLT Board requested that WSBA staff draft and recommend necessary amendments to the Lawyer RPC in order to align the Lawyer RPC with the suggested amendments to the LLLT RPC. In addition, WSBA staff presented the suggested amendments to the WSBA's Committee on Professional Ethics (CPE) in December 2017. The CPE approved of the suggested amendments and the LLLT Board subsequently approved these suggested amendments at its January 2018 meeting. The LLLT Board also presented these changes to the Board of Governors in January 2018. The following describes the LLLT Board's suggested amendments to the Lawyer RPC.

**Lawyer RPC 1.0B**

In 1.0B(b), definition of Legal Practitioner, the suggested amendments would remove "licensed under APR 28" to be consistent with the definition in the suggested amendments to APR 28 and the LLLT RPC.

In 1.0B(c), definition of Limited License Legal Technician, the suggested amendments would remove the final sentence because it is no longer accurate under the suggested amendments to APR 28. The removed sentence relates to the LLLT scope of practice (found in APR 28(F)) rather than a definition of a LLLT.

**Lawyer RPC 1.17**

The suggested amendments to Comment 19 would remove the description of when a LLLT cannot purchase a law practice because the current language is not correct in all circumstances. The substance of that sentence would be rewritten and included in the suggested amendments to the LLLT RPC as a new Comment 2 to LLLT RPC 1.17. A new reference to that comment would be added to this Comment 19.

**Lawyer RPC 4.3**

The suggested amendments to Comment 6 would remove language saying that LLLTs shall not negotiate because it will be permitted under certain conditions if the suggested amendments to APR 28 are adopted.

**Lawyer RPC 5.8**

The suggested amendments to Comment 2, would correct the reference to the Rules for Enforcement of Limited License Legal Technician Conduct (ELLLTC).

**Lawyer RPC 8.1**

The suggested amendments to RPC 8.1 would better reflect the unified admissions, licensing and disciplinary processes for all license types in Washington now that LLLTs and LPOs are members of the WSBA.

**Throughout**

References to specific subparts of APR 28 would be removed and replaced with a general reference to APR 28 or a reference to APR 28 and related Regulations. This allows the Lawyer RPC to remain accurate even if specific provisions of APR 28 change.

**Conclusion**

The LLLT Board believes it is important that these suggested amendments to the Lawyer RPC be adopted and effective together with the suggested amendments to APR 28 and the LLLT RPC as soon as possible. If adopted, the suggested amendments to the Lawyer RPC, LLLT RPC, and APR 28 will be incorporated into the LLLT Family Law Practice Area Curriculum and will be tested on the LLLT Family Law Practice Area and Professional Responsibility Exams. A mandatory continuing legal education program will be developed to educate LLLT candidates and currently licensed LLLTs about these changes and the impact on their practices. The first LLLT Family Law Practice Area and Professional Responsibility Exams to test on these amendments could be held in July 2019.



**D. Hearing:** Because of the outreach conducted and input previously received by the LLLT Board, a hearing is not requested.

**E. Expedited Consideration:** Expedited consideration is requested in order to prevent delaying implementation of the necessary changes to LLLT education, continuing legal education, and examinations. The goal of the LLLT license is to provide much needed access to justice. Therefore, delay of these amendments also causes continued delay in providing relief to those in need of LLLT services.

**F. Supporting Materials:** In addition to the submission of the suggested amendments to the Lawyer RPC, a copy of the suggested amendments to APR 28 and the LLLT RPC are also included. The LLLT Board is also providing a sample of a Real Property Disposition Form and the April 3, 2017 letter from the Court to the LLLT Board, which stated, "A majority of the Court voted yes to expanding the family law area."

**SUGGESTED AMENDMENTS TO  
RULES OF PROFESSIONAL CONDUCT**

**TITLE  
RULES OF PROFESSIONAL CONDUCT (RPC)  
RULE 1.0B ADDITIONAL WASHINGTON TERMINOLOGY**

(a) [NO CHANGES]

(b) "Legal practitioner" denotes a lawyer or a limited license legal technician licensed under APR 28.

(c) "Limited License Legal Technician" or "LLLT" denotes a person qualified by education, training, and work experience who is authorized to engage in the limited practice of law in approved practice areas of law as specified by APR 28 and related regulations. ~~The LLLT does not represent the client in court proceedings or negotiations, but provides limited legal assistance as set forth in APR 28 to a pro se client.~~

(d)-(e) [NO CHANGES]

Washington Comments

[1]-[2] [NO CHANGES]

[3] LLLTs are authorized to engage in the limited practice of law in explicitly defined areas. Unlike a lawyer, an LLLT may perform only limited services for a client. See APR 28 (F), (H). A lawyer who interacts with an LLLT about the subject matter of that LLLT's representation or who interacts with an otherwise pro se client represented by an LLLT should be aware of the scope of the LLLT's license and the ethical obligations imposed on an LLLT by the LLLT RPC. See APR 28 28 (F)(H); Appendix APR 28 Regulation 2 and related Regulations; LLLT RPC 1.2, 1.5, 4.2, 4.3. See also, RPC 5.10.

**RULE 1.17 SALE OF LAW PRACTICE**

(a)-(d) [NO CHANGES]

Comment [1]-[18] [NO CHANGES]

[19] ~~An LLLT is not authorized to purchase a law practice that requires provision of legal services outside the scope of the LLLT's practice. See APR 28 F-H; Appendix APR 28 Regulation 2. Consequently, there are some restrictions on a lawyer's ability to sell a law practice to an LLLT when the legal services provided are outside the scope of the LLLT's practice. As such, a lawyer may not participate in or facilitate~~

~~such a sale that is in violation of LLLT RPC 1.17. See LLLT RPC 1.17 cmt [2]; RPC 8.4 (f)(2).~~

**RULE 4.3 DEALING WITH PERSON NOT REPRESENTED BY A LAWYER**

[NO CHANGES]

Comment

[1]-[4] [NO CHANGES]

[5] For purposes of this Rule, a person who is assisted by an LLLT is not represented by a lawyer and is an unrepresented person. See APR 28B(4).

[6] When a lawyer communicates with an LLLT who represents an opposing party about the subject of the representation, the lawyer should be guided by an understanding of the limitations imposed on the LLLT by APR 28 and related Regulations H(6) ~~(an LLLT shall not "negotiate the client's legal rights or responsibilities, or communicate with another person the client's position or convey to the client the position of another party")~~ and the LLLT RPC. The lawyer should further take care not to overreach or intrude into privileged information. APR 28K(3) ("The Washington law of attorney-client privilege and law of a lawyer's fiduciary responsibility to the client shall apply to the Limited License Legal Technician-client relationship to the same extent as it would apply to an attorney-client relationship").

**RULE 5.8 MISCONDUCT INVOLVING LAWYERS AND LLLTS NOT ACTIVELY LICENSED TO PRACTICE LAW**

[NO CHANGES]

Washington Comment

[1] [NO CHANGES]

[2] The prohibitions in paragraph (b) of this Rule apply to suspensions, revocations and voluntary cancellations in lieu of discipline under the disciplinary procedural rules applicable to LLLTs. See Rules for Enforcement of Limited License Legal Technician LLLT Rules for Enforcement of Conduct (REG ELLLTTC).

**RULE 8.1 BAR ADMISSION AND DISCIPLINARY MATTERS**

An applicant for admission to the Bar, or a lawyer in connection with an application for reinstatement or admission to the Bar or a disciplinary matter involving a legal practitioner bar admission, reinstatement application, or LLLT limited licensure, or in connection with a lawyer or LLLT disciplinary matter, shall not:

(a)-(b) [NO CHANGES]

Comment

[NO CHANGES]

**GR 9 COVER SHEET**

**Suggested Amendments to  
LIMITED LICENSE LEGAL TECHNICIAN RULES OF PROFESSIONAL CONDUCT (LLLT RPC)**

**Submitted by the Limited License Legal Technician Board**

**A. Name of Proponent:**

Limited License Legal Technician (LLLT) Board

Staff Liaison/Contact:

Jean McElroy, Chief Regulatory Counsel  
Washington State Bar Association (WSBA)

1325 Fourth Avenue, Suite 600  
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(Phone: 206-727-8277)

**B. Spokesperson:**

Stephen R. Crossland  
Chair of LLLT Board  
P.O. Box 566  
Cashmere, WA 98815  
(Phone: 509-782-4418)

**C. Purpose:** These suggested amendments to the LLLT RPC are presented in conjunction with suggested amendments to Admission and Practice Rule (APR) 28 and related Regulations and the Rules of Professional Conduct (Lawyer RPC). The suggested amendments to APR 28 and related regulations enhance the scope of the LLLT Family Law Practice Area. The LLLT Board began discussing possible enhancements to the domestic relations practice area in late 2014 in response to questions and concerns from law school professors who were teaching the LLLT practice area classes. Students in the LLLT classes, practicing LLLTs, and lawyers who work with LLLTs also raised several issues and offered ideas for ways in which the domestic relations scope could be improved to allow LLLTs to provide a more cohesive set of services to their clients. Therefore, the primary purpose of these suggested amendments to the LLLT RPC is to make changes necessary to implement the suggested amendments to APR 28 and related regulations.

**Drafting Process**

The LLLT Board is composed of lawyers in private practice, practicing LLLTs, law school and paralegal educators, legal services providers, members of the public, and paralegal advocates. After developing the suggested amendments to APR 28 to enhance the family law practice area, the LLLT Board requested WSBA staff take the lead in drafting and recommending necessary amendments to the LLLT RPC in order to align the LLLT RPC with suggested amendments to APR 28 and related regulations.

WSBA staff involved were Douglas Ende (Chief Disciplinary Counsel), Jean McElroy (Chief Regulatory Counsel), Jeanne Marie Clavere (Professional Responsibility Counsel), Robert Henry (Associate Director for Regulatory Services), Renata de Carvalho Garcia (Innovative Licensing Programs Manager), and Joe Terrenzio (Limited License Legal Technician Program Lead). The issues that caused the most discussion were the following:

- The scope of a LLLT's enhanced role as an advocate and as a negotiator;
- The interactions between a LLLT's role in advising a *pro se* client and the rules governing communications with represented and unrepresented parties; and
- The limitations on a LLLT's communications with a tribunal under the enhanced scope of practice.

As in the original drafting of the LLLT RPC, the LLLT RPC mirror the Lawyer RPC with only slight modification. When a Lawyer RPC does not apply in the LLLT context, the rule is reserved. The LLLT Board reviewed successive drafts of the suggested amendments to the LLLT RPC and offered

critiques and feedback throughout the process before approving the final suggested amendments to the LLLT RPC at the December 14, 2017, LLLT Board meeting. The LLLT Board also presented these changes to the Board of Governors in January 2018. The following describes the LLLT Board's suggested amendments to the LLLT RPC.

**Throughout**

In order to prevent ongoing or future changes to the LLLT RPCs, the suggested amendments would remove large blocks of text copied from APR 28 and replace them with specific or general references to APR 28 and related regulations.

**Preamble and Scope**

In paragraph 2, the suggested amendments would remove language stating that a LLLT is not authorized to act as advocate or negotiator. A new clause would be added, stating that to the extent a LLLT is allowed to act as an advocate or as a negotiator under APR 28, a LLLT acts in the best interest of the client.

**LLLT RPC 1.0B Additional Terminology**

In (c), the suggested amendments clarify the definition of a lawyer. The former definition stated only that a lawyer was a person who held a license to practice law in any United States jurisdiction. In Washington, LLLTs, Limited Practice Officers, and lawyers hold licenses to practice law, therefore requiring further clarification in the definition of the term "lawyer" in the Washington LLLT RPC. The amended definition matches the definition of lawyer in the suggested amendments to APR 28.

The suggested amendments to subsection (e), would remove the phrase "licensed under APR 28" from the definition of legal practitioner because the reference to APR 28 already exists in the definition of LLLT.

The suggested amendments to subsection (f), would remove the final sentence stating that a LLLT does not represent a client in court proceedings or negotiations to match the definition in the suggested amendments to APR 28. The sentence that would be removed relates to scope rather than a definition of a LLLT.

The suggested amendments to subsection (g) would correct the name and acronym for the Rules for Enforcement of Limited License Legal Technician Conduct.

**LLLT RPC 1.2 Scope of Representation and Allocation of Authority Between Client and LLLT**

The suggested amendments to 1.2(a) would add an additional sentence stating that a LLLT shall abide by a client's decision whether to settle a matter. This addition helps clarify that the client, not the LLLT, has decision making authority in a settlement negotiation.

In Comment 2, the suggested amendments would remove the first sentence stating that negotiation is prohibited. The second sentence would be rephrased to align with the suggested amendments to APR 28.

In Comment 4, the suggested amendments would clarify a LLLT's obligations when an issue is outside of the authorized scope of practice. In Comment 5, a reference to APR 28 (G)(2) would be corrected to APR 28 (G)(1).

In Comment 6, a reference to APR 28 (G)(5) would be corrected to APR 28 (G)(3).

The suggested amendments to Comment 7 would remove and reserve it because the comment is inaccurate and duplicative of the APR 28 (G)(4) signature requirement without discussing any professional responsibility matters.

#### **LLLT RPC 1.5 Fees**

In Comment 4, a reference to APR 28 (G)(3) would be corrected to APR 28 (G)(2). The final sentence referencing Comment 2 to Rule 1.2 would be removed because it is unnecessary.

In Comment 5, a reference to APR 28 (G)(3) would be corrected to APR 28 (G)(2).

#### **LLLT RPC 1.8 Conflict of Interest: Current Clients: Specific Rules**

The suggested amendments to Comment 3 would remove the first sentence stating that LLLTs may not advocate for or appear in court on behalf of a client because LLLTs will be permitted to accompany and assist clients at certain hearings if the suggested amendments to APR 28 are adopted.

The suggested amendments to Comment 4 would clarify that a LLLT's scope of practice does not include aggregate settlements.

#### **LLLT RPC 1.15A Safeguarding Property**

Suggested amendments to subsection (i) would correct references to the ELLLTC or refer to the ELC when the referenced provision does not exist in the ELLLTC.

#### **LLLT RPC 1.16 Declining or Termination Representation**

Suggested amendments to Comment 1 would match the suggested amendments to APR 28 allowing LLLTs to accompany and assist clients before tribunals. It also would clarify that LLLTs represent pro se clients and accordingly, LLLTs would not file a notice of appearance.

#### **LLLT RPC 1.17 Sale of a Law Practice**

In subsection (d), the suggested amendments would change "legal and LLLT fees" to "fees."

Suggested amendments to Comment 2 would explain that a firm of only LLLTs cannot purchase a law practice that would require they provide services beyond their authorized scope of practice.

#### **LLLT RPC 2.3 [Reserved]**

Suggested amendments to Comment 1 would match the suggested amendments to APR 28 allowing LLLTs to communicate a client's position to a third party. They would also clarify that a LLLT should refer to the lawyer RPC for guidance if a third party evaluation comes up in the LLLT's scope of practice.

#### **LLLT RPC 3.1 Advising and Assisting Clients in Proceedings Before a Tribunal**

The suggested amendments in subsection (a) would add the word "engage" to clarify that the rule applies to the LLLT's own behavior before a tribunal because LLLTs will be permitted to accompany and assist clients at certain court

hearings if the suggested amendments to APR 28 are adopted.

The suggested amendments to subsection (a)(6), would add the valid exception for disobeying an obligation under the rules of a tribunal to be consistent with the Lawyer RPC.

The suggested amendments to Comment 1 are meant to address a LLLT's role as an advocate under the enhanced scope of practice in the suggested amendments to APR 28.

Comment 2 would be deleted because it will no longer apply under the enhanced scope of practice if the suggested amendments to APR 28 are adopted.

Comment 3 would be renumbered as Comment 2 and the reference for Title 3 of the Lawyer RPC would be rephrased for clarity.

#### **LLLT RPC 3.6-3.9 [Reserved]**

The numbers in the Comments would reflect the changes to the suggested amendments to the Comments in LLLT RPC 3.1.

#### **LLLT RPC 4.1 Truthfulness in Statements to Others**

Comment 2 would be deleted because the comment repeating the signature requirement in APR 28(G) is unnecessary.

#### **LLLT RPC 4.2 Communication with Person Represented by Lawyer**

The suggested amendments to Comment 1 would delete sentences 6 and 7 and the final clause of sentence 5 because they would no longer be accurate under the enhanced scope of practice in the suggested amendments to APR 28.

#### **LLLT RPC 4.3 Dealing with Person Not Represented by Lawyer**

Provision (b) would be deleted because it would no longer be accurate under the enhanced scope of practice in the suggested amendments to APR 28.

Because (b) would be deleted, Comment 2 which had discussed (b) would be deleted and reserved.

In Comment 3, the final sentence would be deleted because it would no longer be accurate under the suggested amendments to APR 28.

In Comment 4, the first sentence would be deleted because it would no longer be accurate under the suggested amendments to APR 28.

#### **LLLT RPC 5.4 Professional Independence of a LLLT**

In several places, "non-LLLT" would be rewritten to eliminate use of the exclusionary and awkward term "non-LLLT".

Comment 2 would be rephrased to make it more active language.

#### **LLLT RPC 5.5 Unauthorized Practice of Law**

In Comment 1, the reference to APR 28 (H)(7) would be corrected to APR 28 (H)(6).

In Comment 2, the word "programs" would be deleted for consistency with other language referring to limited licenses. "[N]onlawyers" would be replaced with "limited license practitioners" to eliminate use of the exclusionary and awkward term "nonlawyers".

### LLLT RPC 8.1 Licensing, Admission, and Disciplinary Matters

The rule's name would be changed from "Limited Licensure and Disciplinary Matters" to "Licensing, Admission, and Disciplinary Matters" to reflect the unified licensing, admissions, and disciplinary processes for all licenses to practice law in Washington.

The rule would be re-written because LLLTs are now members of the WSBA.

In Comment 1, the language highlighting that LLLTs are not admitted to the Bar would be removed because it is no longer accurate. LLLTs are admitted to the practice of law and are members of the WSBA. See APR 5(l) and WSBA Bylaws Art. III sec. (1)(b).

### LLLT RPC 8.4 Misconduct

In (l), the references to the LLLT Rules for Enforcement of Conduct would be corrected to the ELLLTC.

### Conclusion

The LLLT Board voted unanimously to approve the suggested amendments to the LLLT RPC for submission to the Washington Supreme Court at its December 14, 2017 meeting. The LLLT Board believes it is important that these suggested amendments to the LLLT RPC be adopted and effective together with the suggested amendments to APR 28 and the Lawyer RPC as soon as possible. If adopted, the suggested amendments to the LLLT RPC and suggested amendments to APR 28 will be incorporated into the LLLT Family Law Practice Area Curriculum and will be tested on the LLLT Family Law Practice Area and Professional Responsibility Exams. A mandatory continuing legal education program will be developed to educate LLLT candidates and currently licensed LLLTs about these changes and the impact on their practices. The first LLLT Practice Area and Professional Responsibility Exams to test on these amendments could be held in July 2019.

**D. Hearing:** Because of the outreach conducted and input previously received by the LLLT Board, a hearing is not requested.

**E. Expedited Consideration:** Expedited consideration is requested in order to prevent delaying implementation of the necessary changes to LLLT education, continuing legal education, and examinations. The LLLT program's goal is to provide much needed access to justice. Therefore, delay of this program also causes continued delay in providing relief to those in need of LLLT services.

**F. Supporting Materials:** In addition to the submission of the suggested amendments to the LLLT RPC, a copy of the suggested amendments to APR 28 and the Lawyer RPC are also included. The LLLT Board is also providing a sample of a Real Property Disposition Form and the April 3, 2017 letter from the Court to the LLLT Board, which stated, "A majority of the Court voted yes to expanding the family law area."

#### SUGGESTED AMENDMENTS TO LIMITED LICENSE LEGAL TECHNICIAN RULES OF PROFESSIONAL CONDUCT

#### TITLE

LIMITED LICENSE LEGAL TECHNICIAN RULES OF PROFESSIONAL CONDUCT (LLLT RPC)

#### PREAMBLE

[1] [NO CHANGES]

[2] As a representative of clients within a limited scope, an LLLT performs various functions. As advisor, an LLLT provides a client with an informed understanding of the client's legal rights and obligations and explains their practical implications. As an evaluator, an LLLT acts by examining a client's legal affairs and reporting about them to the client or to others. ~~While an LLLT is not authorized to act as advocate or negotiator, an LLLT~~ To the extent an LLLT is allowed to act as an advocate or as a negotiator under APR 28, an LLLT conscientiously acts in the best interest of the client, and seeks a result that is advantageous to the client but consistent with the requirements of honest dealings with others.

[3]-[13] [NO CHANGES]

#### RULE 1.0B ADDITIONAL TERMINOLOGY

(a) "APR" denotes the Washington Supreme Court's Admission ~~to~~ and Practice Rules.

(b) [NO CHANGES]

(c) "Lawyer" denotes a person licensed as a lawyer and eligible to practice law in any United States jurisdiction.

(d) [NO CHANGES]

(e) "Legal practitioner" denotes a lawyer or a limited license legal technician ~~licensed under APR 28.~~

(f) "Limited License Legal Technician" or "LLLT" denotes a person qualified by education, training, and work experience who is authorized to engage in the limited practice of law in approved practice areas of law as specified by APR 28 and related regulations. ~~The LLLT does not represent the client in court proceedings or negotiations, but provides limited legal assistance as set forth in APR 28 to a pro se client.~~

(g) "~~LLLT REC~~ ELLLTC" denotes the Washington Supreme Court's Rules for Enforcement of Limited License Legal Technician ~~Rules for Enforcement of~~ Conduct.

(h) [NO CHANGES]

#### Comment

[NO CHANGES]

#### RULE 1.2 SCOPE OF REPRESENTATION AND ALLOCATION OF AUTHORITY BETWEEN CLIENT AND LLLT

(a) Subject to paragraphs (c), (d), and (g), an LLLT shall abide by a client's decisions concerning the objectives of representation and, as required by Rule 1.4, shall consult with the client as to the means by which they are to be pursued. An LLLT may take such action on behalf of the client as is impliedly authorized to carry out the representation. An LLLT shall abide by a client's decision whether to settle a matter.

(b) [NO CHANGES]

(c) An LLLT must limit the scope of the representation and provide disclosures informing a potential client as required by these Rules and APR 28.

(d)-(g) [NO CHANGES]

#### Comment

[1] [NO CHANGES]

[2] ~~Negotiation on behalf of a client and representation in court are beyond the authorized scope of an LLLT's practice. See APR 28(H).~~ Accordingly, paragraph (a) was modified from the Lawyer RPC to exclude references to settle

ments and criminal cases, and paragraph (d) was modified from the Lawyer RPC to exclude (and therefore prohibit) an LLLT from discussing with a client the legal consequences of any proposed criminal or fraudulent conduct and assisting a client in determining the validity, scope, meaning, or application of the law with respect to any such conduct. In circumstances where a client has engaged or may engage in conduct that the LLLT knows is criminal or fraudulent, the LLLT shall not provide services related to such conduct and shall inform the client that the client should seek the services of a lawyer.

[3] Unlike a lawyer, an LLLT may perform only limited services for a client. Under ~~APR 28G(3)~~, ~~b~~ Before performing any services for a fee, an LLLT must enter into a written contract with the client as required by ~~APR 28 (G)(2)~~, signed by both the client and the LLLT, that includes the following: (a) an explanation of the services to be performed, including a conspicuous statement that the LLLT may not appear or represent the client in court, formal administrative adjudicative proceedings, or other formal dispute resolution process, or negotiate the client's legal rights or responsibilities, unless permitted under GR 24(b); (b) identification of all fees and costs to be charged to the client for the services to be performed; (c) a statement that upon the client's request, the LLLT shall provide to the client any documents submitted by the client to the LLLT; (d) a statement that the LLLT is not a lawyer and may only perform limited legal services (this statement shall be on the first page of the contract in minimum twelve point bold type print); (e) a statement describing the LLLT's duty to protect the confidentiality of information provided by the client and the LLLT's work product associated with the services sought or provided by the LLLT; (f) a statement that the client has the right to rescind the contract at any time and receive a full refund of unearned fees (this statement shall be conspicuously set forth in the contract); and (g) any other conditions to the LLLT's services that are required by the rules and regulations of the Limited License Legal Technician Board.

[4] Additional requirements concerning the authorized scope of an LLLT's practice are imposed by APR 28(F). An LLLT must ascertain whether the issue is within the defined practice area for which the LLLT is licensed. If not, the LLLT shall not provide the services required render any legal assistance on the issue and must inform advise the client to that the client should seek the services of a lawyer. If the issue does lie within the defined practice area for which the LLLT is licensed, then the LLLT is authorized to undertake render the services that are enumerated in APR 28(F). Those services include only the following: (a) obtain relevant facts and explain the relevancy of such information to the client; (b) inform the client of applicable procedures, including deadlines, documents which must be filed, and the anticipated course of the legal proceeding; (c) inform the client of applicable procedures for proper service of process and filing of legal documents; (d) provide the client with self help materials prepared by a Washington lawyer or approved by the Limited License Legal Technician Board, which contain information about relevant legal requirements, case law basis for the client's claim, and venue and jurisdiction requirements; (e) review documents or exhibits that the client has

received from the opposing side, and explain them to the client; (f) select, complete, file, and effect service of forms that have been approved by the State of Washington, either through a governmental agency or by the Administrative Office of the Courts or the content of which is specified by statute; federal forms; forms prepared by a Washington lawyer; or forms approved by the Limited License Legal Technician Board; and advise the client of the significance of the selected forms to the client's case; (g) perform legal research; (h) draft legal letters and documents beyond what is permitted in (f) if the work is reviewed and approved by a Washington lawyer; (i) advise a client as to other documents that may be necessary to the client's case, and explain how such additional documents or pleadings may affect the client's case; and (j) assist the client in obtaining necessary documents, such as birth, death, or marriage certificates.

[5] An LLLT must personally perform the authorized services for the client and may not delegate those services to a person who is not either an LLLT or a lawyer. This prohibition, however, does not prevent a person who is neither an LLLT nor a lawyer from performing translation services. APR 28 (G)(~~2~~1).

[6] An LLLT may not provide services that exceed the scope of the LLLT's authority under APR 28. If an issue arises for which the client needs services that exceed the scope of the LLLT's authority, the LLLT must inform that client that the client should seek the services of a lawyer. APR 28 (G)(~~5~~3).

[7] A document that is prepared by an LLLT for the client's signature shall include the LLLT's name, signature and license number beneath the signature of the client. APR 28 (G)(5): [Reserved]

[8] Certain conduct and services are specifically prohibited to an LLLT by APR 28(H). In the course of dealing with clients or prospective clients, an LLLT shall not: (a) make any statement that the LLLT can or will obtain special favors from or has special influence with any court or governmental agency; (b) retain any fees or costs for services not performed; (c) refuse to return documents supplied by, prepared by, or paid for by the client, upon the request of the client (the documents must be returned upon request even if there is a fee dispute between the LLLT and the client); (d) represent or advertise, in connection with the provision of services, other legal titles or credentials that could cause a client to believe that the LLLT possesses professional legal skills beyond those authorized by the license held by the LLLT; (e) represent a client in court proceedings, formal administrative adjudicative proceedings, or other formal dispute resolution process, unless permitted by GR 24; (f) negotiate a client's legal rights or responsibilities, or communicate with another person the client's position or convey to the client the position of another party, unless permitted by GR 24(b); (g) provide services to a client in connection with a legal matter in another state, unless permitted by the laws of that state to perform such services for the client; (h) represent or otherwise provide legal or law related services to a client, except as permitted by law, APR 28, or associated rules and regulations; or (i) otherwise violate these Rules.

**RULE 1.5 FEES**

[NO CHANGES]

**Comment**

[1]-[3] [NO CHANGES]

[4] Unlike a lawyer, an LLLT is required by APR 28 (G)(3) to enter into a written contract with the client before the LLLT begins to perform any services for a fee that includes, among other things, identification of all fees and costs to be charged to the client for the services to be performed. The provisions concerning a flat fee described in (f)(2) of this Rule, if applicable, should be included in that contract. The contract must be signed by both the client and the LLLT before the LLLT begins to perform any services for a fee. ~~See Comment [2] to Rule 1.2 for other provisions that are to be included in the contract.~~

[5] [NO CHANGES]

**RULE 1.8 CONFLICT OF INTEREST: CURRENT CLIENTS: SPECIFIC RULES**

[NO CHANGES]

**Comment**

[1]-[2] [NO CHANGES]

[3] ~~LLLTs may not advocate for, or appear in court on behalf of, a client.~~ LLLTs will have no role in class action litigation and Rule 1.8 (e)(2) is accordingly reserved in this Rule. LLLT RPC 1.8(e) does not authorize activities that are beyond the scope of the LLLT's limited license. Nothing in Rule 1.8(e) is intended to prohibit lawyer members of a firm with which an LLLT is associated from engaging in conduct permitted by Lawyer RPC 1.8 (e)(2).

[4] Rule 1.8(g) is reserved. LLLTs ~~are not permitted to do not~~ engage in the making of aggregate settlements, or aggregated agreements as to guilty or nolo contendere pleas in criminal cases. Nothing in Rule 1.8(g) is intended to prohibit lawyer members of a firm with which an LLLT is associated from participating in such settlements if permitted by the Lawyer RPC.

[5]-[9] [NO CHANGES]

**LLLT RPC 1.15A SAFEGUARDING PROPERTY**

(a)-(h) [NO CHANGES]

(i) Trust accounts must be interest-bearing and allow withdrawals or transfers without any delay other than notice periods that are required by law or regulation and meet the requirements of ~~LLLT REC ELC 15.7 (d) and LLLT REC 15.7(e).~~ In the exercise of ordinary prudence, an LLLT may select any financial institution authorized by the Legal Foundation of Washington (Legal Foundation) under ~~LLLT REC ELC 15.7(c).~~ In selecting the type of trust account for the purpose of depositing and holding funds subject to this Rule, an LLLT shall apply the following criteria:

(1) When client or third-person funds will not produce a positive net return to the client or third person because the funds are nominal in amount or expected to be held for a short period of time the funds must be placed in a pooled interest-bearing trust account known as an Interest on Limited License Legal Technician's Trust Account or IOLTA. The interest earned on IOLTA accounts shall be paid to, and the IOLTA program shall be administered by, the Legal Foundation of Washington in accordance with ~~LLLT REC ELLLTC 15.4 and LLLT REC ELC 15.7(e).~~

(2)-(3) [NO CHANGES]

(4) The provisions of paragraph (i) do not relieve an LLLT or law firm from any obligation imposed by these Rules or the ~~LLLT REC ELLLTC.~~

**Comment**

[NO CHANGES]

**LLLT RPC 1.16 DECLINING OR TERMINATING REPRESENTATION**

[NO CHANGES]

**Comment**

[1] This Rule was adapted from Lawyer RPC 1.16 with no substantive changes except to reflect the limited scope of representation that a LLLT provides to pro se clients and that a LLLT does not enter a notice of appearance. are not authorized to represent clients in court or to advocate for clients. For this reason, paragraph (c) is reserved and references to litigation or proceedings before a tribunal that appear in Lawyer RPC 1.16 do not apply and have been omitted from this Rule. Otherwise, ~~this Rule~~ Lawyer RPC 1.16 applies to LLLTs analogously.

**RULE 1.17 SALE OF LAW PRACTICE**

(a)-(c) [NO CHANGES]

(d) ~~The legal fees and LLLT fees charged clients shall not be increased by reason of the sale.~~

**Comment**

[1] [NO CHANGES]

[2] A law firm consisting solely of LLLT owners is not authorized to purchase a law practice that includes client matters requiring provision of legal services outside the authorized LLLT scope of practice or defined practice area(s). See APR 28 and related Regulations.

**RULE 2.1 ADVISOR**

[NO CHANGES]

**Comment**

[1] [NO CHANGES]

[2] This Rule and its requirement regarding the exercise of independent professional judgment do not expand the limitations on the authorized scope of an LLLT's practice under ~~APR 28(H) and related regulations.~~

**RULE 2.3 [Reserved]****Comment**

[1] Lawyer RPC 2.3 pertains to a lawyer providing an evaluation of a matter affecting a client for the use of someone other than the client. ~~Unlike lawyers, LLLTs are not authorized to communicate the client's position to third parties. Drafting an opinion letter for the purposes of its use with a third party is the same as communicating the client's position to a third party and is prohibited by APR 28 (H)(6). If the need for an evaluation arises in a LLLT's authorized scope of practice under APR 28, a LLLT should look to lawyer RPC 2.3 for guidance. Accordingly, this Rule is reserved.~~

**RULE 3.1 ADVISING AND ASSISTING CLIENTS IN PROCEEDINGS BEFORE A TRIBUNAL**

(a) In a matter reasonably related to a pending or potential proceeding before a tribunal, an LLLT shall not engage, counsel a client to engage, or assist a client, in conduct involving:

(1)-(5) [NO CHANGES]

(6) knowingly disobeying an obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists; or

(7) [NO CHANGES]

(b) [NO CHANGES]

**Comment**

[1] This Rule is substantially different from Lawyer RPC 3.1 because the role of the LLLTs as an advocate is limited. are not authorized to represent clients in the proceedings of a tribunal. Title 3 of the Lawyer RPC addresses a lawyer's duties as an advocate when representing a client in the proceedings of a tribunal. Because APR 28 (H)(5) expressly prohibits an LLLT from representing a client in a court or administrative adjudicative proceeding (unless permitted by GR 24), the Title 3 Rules do not apply directly to the conduct of LLLTs. Nevertheless, a number of the ethical principles located in Title 3 address conduct in connection with a proceeding that would be improper and repugnant whether engaged in by a lawyer or a party. In many instances, an LLLT will be providing assistance to a client who is a party to a court proceeding. In providing such assistance, an LLLT may be authorized within the scope of a specific practice area to accompany and assist a pro se client in certain proceedings. Assistance may include responding to factual and procedural questions from a tribunal. For this reason, as a member of the legal profession, an LLLT is ethically bound to avoid advising or assisting a client in conduct that undermines the integrity of the adjudicative process or threatens the fair and orderly administration of justice. As applied to the indirect conduct of LLLTs, the ethical proscriptions of Lawyer RPC 3.1, 3.2, 3.3, and 3.4 are less nuanced. Accordingly, they have been consolidated within Rule 3.1(a) as a prohibition on counseling or assisting the client in such activities. Conduct relating to the impartiality and decorum of a tribunal, Lawyer RPC 3.5, should be prohibited whether engaged in by an LLLT directly or indirectly, and is separately addressed in paragraph (b) of this Rule. Although less comprehensive than Title 3 of the Lawyer RPC, the core Title 3 principles incorporated into Rule 3.1 address the issues likely to be encountered by an LLLT, with supplemental guidance available in the corresponding Title 3 of the Lawyer RPC and commentary thereto.

~~[2] An LLLT acting as a "lay representative authorized by administrative agencies or tribunals" under GR 24 (b)(3) would not be acting pursuant to the authority of his or her LLLT license in that context, since such representation would be beyond the scope of LLLT practice authorized by APR 28(F). Should an LLLT engage in conduct as a lay advocate that would otherwise directly violate a Title 3 obligation—for example, by knowingly making a false statement of fact to an administrative tribunal—such conduct may violate the requirements of other rules. See, e.g., Rule 8.4(e) (prohibiting conduct involving dishonesty, fraud, deceit, and misrepresentation) and Rule 8.4(d) (prohibiting conduct prejudicial to the administration of justice).~~

[32] Certain provisions of Title 3 of the Lawyer RPC provisions, such as Lawyer as Witness in Rule 3.7 and the Special Responsibilities of a Prosecutor in Rule 3.8, do not apply to LLLTs. In these instances, the corresponding LLLT RPC has been reserved. Rules 3.6 and 3.9 represent ethical

issues that would rarely if ever arise in the context of an LLLT's limited-scope representation. Accordingly, these provisions have been reserved as well, though guidance is available in the corresponding Lawyer RPC in the event that such an ethical dilemma does arise in a LLLT representation.

**RULE 3.6**

[Reserved]

**Comment**

[1] See Comment [32] to Rule 3.1.

**RULE 3.7**

[Reserved]

**Comment**

[1] See Comment [32] to Rule 3.1.

**LLLT RPC 3.8**

[Reserved]

**Comment**

[1] See Comment [32] to Rule 3.1.

**LLLT RPC 3.9**

[Reserved]

**Comment**

[1] See Comment [32] to Rule 3.1.

**RULE 4.1 TRUTHFULNESS IN STATEMENTS TO OTHERS**

[NO CHANGES]

**Comment**

[1] [NO CHANGES]

~~[2] LLLTs are required by APR 28 (G)(5) to include the LLLT's name, signature, and license number beneath the signature of the client on all documents that the LLLT prepares. This will assure that judges and other court personnel, other parties to a matter, and lawyers representing those parties, are informed of the LLLT's role in the matter.~~

**RULE 4.2 COMMUNICATION WITH PERSON REPRESENTED BY LAWYER**

[NO CHANGES]

**Comment**

[1] A person who has chosen to be represented by a lawyer should be protected against possible overreaching by another lawyer. See Lawyer RPC 4.2 and Comments to that rule. Rule 4.2 extends to LLLTs the prohibition on communicating with a person represented by a lawyer. This Rule differs from Lawyer RPC 4.2 in that the prohibition is absolute. While a lawyer may be permitted to communicate directly with a person who is represented by another lawyer with the other lawyer's consent, or if authorized to do so by law or court order, there are no exceptions to the prohibition as it applies to LLLTs, because any such communication would put an LLLT in a position of exceeding the authorized scope of the LLLT's practice under APR 28(H). Specifically, APR 28 (H)(6) prohibits negotiating a client's legal rights or responsibilities or communicating with another person the client's position, and APR 28 (H)(5) prohibits an LLLT from representing a client in court proceedings. In light of these limitations, there is no circumstance in which an LLLT could communicate with a person represented by a lawyer about the subject matter of the representation without transgressing the APR.

**RULE 4.3 DEALING WITH PERSON NOT REPRESENTED BY LAWYER**

(a) In dealing on behalf of a client with a person who is not represented by a lawyer, an LLLT shall not state or imply that the LLLT is disinterested. When the LLLT knows or reasonably should know that the unrepresented person misunderstands the LLLT's role in the matter, the LLLT shall make reasonable efforts to correct the misunderstanding. The LLLT shall not give legal advice to an unrepresented person, other than the advice to secure the services of another legal practitioner, if the LLLT knows or reasonably should know that the interests of such a person are or have a reasonable possibility of being in conflict with the interests of the client.

(b) ~~An LLLT shall not communicate about the subject of the representation with another party in the matter.~~

**Comment**

[1] ~~Paragraph (a) of this Rule was adapted from Lawyer RPC 4.3 with no substantive changes and applies to LLLTs analogously.~~

[2] ~~[Reserved] Paragraph (b) of this Rule does not appear in the Lawyer RPC. It derives from the limitations on the authorized scope of an LLLT's practice under APR 28 (H)(6). See Comment [1] to Rule 4.2 for a discussion of the implications of APR 28 (H)(6).~~

[3] The client of an LLLT is an unrepresented person for purposes of Lawyer RPC 4.2 and 4.3. ~~The definition of an LLLT in APR 28 (B)(4) clarifies that an LLLT does not represent a client in court proceedings or negotiations, but provides limited legal assistance to a pro se client.~~

[4] ~~Although an LLLT is strictly prohibited by paragraph (b) from communicating with a party about the subject matter of the LLLT's representation, an An LLLT may have occasion to communicate directly with a nonparty who is assisted by another LLLT. A risk of unwarranted intrusion into a privileged relationship may arise when an LLLT deals with a person who is assisted by another LLLT. Client-LLLT communications, however, are privileged to the same extent as client-lawyer communications. See APR 28 (K)(3). An LLLT's ethical duty of confidentiality further protects the LLLT client's right to confidentiality in that professional relationship. See LLLT RPC 1.6(a). When dealing with a person who is assisted by another LLLT, an LLLT must respect these legal rights that protect the client-LLLT relationship.~~

**RULE 5.4 PROFESSIONAL INDEPENDENCE OF AN LLLT**

(a) An LLLT or LLLT firm shall not share legal fees with anyone who is not a non LLLT, except that:

(1)-(2) [NO CHANGES]

(3) an LLLT or LLLT firm may include ~~non-LLLT~~ employees who are not LLLTs in a compensation or retirement plan, even though the plan is based in whole or in part on a profit-sharing arrangement; and

(4)-(5) [NO CHANGES]

(b) An LLLT shall not form a partnership with ~~a non-LLLT~~ anyone who is not a LLLT if any of the activities of the partnership consist of the practice of law.

(c) [NO CHANGES]

(d) An LLLT shall not practice with or in the form of a professional corporation or association authorized to practice law for a profit, if:

(1) a ~~non-LLLT~~ person who is not a LLLT owns any interest therein, except that a fiduciary representative of the estate of an LLLT may hold the stock or interest of the LLLT for a reasonable time during administration;

(2) a person who is not a LLLT ~~non-LLLT~~ is a corporate director or officer (other than as secretary or treasurer) thereof or occupies the position of similar responsibility in any form of association other than a corporation; or

(3) a person who is not a LLLT ~~non-LLLT~~ has the right to direct or control the professional judgment of an LLLT.

**Comment**

[1] This Rule was adapted from Lawyer RPC 5.4 with no substantive changes except to change references to a "non-lawyer" to "person who is not a LLLT ~~non-LLLT~~" to avoid confusion. It applies to LLLTs analogously.

[2] ~~Notwithstanding~~ Rule 5.4 does not prohibit, lawyers and LLLTs may from ~~share~~ fees and forming business structures to the extent permitted by Rule 5.9.

**RULE 5.5 UNAUTHORIZED PRACTICE OF LAW**

[NO CHANGES]

**Comment**

[1] Lawyer RPC 5.5(a) expresses the basic prohibition on a legal practitioner practicing law in a jurisdiction where that individual is not specifically licensed or otherwise authorized to practice law. It reflects the general notion (enforced through criminal-legal prohibitions and other law) that legal services may only be provided by those licensed to do so. This limitation on the ability to practice law is designed to protect the public against the rendition of legal services by unqualified persons. See Comment [2] to Lawyer RPC 5.5.

As applied to LLLTs, this principle should apply with equal force. An actively licensed LLLT should practice law as an LLLT only in a jurisdiction where he or she is licensed to do so, i.e., Washington State. An LLLT must not practice law in a jurisdiction where he or she is not authorized to do so. Unless and until other jurisdictions authorize Washington-licensed LLLTs to practice law, it will be unethical under this Rule for the LLLT to provide or attempt to provide legal services extraterritorially. Relatedly, it is unethical to assist anyone in activities that constitute the unauthorized practice of law in any jurisdiction. See also APR 28 (H)(76) (prohibiting an LLLT from providing services to a client in connection with a legal matter in another state unless permitted by the laws of that state to perform the services for the client).

[2] Lawyer RPC 5.5 (b) through (d) define the circumstances in which lawyers can practice in Washington despite being unlicensed here. For example, lawyers actively licensed elsewhere may provide services on a temporary basis in Washington in association with a lawyer admitted to practice here or when the lawyer's activities "arise out of or are reasonably related to the lawyer's practice in his or her home jurisdiction." These provisions also recognize that certain non-Washington-licensed lawyers may practice here on more than a temporary basis (e.g., lawyers providing services authorized by federal law), and otherwise prohibit non-Washington-licensed lawyers from establishing a systematic and continuous presence in Washington for the practice of law.

These provisions are, at this time, unnecessary in the LLLT RPC because there are no limited licenses ~~programs~~ in



other jurisdictions tantamount to Washington's LLLT rules and no need to authorize nonlawyers limited license practitioners in other jurisdictions to practice law in Washington, either temporarily or on an ongoing basis. For this reason, paragraphs (b) through (d) are reserved.

**RULE 8.1 LIMITED LICENSE LICENSING, ADMISSION, AND DISCIPLINARY MATTERS**

An applicant for an LLLT license ~~limited licensure~~, or an LLLT in connection with an application for ~~limited licensure~~ or reinstatement application ~~or, or admission to the Bar lawyer's bar admission~~, or a disciplinary matter involving a legal practitioner in connection with a lawyer or LLLT disciplinary matter, shall not:

(a)-(b) [NO CHANGES]

**Comment**

[1] This Rule was adapted from Lawyer RPC 8.1 with no substantive changes, ~~except to reflect the difference between admission to the Bar (for a lawyer) and limited licensure (for an LLLT)~~. This Rule applies to LLLTs analogously.

**RULE 8.4 MISCONDUCT**

It is professional misconduct for an LLLT to:

(a)-(k) [NO CHANGES]

(l) violate a duty or sanction imposed by or under the ~~LLL REC ELLLTC~~ in connection with a disciplinary matter; including, but not limited to, the duties catalogued at ~~LLL REC ELLLTC~~ 1.5;

(m)-(o) [NO CHANGES]

**Comment**

[NO CHANGES]

**Reviser's note:** The spelling errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The unnecessary strikethrough in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the State Supreme Court and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 18-14-078  
DEPARTMENT OF  
CHILDREN, YOUTH, AND FAMILIES**

[Filed June 29, 2018, 6:07 p.m.]

Effective July 1, 2018, the department of children, youth and families (DCYF) replaces the department of social and health services (DSHS) and the department of early learning (DEL) as the state agency responsible for children's and early learning issues (see 2E2SHB 1661, chapter 6, Laws of 2017 3rd sp. sess.).

This change transfers the authority for rules related to early learning and child welfare from DSHS and DEL to DCYF. DCYF requests that the code reviser recodify the fol-

lowing chapters and sections from Titles 388 and 170 WAC to Title 110 WAC:

Decodification WAC#	Recodification WAC#
<b>PUBLIC DISCLOSURE</b>	
170-01-0010	110-01-0010
170-01-0020	110-01-0020
170-01-0030	110-01-0030
170-01-0040	110-01-0040
170-01-0050	110-01-0050
170-01-0100	110-01-0100
170-01-0110	110-01-0110
170-01-0120	110-01-0120
170-01-0200	110-01-0200
<del>170-01-0210</del>	<del>110-01-0210</del>
<del>170-01-0220</del>	<del>110-01-0220</del>
170-01-0230	110-01-0230
170-01-0240	110-01-0240
170-01-0250	110-01-0250
170-01-0260	110-01-0260
170-01-0270	110-01-0270
170-01-0290	110-01-0290
<b>DEL BACKGROUND CHECKS</b>	
170-06-0010	110-06-0010
170-06-0020	110-06-0020
170-06-0040	110-06-0040
170-06-0041	110-06-0041
170-06-0042	110-06-0042
170-06-0043	110-06-0043
170-06-0044	110-06-0044
170-06-0045	110-06-0045
170-06-0050	110-06-0050
170-06-0060	110-06-0060
170-06-0070	110-06-0070
170-06-0080	110-06-0080
170-06-0090	110-06-0090
170-06-0100	110-06-0100
170-06-0110	110-06-0110
170-06-0115	110-06-0115
170-06-0120	110-06-0120
<b>STATE FUNDING OF LOCAL HEADSTART PROGRAMS</b>	
170-12-010	110-420-0010
170-12-020	110-420-0020
170-12-041	110-420-0041
170-12-051	110-420-0051
170-12-071	110-420-0071

Decodification WAC#	Recodification WAC#
<b>EARLY CHILDHOOD AND EDUCATION AND ASSISTANCE PROGRAM</b>	
170-100-010	110-425-0010
170-100-020	110-425-0020
170-100-030	110-425-0030
170-100-040	110-425-0040
170-100-050	110-425-0050
170-100-060	110-425-0060
170-100-070	110-425-0070
170-100-080	110-425-0080
170-100-090	110-425-0090
<b>WORKING CONNECTIONS AND SEASONAL CHILD CARE SUBSIDY PROGRAMS</b>	
PART I. INTRODUCTION	
170-290-0001	110-15-0001
170-290-0002	110-15-0002
170-290-0003	110-15-0003
PART II. WORKING CONNECTIONS CHILD CARE	
Eligibility Requirements	
170-290-0005	110-15-0005
170-290-0012	110-15-0012
170-290-0014	110-15-0014
170-290-0015	110-15-0015
170-290-0020	110-15-0020
170-290-0022	110-15-0022
170-290-0023	110-15-0023
Rights and Responsibilities	
170-290-0025	110-15-0025
170-290-0030	110-15-0030
170-290-0031	110-15-0031
170-290-0032	110-15-0032
170-290-0034	110-15-0034
170-290-0035	110-15-0035
Approved Activities	
170-290-0040	110-15-0040
170-290-0045	110-15-0045
170-290-0050	110-15-0050
170-290-0055	110-15-0055
Income and Copayment Calculations	
170-290-0060	110-15-0060
170-290-0065	110-15-0065
170-290-0070	110-15-0070
170-290-0075	110-15-0075
170-290-0082	110-15-0082

Decodification WAC#	Recodification WAC#
170-290-0085	110-15-0085
170-290-0090	110-15-0090
Start Dates and Eligibility Period	
170-290-0095	110-15-0095
170-290-0106	110-15-0106
170-290-0107	110-15-0107
170-290-0109	110-15-0109
170-290-0110	110-15-0110
Notice	
170-290-0115	110-15-0115
170-290-0120	110-15-0120
Eligible Child Care Providers	
170-290-0125	110-15-0125
170-290-0126	110-15-0126
170-290-0130	110-15-0130
170-290-0135	110-15-0135
170-290-0138	110-15-0138
170-290-0139	110-15-0139
170-290-0140	110-15-0140
170-290-0143	110-15-0143
170-290-0145	110-15-0145
170-290-0150	110-15-0150
170-290-0155	110-15-0155
170-290-0160	110-15-0160
170-290-0165	110-15-0165
170-290-0167	110-15-0167
Subsidy Rates and Fees	
170-290-0180	110-15-0180
170-290-0190	110-15-0190
170-290-0200	110-15-0200
170-290-0205	110-15-0205
170-290-0210	110-15-0210
170-290-0220	110-15-0220
170-290-0225	110-15-0225
170-290-0230	110-15-0230
170-290-0235	110-15-0235
170-290-0240	110-15-0240
170-290-0245	110-15-0245
170-290-0247	110-15-0247
170-290-0249	110-15-0249
170-290-0250	110-15-0250
Payment Discrepancies	
170-290-0266	110-15-0266

<b>Decodification WAC#</b>	<b>Recodification WAC#</b>
170-290-0267	110-15-0267
170-290-0268	110-15-0268
170-290-0269	110-15-0269
170-290-0271	110-15-0271
170-290-0275	110-15-0275
PROGRAM VIOLATIONS AND SUSPECTED FRAUD	
170-290-0277	110-15-0277
170-290-0279	110-15-0279
Administrative Hearings—WCCC	
170-290-0280	110-15-0280
170-290-0285	110-15-0285
Wait List for Child Care Programs	
170-290-2210	110-15-2210
170-290-2220	110-15-2220
170-290-2230	110-15-2230
170-290-2240	110-15-2240
Early Head Start-Child Care Partnership Slots	
170-290-2401	110-15-2401
170-290-2410	110-15-2410
170-290-2420	110-15-2420
170-290-2426	110-15-2426
170-290-2430	110-15-2430
170-290-2435	110-15-2435
170-290-2440	110-15-2440
170-290-2445	110-15-2445
170-290-2450	110-15-2450
170-290-2455	110-15-2455
170-290-2460	110-15-2460
170-290-2465	110-15-2465
PART III. SEASONAL CHILD CARE	
Introduction	
170-290-3501	110-15-3501
170-290-3506	110-15-3506
Eligibility Requirements	
170-290-3520	110-15-3520
170-290-3530	110-15-3530
170-290-3540	110-15-3540
170-290-3550	110-15-3550
170-290-3555	110-15-3555
170-290-3558	110-15-3558
Rights and Responsibilities	
170-290-3560	110-15-3560
170-290-3565	110-15-3565

<b>Decodification WAC#</b>	<b>Recodification WAC#</b>
170-290-3566	110-15-3566
170-290-3570	110-15-3570
170-290-3580	110-15-3580
170-290-3590	110-15-3590
Income and Copayment Calculations	
170-290-3610	110-15-3610
170-290-3620	110-15-3620
170-290-3630	110-15-3630
170-290-3640	110-15-3640
170-290-3650	110-15-3650
170-290-3660	110-15-3660
Start Dates and Eligibility Period	
170-290-3665	110-15-3665
170-290-3675	110-15-3675
170-290-3690	110-15-3690
Notice	
170-290-3720	110-15-3720
170-290-3730	110-15-3730
Eligible Providers and Rates	
170-290-3750	110-15-3750
170-290-3760	110-15-3760
170-290-3770	110-15-3770
170-290-3790	110-15-3790
170-290-3800	110-15-3800
Review Process	
170-290-3840	110-15-3840
Payment Discrepancies	
170-290-3850	110-15-3850
170-290-3855	110-15-3855
170-290-3857	110-15-3857
Administrative Hearings—SCC	
170-290-3860	110-15-3860
170-290-3865	110-15-3865
<b>MINIMUM LICENSING REQUIREMENTS FOR CHILD CARE CENTERS</b>	
LICENSING	
170-295-0001	110-300A-0001
170-295-0010	110-300A-0010
170-295-0020	110-300A-0020
170-295-0030	110-300A-0030
170-295-0040	110-300A-0040
170-295-0050	110-300A-0050
170-295-0055	110-300A-0055
170-295-0070	110-300A-0070

Decodification WAC#	Recodification WAC#
170-295-0080	110-300A-0080
170-295-0090	110-300A-0090
170-295-0095	110-300A-0095
170-295-0100	110-300A-0100
170-295-0110	110-300A-0110
170-295-0120	110-300A-0120
170-295-0130	110-300A-0130
170-295-0140	110-300A-0140
STAFFING	
170-295-1010	110-300A-1010
170-295-1020	110-300A-1020
170-295-1030	110-300A-1030
170-295-1040	110-300A-1040
170-295-1050	110-300A-1050
170-295-1060	110-300A-1060
170-295-1070	110-300A-1070
170-295-1080	110-300A-1080
170-295-1090	110-300A-1090
170-295-1100	110-300A-1100
170-295-1110	110-300A-1110
170-295-1120	110-300A-1120
PROGRAM	
170-295-2010	110-300A-2010
170-295-2020	110-300A-2020
170-295-2030	110-300A-2030
170-295-2040	110-300A-2040
170-295-2050	110-300A-2050
170-295-2060	110-300A-2060
170-295-2070	110-300A-2070
170-295-2080	110-300A-2080
170-295-2090	110-300A-2090
170-295-2100	110-300A-2100
170-295-2110	110-300A-2110
170-295-2120	110-300A-2120
170-295-2130	110-300A-2130
HEALTH AND NUTRITION	
170-295-3010	110-300A-3010
170-295-3020	110-300A-3020
170-295-3030	110-300A-3030
170-295-3040	110-300A-3040
170-295-3050	110-300A-3050
170-295-3060	110-300A-3060
170-295-3070	110-300A-3070

Decodification WAC#	Recodification WAC#
170-295-3080	110-300A-3080
170-295-3090	110-300A-3090
170-295-3100	110-300A-3100
170-295-3110	110-300A-3110
170-295-3120	110-300A-3120
170-295-3130	110-300A-3130
170-295-3140	110-300A-3140
170-295-3150	110-300A-3150
170-295-3160	110-300A-3160
170-295-3170	110-300A-3170
170-295-3180	110-300A-3180
170-295-3190	110-300A-3190
170-295-3200	110-300A-3200
170-295-3210	110-300A-3210
170-295-3220	110-300A-3220
170-295-3230	110-300A-3230
CARE OF YOUNG CHILDREN	
170-295-4010	110-300A-4010
170-295-4020	110-300A-4020
170-295-4030	110-300A-4030
170-295-4040	110-300A-4040
170-295-4050	110-300A-4050
170-295-4060	110-300A-4060
170-295-4070	110-300A-4070
170-295-4080	110-300A-4080
170-295-4090	110-300A-4090
170-295-4100	110-300A-4100
170-295-4120	110-300A-4120
170-295-4130	110-300A-4130
170-295-4140	110-300A-4140
SAFETY AND ENVIRONMENT	
170-295-5010	110-300A-5010
170-295-5020	110-300A-5020
170-295-5030	110-300A-5030
170-295-5040	110-300A-5040
170-295-5050	110-300A-5050
170-295-5060	110-300A-5060
170-295-5080	110-300A-5080
170-295-5090	110-300A-5090
170-295-5100	110-300A-5100
170-295-5110	110-300A-5110
170-295-5120	110-300A-5120
170-295-5140	110-300A-5140

<b>Decodification WAC#</b>	<b>Recodification WAC#</b>
170-295-5150	110-300A-5150
170-295-5160	110-300A-5160
170-295-5170	110-300A-5170
<b>AGENCY PRACTICES</b>	
170-295-6010	110-300A-6010
170-295-6020	110-300A-6020
170-295-6030	110-300A-6030
170-295-6040	110-300A-6040
170-295-6050	110-300A-6050
170-295-6060	110-300A-6060
<b>RECORDS, REPORTING, AND POSTING</b>	
170-295-7010	110-300A-7010
170-295-7020	110-300A-7020
170-295-7030	110-300A-7030
170-295-7032	110-300A-7032
170-295-7040	110-300A-7040
170-295-7050	110-300A-7050
170-295-7060	110-300A-7060
170-295-7070	110-300A-7070
170-295-7080	110-300A-7080
<b>LICENSED FAMILY HOME CHILD CARE STANDARDS</b>	
170-296A-0001	110-300B-0001
170-296A-0005	110-300B-0005
170-296A-0010	110-300B-0010
170-296A-0050	110-300B-0050
<b>LICENSING PROCESS</b>	
170-296A-1000	110-300B-1000
170-296A-1025	110-300B-1025
170-296A-1050	110-300B-1050
170-296A-1075	110-300B-1075
170-296A-1100	110-300B-1100
170-296A-1125	110-300B-1125
170-296A-1150	110-300B-1150
170-296A-1175	110-300B-1175
170-296A-1200	110-300B-1200
170-296A-1225	110-300B-1225
170-296A-1300	110-300B-1300
170-296A-1325	110-300B-1325
170-296A-1375	110-300B-1375
170-296A-1410	110-300B-1410
170-296A-1420	110-300B-1420
170-296A-1430	110-300B-1430
170-296A-1450	110-300B-1450
170-296A-1475	110-300B-1475

<b>Decodification WAC#</b>	<b>Recodification WAC#</b>
170-296A-1525	110-300B-1525
170-296A-1600	110-300B-1600
170-296A-1625	110-300B-1625
170-296A-1650	110-300B-1650
<b>STAFF QUALIFICATIONS</b>	
170-296A-1700	110-300B-1700
170-296A-1725	110-300B-1725
170-296A-1735	110-300B-1735
170-296A-1750	110-300B-1750
170-296A-1800	110-300B-1800
170-296A-1825	110-300B-1825
170-296A-1850	110-300B-1850
170-296A-1875	110-300B-1875
170-296A-1900	110-300B-1900
170-296A-1910	110-300B-1910
170-296A-1925	110-300B-1925
170-296A-1950	110-300B-1950
170-296A-1975	110-300B-1975
<b>RECORDKEEPING, REPORTING AND POSTING</b>	
170-296A-2025	110-300B-2025
170-296A-2050	110-300B-2050
170-296A-2075	110-300B-2075
170-296A-2100	110-300B-2100
170-296A-2125	110-300B-2125
170-296A-2126	110-300B-2126
170-296A-2150	110-300B-2150
170-296A-2175	110-300B-2175
170-296A-2200	110-300B-2200
170-296A-2225	110-300B-2225
170-296A-2250	110-300B-2250
170-296A-2275	110-300B-2275
170-296A-2300	110-300B-2300
170-296A-2325	110-300B-2325
170-296A-2350	110-300B-2350
170-296A-2375	110-300B-2375
170-296A-2400	110-300B-2400
170-296A-2425	110-300B-2425
170-296A-2450	110-300B-2450
<b>FIRE AND EMERGENCY PREPAREDNESS</b>	
170-296A-2525	110-300B-2525
170-296A-2550	110-300B-2550
170-296A-2575	110-300B-2575
170-296A-2600	110-300B-2600

Decodification WAC#	Recodification WAC#
170-296A-2625	110-300B-2625
170-296A-2650	170-300B-2650
170-296A-2675	110-300B-2675
170-296A-2700	110-300B-2700
170-296A-2725	110-300B-2725
170-296A-2775	110-300B-2775
170-296A-2825	110-300B-2825
170-296A-2850	110-300B-2850
170-296A-2875	110-300B-2875
170-296A-2900	110-300B-2900
170-296A-2925	110-300B-2925
170-296A-2950	110-300B-2950
170-296A-2975	110-300B-2975
170-296A-3000	110-300B-3000
170-296A-3025	110-300B-3025
170-296A-3050	110-300B-3050
HEALTH	
170-296A-3200	110-300B-3200
170-296A-3210	110-300B-3210
170-296A-3250	110-300B-3250
170-296A-3275	110-300B-3275
170-296A-3300	110-300B-3300
170-296A-3315	110-300B-3315
170-296A-3325	110-300B-3325
170-296A-3375	110-300B-3375
170-296A-3425	110-300B-3425
170-296A-3450	110-300B-3450
170-296A-3475	110-300B-3475
170-296A-3525	110-300B-3525
170-296A-3550	110-300B-3550
170-296A-3575	110-300B-3575
170-296A-3600	110-300B-3600
170-296A-3625	110-300B-3625
170-296A-3650	110-300B-3650
170-296A-3675	110-300B-3675
170-296A-3700	110-300B-3700
170-296A-3725	110-300B-3725
170-296A-3750	110-300B-3750
170-296A-3775	110-300B-3775
170-296A-3800	110-300B-3800
170-296A-3825	110-300B-3825
170-296A-3850	110-300B-3850
170-296A-3875	110-300B-3875

Decodification WAC#	Recodification WAC#
170-296A-3925	110-300B-3925
170-296A-3950	110-300B-3950
170-296A-4025	110-300B-4025
170-296A-4050	110-300B-4050
170-296A-4075	110-300B-4075
170-296A-4100	110-300B-4100
ENVIRONMENTS	
170-296A-4200	110-300B-4200
170-296A-4225	110-300B-4225
170-296A-4250	110-300B-4250
170-296A-4275	110-300B-4275
170-296A-4300	110-300B-4300
170-296A-4325	110-300B-4325
ELECTRICAL AND LIGHTING	
170-296A-4350	110-300B-4350
170-296A-4360	110-300B-4360
170-296A-4375	110-300B-4375
EXITS	
170-296A-4400	110-300B-4400
170-296A-4425	110-300B-4425
170-296A-4450	110-300B-4450
170-296A-4475	110-300B-4475
170-296A-4500	110-300B-4500
170-296A-4525	110-300B-4525
170-296A-4550	110-300B-4550
170-296A-4575	110-300B-4575
170-296A-4600	110-300B-4600
170-296A-4625	110-300B-4625
170-296A-4650	110-300B-4650
170-296A-4675	110-300B-4675
170-296A-4700	110-300B-4700
170-296A-4725	110-300B-4725
170-296A-4750	110-300B-4750
PETS AND OTHER ANIMALS	
170-296A-4800	110-300B-4800
170-296A-4850	110-300B-4850
170-296A-4875	110-300B-4875
170-296A-4900	110-300B-4900
OUTDOOR ENVIRONMENT	
170-296A-4925	110-300B-4925
170-296A-4950	110-300B-4950
170-296A-5000	110-300B-5000
170-296A-5025	110-300B-5025
170-296A-5050	110-300B-5050

Decodification WAC#	Recodification WAC#
170-296A-5075	110-300B-5075
170-296A-5125	110-300B-5125
WATER SAFETY	
170-296A-5150	110-300B-5150
170-296A-5175	110-300B-5175
170-296A-5200	110-300B-5200
170-296A-5225	110-300B-5225
170-296A-5250	110-300B-5250
SUPERVISION, CAPACITY AND RATIO	
170-296A-5400	110-300B-5400
170-296A-5450	110-300B-5450
170-296A-5500	110-300B-5500
170-296A-5550	110-300B-5550
170-296A-5600	110-300B-5600
170-296A-5625	110-300B-5625
170-296A-5700	110-300B-5700
LICENSEE RESPONSIBILITIES	
170-296A-5750	110-300B-5750
170-296A-5775	110-300B-5775
170-296A-5810	110-300B-5810
170-296A-5825	110-300B-5825
NURTURE AND GUIDANCE	
170-296A-6000	110-300B-6000
170-296A-6025	110-300B-6025
170-296A-6050	110-300B-6050
170-296A-6075	110-300B-6075
170-296A-6100	110-300B-6100
170-296A-6125	110-300B-6125
170-296A-6150	110-300B-6150
170-296A-6175	110-300B-6175
170-296A-6200	110-300B-6200
170-296A-6225	110-300B-6225
170-296A-6250	110-300B-6250
170-296A-6275	110-300B-6275
PROGRAM	
170-296A-6400	110-300B-6400
170-296A-6425	110-300B-6425
170-296A-6450	110-300B-6450
170-296A-6475	110-300B-6475
170-296A-6500	110-300B-6500
170-296A-6525	110-300B-6525
170-296A-6550	110-300B-6550
170-296A-6575	110-300B-6575
170-296A-6600	110-300B-6600

Decodification WAC#	Recodification WAC#
170-296A-6625	110-300B-6625
170-296A-6650	110-300B-6650
170-296A-6675	110-300B-6675
170-296A-6700	110-300B-6700
170-296A-6775	110-300B-6775
170-296A-6800	110-300B-6800
170-296A-6850	110-300B-6850
INFANT CARE	
170-296A-7000	110-300B-7000
170-296A-7025	110-300B-7025
170-296A-7075	110-300B-7075
170-296A-7085	110-300B-7085
170-296A-7125	110-300B-7125
170-296A-7150	110-300B-7150
170-296A-7175	110-300B-7175
170-296A-7200	110-300B-7200
170-296A-7225	110-300B-7225
170-296A-7250	110-300B-7250
170-296A-7275	110-300B-7275
170-296A-7300	110-300B-7300
170-296A-7350	110-300B-7350
170-296A-7375	110-300B-7375
FOOD SERVICE AND NUTRITION	
170-296A-7500	110-300B-7500
170-296A-7525	110-300B-7525
170-296A-7550	110-300B-7550
170-296A-7575	110-300B-7575
170-296A-7600	110-300B-7600
170-296A-7625	110-300B-7625
170-296A-7650	110-300B-7650
170-296A-7675	110-300B-7675
170-296A-7680	110-300B-7680
170-296A-7700	110-300B-7700
170-296A-7725	110-300B-7725
170-296A-7750	110-300B-7750
ENFORCEMENT OF LICENSING STANDARDS	
170-296A-8000	110-300B-8000
170-296A-8010	110-300B-8010
170-296A-8025	110-300B-8025
170-296A-8050	110-300B-8050
170-296A-8060	110-300B-8060
170-296A-8075	110-300B-8075
170-296A-8100	110-300B-8100

<b>Decodification WAC#</b>	<b>Recodification WAC#</b>
170-296A-8125	110-300B-8125
170-296A-8150	110-300B-8150
170-296A-8175	110-300B-8175
170-296A-8225	110-300B-8225
170-296A-8250	110-300B-8250
170-296A-8275	110-300B-8275
170-296A-8300	110-300B-8300
170-296A-8325	110-300B-8325
170-296A-8350	110-300B-8350
170-296A-8375	110-300B-8375
170-296A-8400	110-300B-8400
<b>LICENSED SCHOOL AGE CHILD CARE STANDARDS</b>	
170-297-0001	110-305-0001
170-297-0005	110-305-0005
170-297-0010	110-305-0010
170-297-0050	110-305-0050
170-297-1000	110-305-1000
170-297-1035	110-305-1035
170-297-1050	110-305-1050
170-297-1075	110-305-1075
170-297-1100	110-305-1100
170-297-1125	110-305-1125
170-297-1200	110-305-1200
170-297-1250	110-305-1250
170-297-1275	110-305-1275
170-297-1325	110-305-1325
170-297-1350	110-305-1350
170-297-1360	110-305-1360
170-297-1370	110-305-1370
170-297-1410	110-305-1410
170-297-1430	110-305-1430
170-297-1450	110-305-1450
170-297-1525	110-305-1525
170-297-1625	110-305-1625
<b>STAFF QUALIFICATIONS</b>	
170-297-1710	110-305-1710
170-297-1715	110-305-1715
170-297-1720	110-305-1720
170-297-1730	110-305-1730
170-297-1735	110-305-1735
170-297-1745	110-305-1745
170-297-1750	110-305-1750
170-297-1775	110-305-1775

<b>Decodification WAC#</b>	<b>Recodification WAC#</b>
170-297-1800	110-305-1800
170-297-1820	110-305-1820
170-297-1825	110-305-1825
170-297-1850	110-305-1850
170-297-1925	110-305-1925
<b>RECORDKEEPING, REPORTING AND POSTING</b>	
170-297-2000	110-305-2000
170-297-2025	110-305-2025
170-297-2050	110-305-2050
170-297-2075	110-305-2075
170-297-2125	110-305-2125
170-297-2150	110-305-2150
170-297-2175	110-305-2175
170-297-2200	110-305-2200
170-297-2225	110-305-2225
170-297-2250	110-305-2250
170-297-2275	110-305-2275
170-297-2300	110-305-2300
170-297-2325	110-305-2325
170-297-2350	110-305-2350
170-297-2375	110-305-2375
170-297-2400	110-305-2400
170-297-2425	110-305-2425
170-297-2450	110-305-2450
<b>FIRE AND EMERGENCY PREPAREDNESS</b>	
170-297-2575	110-305-2575
170-297-2600	110-305-2600
170-297-2625	110-305-2625
170-297-2675	110-305-2675
170-297-2700	110-305-2700
170-297-2725	110-305-2725
170-297-2775	110-305-2775
170-297-2825	110-305-2825
170-297-2850	110-305-2850
170-297-2875	110-305-2875
170-297-2900	110-305-2900
170-297-2925	110-305-2925
170-297-2975	110-305-2975
170-297-3000	110-305-3000
<b>HEALTH</b>	
170-297-3200	110-305-3200
170-297-3210	110-305-3210
170-297-3250	110-305-3250



Decodification WAC#	Recodification WAC#
170-297-3275	110-305-3275
170-297-3300	110-305-3300
170-297-3315	110-305-3315
170-297-3325	110-305-3325
170-297-3375	110-305-3375
170-297-3425	110-305-3425
170-297-3450	110-305-3450
170-297-3475	110-305-3475
170-297-3525	110-305-3525
170-297-3550	110-305-3550
170-297-3575	110-305-3575
170-297-3600	110-305-3600
170-297-3625	110-305-3625
170-297-3635	110-305-3635
170-297-3650	110-305-3650
170-297-3700	110-305-3700
170-297-3850	110-305-3850
170-297-3875	110-305-3875
170-297-3925	110-305-3925
170-297-3950	110-305-3950
170-297-4000	110-305-4000
170-297-4025	110-305-4025
170-297-4050	110-305-4050
170-297-4075	110-305-4075
170-297-4100	110-305-4100
ENVIRONMENTS	
170-297-4200	110-305-4200
170-297-4225	110-305-4225
170-297-4250	110-305-4250
170-297-4275	110-305-4275
170-297-4300	110-305-4300
170-297-4350	110-305-4350
170-297-4360	110-305-4360
170-297-4375	110-305-4375
170-297-4475	110-305-4475
170-297-4550	110-305-4550
170-297-4625	110-305-4625
170-297-4635	110-305-4635
170-297-4650	110-305-4650
170-297-4700	110-305-4700
170-297-4725	110-305-4725
170-297-4750	110-305-4750
PETS AND OTHER ANIMALS	

Decodification WAC#	Recodification WAC#
170-297-4800	110-305-4800
170-297-4850	110-305-4850
170-297-4875	110-305-4875
170-297-4900	110-305-4900
OUTDOOR ENVIRONMENT	
170-297-4925	110-305-4925
170-297-4950	110-305-4950
170-297-5000	110-305-5000
170-297-5050	110-305-5050
170-297-5100	110-305-5100
170-297-5125	110-305-5125
WATER SAFETY	
170-297-5150	110-305-5150
170-297-5175	110-305-5175
170-297-5200	110-305-5200
170-297-5225	110-305-5225
170-297-5250	110-305-5250
SUPERVISION, CAPACITY AND RATIO	
170-297-5600	110-305-5600
170-297-5625	110-305-5625
170-297-5725	110-305-5725
LICENSEE RESPONSIBILITIES	
170-297-5750	110-305-5750
170-297-5800	110-305-5800
NURTURE AND GUIDANCE	
170-297-6000	110-305-6000
170-297-6025	110-305-6025
170-297-6050	110-305-6050
170-297-6075	110-305-6075
170-297-6100	110-305-6100
170-297-6125	110-305-6125
170-297-6150	110-305-6150
170-297-6175	110-305-6175
170-297-6200	110-305-6200
170-297-6225	110-305-6225
170-297-6250	110-305-6250
170-297-6275	110-305-6275
PROGRAM	
170-297-6400	110-305-6400
170-297-6425	110-305-6425
170-297-6450	110-305-6450
170-297-6475	110-305-6475
170-297-6500	110-305-6500
170-297-6550	110-305-6550

<b>Decodification WAC#</b>	<b>Recodification WAC#</b>
170-297-6575	110-305-6575
170-297-6600	110-305-6600
170-297-6625	110-305-6625
170-297-6650	110-305-6650
170-297-6675	110-305-6675
170-297-6775	110-305-6775
<b>FOOD SERVICE AND NUTRITION</b>	
170-297-7500	110-305-7500
170-297-7515	110-305-7515
170-297-7525	110-305-7525
170-297-7530	110-305-7530
170-297-7575	110-305-7575
170-297-7580	110-305-7580
170-297-7625	110-305-7625
170-297-7650	110-305-7650
170-297-7675	110-305-7675
170-297-7680	110-305-7680
170-297-7700	110-305-7700
170-297-7725	110-305-7725
170-297-7750	110-305-7750
170-297-7800	110-305-7800
170-297-7825	110-305-7825
<b>ENFORCEMENT OF LICENSING STANDARDS</b>	
170-297-8000	110-305-8000
170-297-8010	110-305-8010
170-297-8025	110-305-8025
170-297-8050	110-305-8050
170-297-8060	110-305-8060
170-297-8075	110-305-8075
170-297-8100	110-305-8100
170-297-8125	110-305-8125
170-297-8150	110-305-8150
170-297-8175	110-305-8175
170-297-8225	110-305-8225
170-297-8250	110-305-8250
170-297-8275	110-305-8275
170-297-8300	110-305-8300
170-297-8325	110-305-8325
170-297-8350	110-305-8350
170-297-8375	110-305-8375
170-297-8400	110-305-8400
<b>FOUNDATIONAL QUALITY STANDARDS FOR EARLY LEARNING PROGRAMS</b>	
170-300-0005	110-300-0005

<b>Decodification WAC#</b>	<b>Recodification WAC#</b>
170-300-0148	110-300-0148
170-300-0235	110-300-0235
170-300-0291	110-300-0291
170-300-0400	110-300-0400
170-300-0410	110-300-0410
170-300-0465	110-300-0465
<b>EARLY SUPPORT FOR INFANTS AND TODDLERS PROGRAM</b>	
170-400-0001	110-400-0001
170-400-0010	110-400-0010
170-400-0020	110-400-0020
170-400-0030	110-400-0030
170-400-0050	110-400-0050
170-400-0070	110-400-0070
170-400-0100	110-400-0100
170-400-0130	110-400-0130
170-400-0140	110-400-0140
170-400-0150	110-400-0150
170-400-0160	110-400-0160
170-400-0170	110-400-0170
<b>BACKGROUND CHECK REQUIREMENTS FOR CHILDREN'S ADMINISTRATION</b>	
388-06A-0010	110-04-0010
388-06A-0020	110-04-0020
388-06A-0100	110-04-0030
388-06A-0110	110-04-0040
388-06A-0120	110-04-0050
388-06A-0130	110-04-0060
388-06A-0140	110-04-0070
388-06A-0150	110-04-0080
388-06A-0160	110-04-0090
388-06A-0170	110-04-0100
388-06A-0180	110-04-0110
388-06A-0190	110-04-0120
388-06A-0200	110-04-0130
388-06A-0210	110-04-0140
388-06A-0220	110-04-0150
388-06A-0230	110-04-0160
388-06A-0240	110-04-0170
388-06A-0250	110-04-0180
<b>CHILD PROTECTIVE SERVICES</b>	
<b>PROGRAM DESCRIPTION</b>	
388-15-001	110-30-0010
388-15-005	110-30-0020
388-15-009	110-30-0030

Decodification WAC#	Recodification WAC#
388-15-011	110-30-0040
388-15-013	110-30-0050
388-15-017	110-30-0060
388-15-021	110-30-0070
388-15-025	110-30-0080
388-15-029	110-30-0090
388-15-033	110-30-0100
388-15-037	110-30-0110
388-15-041	110-30-0120
388-15-045	110-30-0130
388-15-049	110-30-0140
388-15-053	110-30-0150
388-15-057	110-30-0160
NOTIFICATION AND APPEAL OF FINDINGS	
388-15-061	110-30-0170
388-15-065	110-30-0180
388-15-069	110-30-0190
388-15-073	110-30-0200
388-15-077	110-30-0210
388-15-081	110-30-0220
388-15-085	110-30-0230
388-15-089	110-30-0240
388-15-093	110-30-0250
388-15-097	110-30-0260
388-15-101	110-30-0270
388-15-105	110-30-0280
388-15-109	110-30-0290
388-15-113	110-30-0300
388-15-117	110-30-0310
388-15-121	110-30-0320
388-15-125	110-30-0330
388-15-129	110-30-0340
388-15-133	110-30-0350
388-15-135	110-30-0360
388-15-141	110-30-0370
388-15-240	110-30-0380
388-15-400	110-30-0390
<b>CHILD WELFARE</b>	
388-25-0290	110-50-0002
PLACEMENT	
388-25-0015	110-50-0010
388-25-0020	110-50-0020
388-25-0065	110-50-0030

Decodification WAC#	Recodification WAC#
388-25-0175	110-50-0040
388-25-0018	110-50-0050
388-25-0050	110-50-0060
388-25-0045	110-50-0070
388-25-0055	110-50-0080
388-25-0060	110-50-0090
388-25-0440	110-50-0100
388-25-0130	110-50-0110
388-25-0135	110-50-0120
388-25-0140	110-50-0130
388-25-0145	110-50-0140
388-25-0150	110-50-0150
388-25-0155	110-50-0160
388-25-0445	110-50-0170
388-25-0450	110-50-0180
388-25-0455	110-50-0190
388-25-0460	110-50-0200
388-25-0030	110-50-0210
388-25-0035	110-50-0220
388-25-0430	110-50-0230
388-25-0435	110-50-0240
388-25-0415	110-50-0250
388-25-0420	110-50-0260
388-25-0425	110-50-0270
388-25-0040	110-50-0271
388-25-0390	110-50-0272
388-200-1250	110-50-0273
CHILD SUPPORT	
388-25-0215	110-50-0280
388-25-0220	110-50-0290
388-25-0225	110-50-0300
388-25-0226	110-50-0310
388-25-0227	110-50-0320
388-25-0228	110-50-0330
388-25-0229	110-50-0340
388-25-0231	110-50-0350
388-25-0235	110-50-0360
388-25-0240	110-50-0370
FOSTER CARE RATE ASSESSMENT	
388-25-0001	110-50-0400
388-25-0003	110-50-0410
388-25-0005	110-50-0420
388-25-0010	110-50-0430

Decodification WAC#	Recodification WAC#
388-25-0011	110-50-0440
388-25-0016	110-50-0450
388-25-0022	110-50-0460
388-25-0025	110-50-0470
388-25-0027	110-50-0480
388-25-0032	110-50-0490
388-25-0037	110-50-0500
388-25-0042	110-50-0510
388-25-0047	110-50-0520
388-25-0052	110-50-0530
388-25-0057	110-50-0540
388-25-0062	110-50-0550
388-25-0067	110-50-0560
388-25-0072	110-50-0570
388-25-0075	110-50-0580
388-25-0077	110-50-0590
388-25-0082	110-50-0600
388-25-0087	110-50-0610
388-25-0090	110-50-0620
388-25-0100	110-50-0630
388-25-0105	110-50-0640
388-25-0107	110-50-0650
388-25-0110	110-50-0660
388-25-0115	110-50-0670
388-25-0125	110-50-0680
388-25-0185	110-50-0690
388-25-0190	110-50-0700
388-25-0195	110-50-0710
388-25-0200	110-50-0720
388-25-0250	110-50-0730
OVERPAYMENT	
388-25-0255	110-50-0740
388-25-0260	110-50-0750
388-25-0265	110-50-0760
388-25-0270	110-50-0770
388-25-0275	110-50-0780
388-25-0280	110-50-0790
388-25-0285	110-50-0800
388-25-0295	110-50-0810
FOSTER PARENT LIABILITY FUND	
388-25-0300	110-50-0900
388-25-0305	110-50-0910
388-25-0310	110-50-0920

Decodification WAC#	Recodification WAC#
388-25-0315	110-50-0930
388-25-0320	110-50-0940
388-25-0325	110-50-0950
388-25-0330	110-50-0960
388-25-0335	110-50-0970
FOSTER PARENT PROPERTY DAMAGE REIMBURSEMENT	
388-25-0340	110-50-1000
388-25-0345	110-50-1010
388-25-0350	110-50-1020
388-25-0355	110-50-1030
388-25-0360	110-50-1040
388-25-0365	110-50-1050
388-25-0370	110-50-1060
388-25-0375	110-50-1070
388-25-0380	110-50-1080
388-25-0385	110-50-1090
JUVENILE RECORDS	
388-25-0395	110-50-1100
388-25-0400	110-50-1110
388-25-0405	110-50-1120
388-25-0410	110-50-1130
388-25-0095	110-50-1140
STATE SUPPLEMENTARY PAYMENT PROGRAM	
388-25-0210	110-50-1200
388-25-0245	110-50-1210
388-25-1000	110-50-1220
388-25-1010	110-50-1230
388-25-1020	110-50-1240
388-25-1030	110-50-1250
388-25-1040	110-50-1260
388-25-1050	110-50-1270
EXTENDED FOSTER CARE PROGRAM	
388-25-0500	110-90-0010
388-25-0502	110-90-0020
388-25-0504	110-90-0030
388-25-0506	110-90-0040
388-25-0508	110-90-0041
388-25-0510	110-90-0042
388-25-0512	110-90-0050
388-25-0514	110-90-0060
388-25-0515	110-90-0070
388-25-0516	110-90-0080
388-25-0517	110-90-0090
388-25-0519	110-90-0100

Decodification WAC#	Recodification WAC#
388-25-0528	110-90-0110
388-25-0530	110-90-0120
388-25-0532	110-90-0130
388-25-0534	110-90-0140
388-25-0536	110-90-0150
388-25-0540	110-90-0160
388-25-0542	110-90-0170
388-25-0544	110-90-0180
388-25-0546	110-90-0190
388-25-0548	110-90-0200
<b>ADOPTION PROGRAM</b>	
388-27-0005	110-60-0010
388-27-0010	110-60-0020
388-27-0015	110-60-0030
388-27-0020	110-60-0040
388-27-0025	110-60-0050
388-27-0030	110-60-0060
388-27-0035	110-60-0070
388-27-0040	110-60-0080
388-27-0045	110-60-0090
388-27-0050	110-60-0100
388-27-0055	110-60-0110
388-27-0060	110-60-0120
388-27-0065	110-60-0130
388-27-0070	110-60-0140
388-27-0075	110-60-0150
388-27-0080	110-60-0160
388-27-0085	110-60-0170
388-27-0090	110-60-0180
388-27-0100	110-60-0190
388-27-0105	110-60-0200
388-27-0110	110-60-0210
388-27-0115	110-60-0220
<b>ADOPTION SUPPORT PROGRAM</b>	
388-27-0120	110-80-0010
388-27-0125	110-80-0020
388-27-0130	110-80-0030
388-27-0135	110-80-0040
388-27-0140	110-80-0050
388-27-0145	110-80-0060
388-27-0150	110-80-0070
388-27-0155	110-80-0080
388-27-0160	110-80-0090

Decodification WAC#	Recodification WAC#
388-27-0165	110-80-0100
388-27-0170	110-80-0110
388-27-0175	110-80-0120
388-27-0178	110-80-0130
388-27-0180	110-80-0140
388-27-0185	110-80-0150
388-27-0190	110-80-0160
388-27-0200	110-80-0170
388-27-0205	110-80-0180
388-27-0208	110-80-0190
388-27-0210	110-80-0200
388-27-0215	110-80-0210
388-27-0220	110-80-0220
388-27-0250	110-80-0230
388-27-0255	110-80-0240
388-27-0260	110-80-0250
388-27-0265	110-80-0260
388-27-0295	110-80-0270
388-27-0305	110-80-0280
388-27-0310	110-80-0290
388-27-0315	110-80-0300
388-27-0320	110-80-0310
388-27-0325	110-80-0320
388-27-0330	110-80-0330
388-27-0335	110-80-0340
388-27-0340	110-80-0350
388-27-0345	110-80-0360
388-27-0350	110-80-0370
388-27-0355	110-80-0380
388-27-0360	110-80-0390
388-27-0365	110-80-0400
388-27-0370	110-80-0410
388-27-0375	110-80-0420
388-27-0380	110-80-0430
388-27-0385	110-80-0440
388-27-0390	110-80-0450
<b>FAMILY RECONCILIATION SERVICES</b>	
388-32-0005	110-40-0101
388-32-0010	110-40-0102
388-32-0015	110-40-0103
388-32-0020	110-40-0010
388-32-0025	110-40-0020
388-32-0030	110-40-0030

Decodification WAC#	Recodification WAC#
<b>COMPLAINT RESOLUTION</b>	
388-39A-010	110-09-0010
388-39A-030	110-09-0020
388-39A-035	110-09-0030
388-39A-040	110-09-0040
388-39A-045	110-09-0050
388-39A-050	110-09-0060
388-39A-055	110-09-0070
388-39A-060	110-09-0080
<b>DOMESTIC VIOLENCE PERPETRATOR TREATMENT PROGRAM STANDARDS</b>	
DEFINITIONS	
388-60A-0015	110-60A-0015
PURPOSE	
388-60A-0025	110-60A-0025
ADVISORY COMMITTEE	
388-60A-0035	110-60A-0035
388-60A-0045	110-60A-0045
388-60A-0055	110-60A-0055
CERTIFICATION AND APPLICATION REQUIREMENTS	
388-60A-0100	110-60A-0100
388-60A-0105	110-60A-0105
388-60A-0110	110-60A-0110
388-60A-0115	110-60A-0115
388-60A-0120	110-60A-0120
388-60A-0125	110-60A-0125
388-60A-0130	110-60A-0130
388-60A-0135	110-60A-0135
388-60A-0140	110-60A-0140
388-60A-0200	110-60A-0200
388-60A-0210	110-60A-0210
388-60A-0220	110-60A-0220
388-60A-0230	110-60A-0230
388-60A-0240	110-60A-0240
388-60A-0250	110-60A-0250
388-60A-0260	110-60A-0260
388-60A-0270	110-60A-0270
388-60A-0280	110-60A-0280
PROGRAM STANDARDS	
388-60A-0300	110-60A-0300
388-60A-0305	110-60A-0305
388-60A-0310	110-60A-0310
388-60A-0315	110-60A-0315
388-60A-0320	110-60A-0320

Decodification WAC#	Recodification WAC#
388-60A-0325	110-60A-0325
388-60A-0330	110-60A-0330
388-60A-0335	110-60A-0335
388-60A-0340	110-60A-0340
PARTICIPANT STANDARDS	
388-60A-0345	110-60A-0345
388-60A-0350	110-60A-0350
388-60A-0355	110-60A-0355
388-60A-0360	110-60A-0360
388-60A-0365	110-60A-0365
388-60A-0370	110-60A-0370
TREATMENT REQUIREMENTS	
388-60A-0400	110-60A-0400
388-60A-0405	110-60A-0405
388-60A-0410	110-60A-0410
388-60A-0415	110-60A-0415
388-60A-0420	110-60A-0420
388-60A-0425	110-60A-0425
388-60A-0430	110-60A-0430
388-60A-0435	110-60A-0435
DEPARTMENT REVIEWS AND ACTIONS	
388-60A-0500	110-60A-0500
388-60A-0510	110-60A-0510
388-60A-0520	110-60A-0520
388-60A-0530	110-60A-0530
<b>INDIAN CHILD WELFARE SERVICE</b>	
388-70-091	110-110-0010
388-70-092	110-110-0020
388-70-093	110-110-0030
388-70-095	110-110-0040
388-70-450	110-110-0050
388-70-600	110-110-0060
388-70-610	110-110-0070
388-70-620	110-110-0080
388-70-630	110-110-0090
388-70-640	110-110-0100
<b>LICENSING REQUIREMENTS FOR GROUP CARE FACILITIES</b>	
PURPOSE AND DEFINITIONS	
388-145-1300	110-145-1300
388-145-1305	110-145-1305
LICENSING PROCESS	
388-145-1310	110-145-1310
388-145-1315	110-145-1315
388-145-1320	110-145-1320

Decodification WAC#	Recodification WAC#
388-145-1325	110-145-1325
388-145-1330	110-145-1330
388-145-1335	110-145-1335
388-145-1340	110-145-1340
388-145-1345	110-145-1345
388-145-1350	110-145-1350
388-145-1355	110-145-1355
388-145-1360	110-145-1360
388-145-1365	110-145-1365
388-145-1370	110-145-1370
388-145-1375	110-145-1375
388-145-1380	110-145-1380
388-145-1385	110-145-1385
RULE VIOLATIONS AND CORRECTIVE ACTIONS	
388-145-1390	110-145-1390
388-145-1395	110-145-1395
388-145-1400	110-145-1400
388-145-1405	110-145-1405
388-145-1410	110-145-1410
388-145-1415	110-145-1415
STAFF QUALIFICATIONS AND REQUIREMENTS	
388-145-1420	110-145-1420
388-145-1425	110-145-1425
388-145-1430	110-145-1430
388-145-1435	110-145-1435
388-145-1440	110-145-1440
388-145-1445	110-145-1445
388-145-1450	110-145-1450
388-145-1455	110-145-1455
388-145-1460	110-145-1460
388-145-1465	110-145-1465
388-145-1470	110-145-1470
388-145-1475	110-145-1475
388-145-1480	110-145-1480
388-145-1485	110-145-1485
TRAINING AND PROFESSIONAL DEVELOPMENT	
388-145-1490	110-145-1490
388-145-1495	110-145-1495
388-145-1500	110-145-1500
388-145-1505	110-145-1505
MANAGING RECORDS AND REPORTING	
388-145-1510	110-145-1510
388-145-1515	110-145-1515
388-145-1520	110-145-1520

Decodification WAC#	Recodification WAC#
388-145-1525	110-145-1525
388-145-1530	110-145-1530
388-145-1535	110-145-1535
388-145-1540	110-145-1540
388-145-1545	110-145-1545
388-145-1550	110-145-1550
ENVIRONMENT, SPACE AND EQUIPMENT	
388-145-1555	110-145-1555
388-145-1560	110-145-1560
388-145-1565	110-145-1565
388-145-1570	110-145-1570
388-145-1575	110-145-1575
388-145-1580	110-145-1580
388-145-1585	110-145-1585
388-145-1590	110-145-1590
388-145-1595	110-145-1595
388-145-1600	110-145-1600
388-145-1605	110-145-1605
388-145-1610	110-145-1610
388-145-1615	110-145-1615
388-145-1620	110-145-1620
388-145-1625	110-145-1625
388-145-1630	110-145-1630
388-145-1635	110-145-1635
388-145-1640	110-145-1640
388-145-1645	110-145-1645
388-145-1650	110-145-1650
388-145-1655	110-145-1655
388-145-1660	110-145-1660
FIRE SAFETY AND EMERGENCY PRACTICES	
388-145-1665	110-145-1665
388-145-1670	110-145-1670
388-145-1675	110-145-1675
388-145-1680	110-145-1680
388-145-1685	110-145-1685
388-145-1690	110-145-1690
388-145-1695	110-145-1695
SERVICE PLANNING	
388-145-1700	110-145-1700
388-145-1705	110-145-1705
388-145-1710	110-145-1710
388-145-1715	110-145-1715
388-145-1720	110-145-1720

Decodification WAC#	Recodification WAC#
388-145-1725	110-145-1725
388-145-1730	110-145-1730
388-145-1735	110-145-1735
388-145-1740	110-145-1740
DAILY CARE, BEHAVIOR MANAGEMENT	
388-145-1745	110-145-1745
388-145-1750	110-145-1750
388-145-1755	110-145-1755
388-145-1760	110-145-1760
388-145-1765	110-145-1765
388-145-1770	110-145-1770
388-145-1775	110-145-1775
388-145-1780	110-145-1780
388-145-1785	110-145-1785
388-145-1790	110-145-1790
388-145-1795	110-145-1795
388-145-1800	110-145-1800
388-145-1805	110-145-1805
388-145-1810	110-145-1810
388-145-1815	110-145-1815
388-145-1820	110-145-1820
388-145-1825	110-145-1825
388-145-1830	110-145-1830
MEDICAL SAFETY	
388-145-1835	110-145-1835
388-145-1840	110-145-1840
388-145-1845	110-145-1845
388-145-1850	110-145-1850
388-145-1855	110-145-1855
388-145-1860	110-145-1860
388-145-1865	110-145-1865
388-145-1870	110-145-1870
388-145-1875	110-145-1875
388-145-1880	110-145-1880
388-145-1885	110-145-1885
LICENSED FACILITIES AND SPECIALIZED SERVICES	
Crisis Residential Centers (CRC - Regular and Secure)	
388-145-1890	110-145-1890
388-145-1895	110-145-1895
388-145-1900	110-145-1900
388-145-1905	110-145-1905
388-145-1910	110-145-1910
388-145-1915	110-145-1915

Decodification WAC#	Recodification WAC#
388-145-1920	110-145-1920
388-145-1925	110-145-1925
388-145-1930	110-145-1930
388-145-1935	110-145-1935
388-145-1940	110-145-1940
388-145-1945	110-145-1945
388-145-1950	110-145-1950
388-145-1955	110-145-1955
388-145-1960	110-145-1960
388-145-1965	110-145-1965
388-145-1970	110-145-1970
388-145-1975	110-145-1975
388-145-1980	110-145-1980
Day Treatment Programs	
388-145-1985	110-145-1985
388-145-1990	110-145-1990
388-145-1995	110-145-1995
Emergency Respite Centers (ERC - Crisis Nurseries)	
388-145-2000	110-145-2000
388-145-2005	110-145-2005
388-145-2010	110-145-2010
388-145-2015	110-145-2015
388-145-2020	110-145-2020
388-145-2025	110-145-2025
388-145-2030	110-145-2030
Group Homes	
388-145-2035	110-145-2035
Group Receiving Centers (GRC)	
388-145-2040	110-145-2040
388-145-2045	110-145-2045
388-145-2050	110-145-2050
388-145-2055	110-145-2055
388-145-2060	110-145-2060
Programs for Medically Fragile Children	
388-145-2065	110-145-2065
388-145-2070	110-145-2070
388-145-2075	110-145-2075
Overnight Youth Shelters (OYS)	
388-145-2080	110-145-2080
388-145-2085	110-145-2085
388-145-2090	110-145-2090
388-145-2095	110-145-2095
388-145-2100	110-145-2100



<b>Decodification WAC#</b>	<b>Recodification WAC#</b>
388-145-2105	110-145-2105
388-145-2110	110-145-2110
388-145-2115	110-145-2115
<b>Pregnant and Parenting Youth Program and Maternity Services</b>	
388-145-2120	110-145-2120
388-145-2125	110-145-2125
388-145-2130	110-145-2130
388-145-2135	110-145-2135
388-145-2140	110-145-2140
388-145-2145	110-145-2145
<b>Resource and Assessment Centers (RAC)</b>	
388-145-2150	110-145-2150
388-145-2155	110-145-2155
388-145-2160	110-145-2160
388-145-2165	110-145-2165
388-145-2170	110-145-2170
388-145-2175	110-145-2175
388-145-2180	110-145-2180
388-145-2185	110-145-2185
<b>Staffed Residential Homes (SRH)</b>	
388-145-2190	110-145-2190
388-145-2195	110-145-2195
388-145-2200	110-145-2200
<b>LICENSING REQUIREMENTS FOR CHILD PLACING AGENCY AND ADOPTION SERVICES</b>	
<b>PURPOSE AND DEFINITIONS</b>	
388-147-1300	110-147-1300
388-147-1305	110-147-1305
<b>LICENSING PROCESS</b>	
388-147-1310	110-147-1310
388-147-1315	110-147-1315
388-147-1320	110-147-1320
388-147-1325	110-147-1325
388-147-1330	110-147-1330
388-147-1335	110-147-1335
388-147-1340	110-147-1340
388-147-1345	110-147-1345
388-147-1350	110-147-1350
388-147-1355	110-147-1355
388-147-1360	110-147-1360
388-147-1365	110-147-1365
388-147-1370	110-147-1370
388-147-1375	110-147-1375

<b>Decodification WAC#</b>	<b>Recodification WAC#</b>
388-147-1380	110-147-1380
388-147-1385	110-147-1385
388-147-1390	110-147-1390
388-147-1395	110-147-1395
388-147-1400	110-147-1400
388-147-1405	110-147-1405
<b>RULE VIOLATIONS AND CORRECTIVE ACTIONS</b>	
388-147-1410	110-147-1410
388-147-1415	110-147-1415
388-147-1420	110-147-1420
388-147-1425	110-147-1425
388-147-1430	110-147-1430
388-147-1435	110-147-1435
<b>STAFF QUALIFICATIONS AND REQUIREMENTS</b>	
388-147-1440	110-147-1440
388-147-1445	110-147-1445
388-147-1450	110-147-1450
388-147-1455	110-147-1455
388-147-1460	110-147-1460
388-147-1465	110-147-1465
388-147-1470	110-147-1470
388-147-1475	110-147-1475
388-147-1480	110-147-1480
388-147-1485	110-147-1485
388-147-1490	110-147-1490
388-147-1495	110-147-1495
<b>TRAINING AND PROFESSIONAL DEVELOPMENT</b>	
388-147-1500	110-147-1500
388-147-1505	110-147-1505
388-147-1510	110-147-1510
388-147-1515	110-147-1515
<b>MANAGING RECORDS AND REPORTING</b>	
388-147-1520	110-147-1520
388-147-1525	110-147-1525
388-147-1530	110-147-1530
388-147-1535	110-147-1535
388-147-1540	110-147-1540
388-147-1545	110-147-1545
388-147-1550	110-147-1550
<b>ENVIRONMENT, SPACE AND EQUIPMENT</b>	
388-147-1555	110-147-1555
388-147-1560	110-147-1560
388-147-1565	110-147-1565
388-147-1570	110-147-1570

Decodification WAC#	Recodification WAC#
388-147-1575	110-147-1575
FIRE SAFETY AND EMERGENCY PRACTICES	
388-147-1580	110-147-1580
388-147-1585	110-147-1585
SERVICE PLANNING	
388-147-1590	110-147-1590
388-147-1595	110-147-1595
388-147-1600	110-147-1600
388-147-1605	110-147-1605
388-147-1610	110-147-1610
388-147-1615	110-147-1615
DAILY CARE, BEHAVIOR MANAGEMENT	
388-147-1620	110-147-1620
388-147-1625	110-147-1625
MEDICAL SAFETY	
388-147-1630	110-147-1630
388-147-1635	110-147-1635
388-147-1640	110-147-1640
388-147-1645	110-147-1645
388-147-1650	110-147-1650
388-147-1655	110-147-1655
ADOPTION SERVICES	
388-147-1660	110-147-1660
388-147-1665	110-147-1665
388-147-1670	110-147-1670
388-147-1675	110-147-1675
388-147-1680	110-147-1680
388-147-1685	110-147-1685
388-147-1690	110-147-1690
388-147-1695	110-147-1695
388-147-1700	110-147-1700
388-147-1705	110-147-1705
388-147-1710	110-147-1710
388-147-1715	110-147-1715
388-147-1720	110-147-1720
388-147-1725	110-147-1725
388-147-1730	110-147-1730
<b>LICENSING REQUIREMENTS FOR CHILD FOSTER HOMES</b>	
PURPOSE AND DEFINITIONS	
388-148-1300	110-148-1300
388-148-1305	110-148-1305
LICENSING PROCESS	
388-148-1310	110-148-1310
388-148-1315	110-148-1315

Decodification WAC#	Recodification WAC#
388-148-1320	110-148-1320
388-148-1321	110-148-1321
388-148-1325	110-148-1325
388-148-1330	110-148-1330
388-148-1335	110-148-1335
388-148-1340	110-148-1340
388-148-1345	110-148-1345
388-148-1350	110-148-1350
388-148-1355	110-148-1355
388-148-1360	110-148-1360
QUALIFICATIONS	
388-148-1365	110-148-1365
388-148-1370	110-148-1370
388-148-1375	110-148-1375
388-148-1380	110-148-1380
388-148-1385	110-148-1385
388-148-1390	110-148-1390
388-148-1395	110-148-1395
388-148-1400	110-148-1400
MANAGING RECORDS AND REPORTING	
388-148-1405	110-148-1405
388-148-1410	110-148-1410
388-148-1415	110-148-1415
388-148-1420	110-148-1420
388-148-1425	110-148-1425
388-148-1430	110-148-1430
388-148-1435	110-148-1435
HEALTH AND SAFETY	
388-148-1440	110-148-1440
388-148-1445	110-148-1445
388-148-1450	110-148-1450
388-148-1455	110-148-1455
388-148-1460	110-148-1460
388-148-1465	110-148-1465
388-148-1470	110-148-1470
388-148-1475	110-148-1475
388-148-1480	110-148-1480
388-148-1485	110-148-1485
388-148-1490	110-148-1490
388-148-1495	110-148-1495
388-148-1500	110-148-1500
388-148-1505	110-148-1505
388-148-1510	110-148-1510

Decodification WAC#	Recodification WAC#
388-148-1515	110-148-1515
SERVICES TO CHILDREN	
388-148-1520	110-148-1520
388-148-1525	110-148-1525
388-148-1530	110-148-1530
388-148-1535	110-148-1535
388-148-1540	110-148-1540
388-148-1545	110-148-1545
388-148-1550	110-148-1550
388-148-1555	110-148-1555
388-148-1560	110-148-1560
388-148-1565	110-148-1565
388-148-1570	110-148-1570
388-148-1575	110-148-1575
388-148-1580	110-148-1580
388-148-1585	110-148-1585
388-148-1590	110-148-1590
388-148-1595	110-148-1595
388-148-1600	110-148-1600
388-148-1605	110-148-1605
BEHAVIOR MANAGEMENT	
388-148-1610	110-148-1610
388-148-1615	110-148-1615
388-148-1620	110-148-1620
RULE VIOLATIONS AND CORRECTIVE ACTIONS	
388-148-1625	110-148-1625
388-148-1630	110-148-1630
388-148-1635	110-148-1635
388-148-1640	110-148-1640
388-148-1645	110-148-1645
388-148-1650	110-148-1650
388-148-1655	110-148-1655
CHILDREN'S ADMINISTRATION CHILD CARE SUBSIDIES	
388-165-108	110-20-0010
388-165-110	110-20-0020
388-165-140	110-20-0030
388-165-179	110-20-0040
388-165-180	110-20-0050
388-165-185	110-20-0060
388-165-190	110-20-0070
388-165-195	110-20-0080
388-165-200	110-20-0090
388-165-210	110-20-0100
388-165-215	110-20-0110

Decodification WAC#	Recodification WAC#
388-165-220	110-20-0120
388-165-225	110-20-0130
388-165-230	110-20-0140
388-165-235	110-20-0150
388-165-245	110-20-0160
388-165-250	110-20-0170
<b>STANDARD FOR HEALTH AND SAFETY REVIEWS OF THE WASHINGTON STATE SCHOOL FOR THE DEAF</b>	
PURPOSE AND DEFINITIONS	
388-180-0100	110-150-0010
388-180-0110	110-150-0020
CHILD PROTECTIVE SERVICES (CPS) INVESTIGATIONS	
388-180-0120	110-150-0030
388-180-0130	110-150-0040
HEALTH AND SAFETY REVIEWS	
388-180-0140	110-150-0050
388-180-0150	110-150-0060
388-180-0160	110-150-0070
388-180-0170	110-150-0080
388-180-0180	110-150-0090
388-180-0190	110-150-0100
388-180-0200	110-150-0110
388-180-0210	110-150-0120
388-180-0220	110-150-0130
388-180-0230	110-150-0140

**Reviser's note:** The spelling errors in the above material occurred in the copy filed by the Department of Children, Youth, and Families and appear in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** WAC 170-01-0210 and 170-01-0220 will not be decodified as they were repealed in WSR 18-13-009 which was filed on June 6, 2018.

Contact Heather Moss or Brenda Villarreal at 360-902-7956 if you have any questions, concerns, or need anything further.

June 29, 2018  
Heather Moss  
Deputy Secretary  
Operations and Infrastructure

**WSR 18-15-001**  
**DEPARTMENT OF**  
**CHILDREN, YOUTH, AND FAMILIES**

[Filed July 5, 2018, 12:23 p.m.]

The following sections, adopted by the department of early learning on June 30, 2018, will be decodified from Title 170 WAC and recodified to Title 110 WAC.

Current WAC#	New WAC#
<b>Intent and Authority</b>	
170-300-0001	110-300-0001
170-300-0010	110-300-0010
170-300-0015	110-300-0015
170-300-0016	110-300-0016
170-300-0020	110-300-0020
170-300-0025	110-300-0025
170-300-0030	110-300-0030
170-300-0055	110-300-0055
170-300-0065	110-300-0065
<b>Family Engagement and Partnerships</b>	
170-300-0080	110-300-0080
170-300-0085	110-300-0085
<b>Professional Development, Training and Requirements</b>	
170-300-0100	110-300-0100
170-300-0105	110-300-0105
170-300-0106	110-300-0106
170-300-0107	110-300-0107
170-300-0110	110-300-0110
170-300-0111	110-300-0111
170-300-0115	110-300-0115
170-300-0120	110-300-0120
<b>Environment</b>	
<b>Space and Furnishings</b>	
170-300-0130	110-300-0130
170-300-0135	110-300-0135
170-300-0140	110-300-0140
170-300-0145	110-300-0145
170-300-0146	110-300-0146
170-300-0147	110-300-0147
170-300-0150	110-300-0150
170-300-0155	110-300-0155
170-300-0160	110-300-0160
<b>Safety</b>	
170-300-0165	110-300-0165
170-300-0166	110-300-0166
170-300-0170	110-300-0170
170-300-0175	110-300-0175
<b>Food and Nutrition</b>	
170-300-0180	110-300-0180
170-300-0185	110-300-0185
170-300-0186	110-300-0186
170-300-0190	110-300-0190

Current WAC#	New WAC#
170-300-0195	110-300-0195
170-300-0196	110-300-0196
170-300-0197	110-300-0197
170-300-0198	110-300-0198
<b>Health Practices</b>	
170-300-0200	110-300-0200
170-300-0205	110-300-0205
170-300-0210	110-300-0210
170-300-0215	110-300-0215
170-300-0220	110-300-0220
170-300-0221	110-300-0221
170-300-0225	110-300-0225
170-300-0230	110-300-0230
170-300-0236	110-300-0236
<b>Cleaning and Sanitation</b>	
170-300-0240	110-300-0240
170-300-0241	110-300-0241
170-300-0245	110-300-0245
170-300-0250	110-300-0250
170-300-0255	110-300-0255
170-300-0260	110-300-0260
<b>Sleep and Rest</b>	
170-300-0265	110-300-0265
170-300-0270	110-300-0270
<b>Infant and Toddler</b>	
170-300-0275	110-300-0275
170-300-0280	110-300-0280
170-300-0281	110-300-0281
170-300-0285	110-300-0285
170-300-0290	110-300-0290
170-300-0295	110-300-0295
170-300-0296	110-300-0296
<b>Interactions and Curriculum</b>	
<b>Learning Supports</b>	
170-300-0300	110-300-0300
170-300-0305	110-300-0305
170-300-0310	110-300-0310
170-300-0315	110-300-0315
170-300-0320	110-300-0320
<b>Emotional Support and Classroom Organization</b>	
170-300-0325	110-300-0325
170-300-0330	110-300-0330
170-300-0331	110-300-0331

Current WAC#	New WAC#
170-300-0335	110-300-0335
170-300-0340	110-300-0340
<b>Program Structure and Organization</b>	
170-300-0345	110-300-0345
170-300-0350	110-300-0350
170-300-0354	110-300-0354
170-300-0355	110-300-0355
170-300-0356	110-300-0356
170-300-0357	110-300-0357
170-300-0360	110-300-0360
<b>Program Administration and Oversight Licensing Process</b>	
170-300-0401	110-300-0401
170-300-0402	110-300-0402
170-300-0415	110-300-0415
170-300-0420	110-300-0420
170-300-0425	110-300-0425
170-300-0435	110-300-0435
170-300-0436	110-300-0436
170-300-0440	110-300-0440
170-300-0443	110-300-0443
<b>Records, Policies, Reporting and Posting</b>	
170-300-0450	110-300-0450
170-300-0455	110-300-0455
170-300-0460	110-300-0460
170-300-0470	110-300-0470
170-300-0475	110-300-0475
170-300-0480	110-300-0480
170-300-0485	110-300-0485
170-300-0486	110-300-0486
170-300-0490	110-300-0490
170-300-0495	110-300-0495
170-300-0500	110-300-0500
170-300-0505	110-300-0505

July 5, 2018  
 Heather Moss, Deputy Secretary  
 Operations and Infrastructure

**WSR 18-15-012**  
**NOTICE OF PUBLIC MEETINGS**  
**HUMAN RIGHTS COMMISSION**

[Filed July 6, 2018, 2:10 p.m.]

The following date and time is for the July 26, 2018, commission meeting: Washington state human rights commission, commission meeting, on July 26, 2018, at 5:30 p.m.,

via conference call, phone 319-527-3510, Access Code: 833014#.

**WSR 18-15-013**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF AGRICULTURE**

[Filed July 9, 2018, 8:44 a.m.]

**REPEAL OF INTERPRETIVE STATEMENT**

**CI-18-0001 - Clarification Regarding Industrial Hemp Program Regulations Applicable to Industrial Hemp After Processing as a "Publicly Marketable Hemp Product"**

The Washington state department of agriculture repeals Interpretive Statement Number CI-18-0001. The interpretive statement was filed with the office of the code reviser on February 14, 2018 (WSR 18-05-050). It established how the department applies licensure requirements under chapter 15.120 RCW, Industrial hemp research program and chapter 16-305 WAC, Industrial hemp research program, regarding industrial hemp that has been processed consistent with department regulations into a marketable commodity.

The department filed a CR-103 on June 7, 2018, amending chapter 16-305 WAC that addresses this issue. The rule amendments go into effect July 8, 2018. Therefore, the interpretive statement is no longer necessary and should be repealed.

July 9, 2018  
 Derek I. Sandison  
 Director

**WSR 18-15-015**  
**DEPARTMENT OF**  
**CHILDREN, YOUTH, AND FAMILIES**

[Filed July 9, 2018, 9:35 a.m.]

The following sections are decodified from Title 170 WAC and recodified to Title 110 WAC.

Current WAC #	New WAC#
170-01-0205	110-01-0205
170-01-0206	110-01-0206

July 6, 2018  
 Heather Moss  
 Deputy Secretary  
 Operations and Infrastructure

**WSR 18-15-021****INTERPRETIVE OR POLICY STATEMENT  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

[Filed July 10, 2018, 10:51 a.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: CN-297: Receivable Offset Switch Part 2.

Subject: Receivable offset switch Part 2.

Effective Date: June 4, 2018.

Document Description: This canary notice explains new processes for reducing receivables. These new processes are in alignment with RCW 26.23.035(3).

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 360-586-3274, email shaddrm@dshs.wa.gov, web site <http://www.dshs.wa.gov/dcs/>.

**WSR 18-15-024****INTERPRETIVE STATEMENT  
DEPARTMENT OF REVENUE**

[Filed July 10, 2018, 2:38 p.m.]

**INTERPRETIVE STATEMENT ISSUED**

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

**ETA 3051.2018 Business and Occupation Tax Credit on  
Research and Development Spending for Staffing  
Companies**

This ETA has been updated to conform to changes required by ESHB 1296, 2017 regular session. This legislation replaces the annual report and annual survey used for economic development activities with an annual tax performance report.

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

Erin T. Lopez  
Tax Policy Manager  
Rules Coordinator

**WSR 18-15-025****INTERPRETIVE STATEMENT  
DEPARTMENT OF REVENUE**

[Filed July 10, 2018, 2:39 p.m.]

**INTERPRETIVE STATEMENT ISSUED**

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

**ETA 3187.2018 "Operationally Complete" and Tax  
Deferral Projects**

This ETA has been updated to conform to changes required by ESHB 1296, 2017 regular session. This legislation replaces the annual report and annual survey used for economic development activities with an annual tax performance report.

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

Erin T. Lopez  
Tax Policy Manager  
Rules Coordinator

**WSR 18-15-028****NOTICE OF PUBLIC MEETINGS  
WALLA WALLA  
COMMUNITY COLLEGE**

[Filed July 10, 2018, 3:59 p.m.]

The board of trustees of Walla Walla Community College, District Number Twenty, will meet in regular session on July 30, 2018, in the Walla Walla Community College Board Room, Walla Walla campus.

Please direct any questions to Jerri Ramsey at [jerri.ramsey@wwcc.edu](mailto:jerri.ramsey@wwcc.edu) or by phone 509-527-4274.

**WSR 18-15-030****NOTICE OF PUBLIC MEETINGS  
WALLA WALLA  
COMMUNITY COLLEGE**

[Filed July 11, 2018, 10:06 a.m.]

The Walla Walla Community College (WWCC) board of trustees has made the following changes to its regular meeting schedule:

- September 19, 2018, from the WWCC Walla Walla campus to the WWCC Clarkston campus
- From October 17, 2018, to October 10, 2018, and from the WWCC Clarkston campus to the WWCC Walla Walla campus

If you need further information, please contact Jerri Ramsey, 500 Tausick Way, Walla Walla, WA 99362, phone 509-527-4274, email [jerri.ramsey@wwcc.edu](mailto:jerri.ramsey@wwcc.edu), [www.wwcc.edu](http://www.wwcc.edu).

**WSR 18-15-037**  
**NOTICE OF PUBLIC MEETINGS**  
**RECREATION AND CONSERVATION**  
**OFFICE**

Ross Hunter  
Secretary

(Salmon Recovery Funding Board)

[Filed July 12, 2018, 2:50 p.m.]

The salmon recovery funding board is changing the **time** of its regular quarterly meeting scheduled for August 9, 2018:  
**FROM:** August 9, 2018, from 9:00 a.m. to 5:00 p.m., Natural Resources Building, 1111 Washington Street S.E., Room 172, Olympia, WA.

**TO:** August 9, 2018, from 9:00 a.m. to 11:00 a.m., Natural Resources Building, 1111 Washington Street S.E., Room 172, Olympia, WA.

For further information please contact Wyatt Lundquist, Wyatt.lundquist@rco.wa.gov or check recreation and conservation office's (RCO) web page at [http://www.rco.wa.gov/boards/srfb\\_meetings.shtml](http://www.rco.wa.gov/boards/srfb_meetings.shtml).

RCO schedules all public meetings at barrier free sites. Persons who need special assistance may contact Leslie Frank at 360-902-0220 or email [leslie.frank@rco.wa.gov](mailto:leslie.frank@rco.wa.gov).

**WSR 18-15-038**  
**NOTICE OF PUBLIC MEETINGS**  
**RECREATION AND CONSERVATION**  
**OFFICE**

(Recreation and Conservation Funding Board)

[Filed July 12, 2018, 2:54 p.m.]

The recreation and conservation funding board is changing the **date** and **time** of the regular quarterly meeting scheduled for August 9, 2018:

**FROM:** August 9, 2018, from 9:00 a.m. to 5:00 p.m., Natural Resources Building, 1111 Washington Street S.E., Room 172, Olympia, WA.

**TO:** CANCELLED.

For further information please contact Wyatt Lundquist, Wyatt.lundquist@rco.wa.gov or check recreation and conservation office's (RCO) web page at [http://www.rco.wa.gov/boards/srfb\\_meetings.shtml](http://www.rco.wa.gov/boards/srfb_meetings.shtml).

RCO schedules all public meetings at barrier free sites. Persons who need special assistance may contact Leslie Frank at 360-902-0220 or email [leslie.frank@rco.wa.gov](mailto:leslie.frank@rco.wa.gov).

**WSR 18-15-040**  
**PUBLIC RECORDS OFFICER**  
**DEPARTMENT OF**  
**CHILDREN, YOUTH, AND FAMILIES**

[Filed July 12, 2018, 4:10 p.m.]

Pursuant to RCW 42.56.580, the public records officer for the department of children, youth, and families is Jody Arndt: Physical address 1310 Jefferson Street S.E., Olympia, WA 98501; mailing address P.O. Box 45717, Olympia, WA 98504, phone 360-407-5520, fax 360-407-5571, email [jody.arndt@dcyf.wa.gov](mailto:jody.arndt@dcyf.wa.gov).

**WSR 18-15-041**  
**RULES OF COURT**  
**STATE SUPREME COURT**

[July 11, 2018]

IN THE MATTER OF THE PROPOSED ) ORDER  
AMENDMENTS TO JuCR 7.7—STATE- ) NO. 25700-A-1234  
MENT ON PLEA OF GUILTY; CrRLJ )  
4.2(G)—STATEMENT OF DEFENDANT )  
ON PLEA OF GUILTY; AND CrRLJ )  
4.2(G) "DUI" ATTACHMENT )

The Washington State Pattern Forms Committee, having recommended the expeditious adoption of the proposed amendments to JuCR 7.7—Statement on Plea of Guilty; CrRLJ 4.2(g)—Statement of Defendant on Plea of Guilty; and CrRLJ 4.2(g) "DUI" Attachment, and the Court having considered the amendments and comments submitted thereto, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the proposed amendments as shown below are adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the proposed amendments will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 11th day of July, 2018.

	Fairhurst, C.J.
_____ Johnson, J.	_____ Wiggins, J.
_____ Madsen, J.	_____ Gonzalez, J.
_____ Owens, J.	_____ Gordon McCloud, J.
_____ Stephens, J.	_____ Yu, J.

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 18-16 issue of the Register.

**WSR 18-15-042**  
**RULES OF COURT**  
**STATE SUPREME COURT**

[July 11, 2018]

IN THE MATTER OF THE SUGGESTED ) ORDER  
AMENDMENTS TO CrR 3.4—PRES- ) NO. 25700-A-1235  
ENCE OF THE DEFENDANT; CrRLJ )  
3.4—PRESENCE OF THE DEFENDANT )

The Washington Association of Criminal Defense Lawyers, having recommended the expeditious adoption of the

suggested amendments to CrR 3.4—Presence of the Defendant; CrRLJ 3.4—Presence of the Defendant, and the Court having considered the amendments and comments submitted thereto, and having determined that the suggested amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the suggested amendments as shown below are adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the suggested amendments will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 11th day of July, 2018.

	Fairhurst, C.J.
Johnson, J.	Wiggins, J.
Madsen, J.	Gonzalez, J.
Owens, J.	Gordon McCloud, J.
Stephens, J.	Yu, J.

SUGGESTED AMENDMENT TO CRIMINAL RULE CrR 3.4  
CrR 3.4 PRESENCE OF THE DEFENDANT

- (a) **When Necessary.** Unchanged.
- (b) **Effect of Voluntary Absence.** Unchanged.
- (c) **Defendant Not Present.** Unchanged.
- (d) **Video Conference Proceedings.**
  - (1) *Authorization.* Unchanged.
  - (2) *Agreement.* Unchanged.

(3) *Standards for Video Conference Proceedings.* The judge, counsel, all parties, and the public must be able to see and hear each other during proceedings, and speak as permitted by the judge. The video and audio should be of sufficient quality to ensure participants are easily seen and understood. Video conference facilities must provide for confidential communications between attorney and client, including a means during the hearing for the attorney and the client to read and review all documents executed therein, and security sufficient to protect the safety of all participants and observers. For purposes of video conference proceedings, the electronic or facsimile signatures of the defendant, counsel, interested parties, and the Court shall be treated as if they were an original signature. This includes all orders on Judgment and Sentence, No Contact Orders, Statements of Defendant on Pleas of Guilty, and other documents or pleadings as the Court shall determine are appropriate or necessary. In interpreted proceedings, the interpreter must be located next to the defendant and the proceeding must be conducted to assure that the interpreter can hear all participants.

(e) **Video Conference Proceedings under Chapter 10.77 RCW.** Unchanged.

SUGGESTED AMENDMENT TO CRIMINAL RULE CrRLJ 3.4  
PRESENCE OF THE DEFENDANT

CrRLJ 3.4 PRESENCE OF THE DEFENDANT

- (a) **When Necessary.** Unchanged.
- (b) **Effect of Voluntary Absence.** Unchanged.
- (c) **Defendant Not Present.** Unchanged.
- (d) **Video Conference Proceedings.**
  - (1) *Authorization.* Unchanged.
  - (2) *Agreement.* Unchanged.

(3) *Standards for Video Conference Proceedings.* The judge, counsel, all parties, and the public must be able to see and hear each other during proceedings, and speak as permitted by the judge. The video and audio should be of sufficient quality to ensure participants are easily seen and understood. Video conference facilities must provide for confidential communications between attorney and client including a means during the hearing, for the attorney and the client to read and review all documents executed therein, and security sufficient to protect the safety of all participants and observers. For purposes of video conference proceedings, the electronic or facsimile signatures of the defendant, counsel, interested parties and the Court shall be treated as if they were an original signature. This includes all orders on Judgment and Sentence, No Contact Orders, Statements of Defendant on Pleas of Guilty, and other documents or pleadings as the Court shall determine are appropriate or necessary. In interpreted proceedings, the interpreter must be located next to the defendant and the proceeding must be conducted to assure that the interpreter can hear all participants.

(e) **Video Conference Proceedings under Chapter 10.77 RCW.** Unchanged

WSR 18-15-043  
RULES OF COURT  
STATE SUPREME COURT  
[July 11, 2018]

IN THE MATTER OF THE SUGGESTED	)	ORDER
AMENDMENTS TO CrR 4.7—DISCOV-	)	NO. 25700-A-1236
ERY; CrRLJ 4.7—DISCOVERY; AND	)	
SUGGESTED NEW CRIMINAL RULES	)	
CrR 3.7—RECORDING INTERROGA-	)	
TIONS; CrR 3.8—RECORDING EYE-	)	
WITNESS IDENTIFICATION PROCE-	)	
DURE; CrR 3.9—IN-COURT EYEWIT-	)	
NESS IDENTIFICATION; CrR 4.11—	)	
RECORDING WITNESS INTERVIEWS;	)	
CrRLJ 3.7—RECORDING INTERRO-	)	
GATIONS; CrRLJ 3.8—RECORDING	)	
EYEWITNESS IDENTIFICATION PRO-	)	
CEDURE; CrRLJ 3.9—IN-COURT EYE-	)	
WITNESS IDENTIFICATION; CrRLJ	)	
4.11—RECORDING WITNESS INTER-	)	
VIEWS	)	

The Washington Association of Criminal Defense Lawyers, having recommended the suggested amendments to CrR 4.7—Discovery; CrRLJ 4.7—Discovery;; and Suggested New Criminal Rules CrR 3.7—Recording Interroga-



tions; CrR 3.8—Recording Eyewitness Identification Procedure; CrR 3.9—In-Court Eyewitness Identification; CrR 4.11—Recording Witness Interviews; CrRLJ 3.7—Recording Interrogations; CrRLJ 3.8—Recording Eyewitness Identification Procedure; CrRLJ 3.9—In-Court Eyewitness Identification; CrRLJ 4.11—Recording Witness Interviews, and the Court having considered the amendments and comments submitted thereto;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendments shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2019.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2019. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov). Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 11th day of July, 2018.

For the Court

Fairhurst, C.J.

CHIEF JUSTICE

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 18-17 issue of the Register.

**Reviser's note:** The typographical error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 18-15-051**

**NOTICE OF PUBLIC MEETINGS  
UNIVERSITY OF WASHINGTON**

[Filed July 13, 2018, 3:00 p.m.]

The board of regents of the University of Washington has cancelled the following regular meetings of the full board and standing committees of the board: Wednesday, August 8, 2018, at 5:30 p.m. and Thursday, August 9, 2018, at 8:30 a.m.

The next regular meetings of the board will take place on Wednesday, September 12, 2018, at 5:30 p.m., and on Thursday, September 13, 2018, at 8:30 a.m., as previously published.

If you need further information contact Tyler Lange, Secretary of the Board, University of Washington Board of Regents, 139 Gerberding Hall, Box 351264, Seattle, WA 98195-1264, 206-543-1633, [regents@uw.edu](mailto:regents@uw.edu), [www.uw.edu/regents](http://www.uw.edu/regents).

**WSR 18-15-052**

**NOTICE OF PUBLIC MEETINGS  
EVERETT COMMUNITY COLLEGE**

[Filed July 13, 2018, 4:51 p.m.]

**2018-2019 Board of Trustees Meeting Dates**

Please refer to the web site <https://www.everettcc.edu/administration/trustees/meetings-and-minutes> for updated meeting details.

Date	Time	Location
July 17, 2018 Regular Meeting	5 p.m.	Everett Community College Henry M. Jackson Conference Center
August 2018		No scheduled meeting
September 18, 2018 Study Session	5 p.m.	Everett Community College Henry M. Jackson Conference Center
October 16, 2018 Regular Meeting	5 p.m.	Everett Community College Henry M. Jackson Conference Center
November 13, 2018 Regular Meeting	5 p.m.	Everett Community College Henry M. Jackson Conference Center
December 2018		No scheduled meeting
January 15, 2019 Regular Meeting	5 p.m.	Everett Community College Henry M. Jackson Conference Center
February 19, 2019 Study Session	5 p.m.	Everett Community College Henry M. Jackson Conference Center
March 19, 2019 Regular Meeting	5 p.m.	Everett Community College Henry M. Jackson Conference Center
April 16, 2019 Study Session	5 p.m.	Everett Community College Henry M. Jackson Conference Center
May 21, 2019 Regular Meeting	5 p.m.	Everett Community College Henry M. Jackson Conference Center
June 18, 2019 Regular Meeting	5 p.m.	Everett Community College Henry M. Jackson Conference Center

**WSR 18-15-053**

**AGENDA  
DEPARTMENT OF COMMERCE**

[Filed July 16, 2018, 8:38 a.m.]

Following is the department of commerce's 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 Jaime Rossman if you have questions, [jaime.rossman@commerce.wa.gov](mailto:jaime.rossman@commerce.wa.gov) or 360-725-2717.

Semi-Annual Rule-Making Agenda  
July through December 2018

WAC Citation	Subject Matter/Purpose of Rule	Current Activity/ Approx. Filing Date
New Chapter 365-175 WAC	Commerce will adopt rules for the implementation of the low-income home rehabilitation revolving loan program, pursuant to RCW 43.330.482.	CR 102 filed summer 2018 CR-103 anticipated in fall 2018
Chapter 194-26 WAC	Commerce may propose and adopt rules for determination of the average greenhouse gas emission rate from new, commercially available combined cycle combustion turbines. This determination is to be made every five years after July 22, 2007. Rule making was last completed in March 2013.	CR-103 anticipated summer or fall 2018
Chapter 365-220 WAC	Commerce will update rules for the developmental disabilities endowment trust fund to correct RCW citations and provide other updates.	CR-101 anticipated in July 2018
New chapter in Title 365 WAC	Commerce is considering initiating a rule making for the landlord mitigation program established by RCW 43.31.605.	Commerce may file a CR-101 during the second half of 2018
New chapter in Title 365 WAC	Commerce is considering initiating a rule making for the early learning facilities program, established by RCW 43.31.565 to 43.31.583.	Commerce may file a CR-101 during the second half of 2018
New chapter in Title 365 WAC	Commerce is considering initiating a rule making to adjust the fee that must be paid upon recording of a notice of trustee's sale on residential real property, as required by RCW 61.24.173.	Commerce may file a CR-101 during the second half of 2018

Jaime Rossman  
Rules Coordinator

**WSR 18-15-054**  
**HEALTH CARE AUTHORITY**

[Filed July 16, 2018, 9:19 a.m.]

**NOTICE**

Title or Subject: Medicaid State Plan Amendment (SPA) 18-0024 Treat & Refer Services.

Effective Date: January 1, 2019.

Description: The health care authority (HCA) and the department of health (DOH) intend to submit medicaid SPA 18-0024 to implement E2SHB 1358 which was approved by the governor on May 10, 2017.

E2SHB directs HCA to adopt standards for reimbursement of covered health care services provided to eligible medicaid clients by specified emergency medical services providers through their community assistance referral and education services (CARES) programs, when those services are provided to clients whose medical needs do not require ambulance transport to an emergency department. These services are known as "Treat and Refer" services.

The bill directs DOH to review the professional certification and training of health professionals participating in a CARES program and coordinate with HCA to link the certification requirements with the Treat and Refer services.

Treat and Refer services may be provided by the following emergency medical services providers:

- Fire departments (including city and town fire departments).
- Fire protection districts.
- Regional fire protection service authorities.
- Emergency medical service (EMS) providers eligible to levy a tax under state law.
- Federally recognized Indian tribes.

SPA 18-0024 is expected to increase the annual aggregate expenditures/payments to EMS providers by \$3,511,450.

SPA 18-0024 is in the development process; therefore a copy is not yet available for review. HCA and DOH would appreciate any input or concerns regarding this SPA. To request a copy when it becomes available, you may contact the agency in your county listed in the table or the person named below. 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).

Contact Abigail Cole, Hospital Finance, P.O. Box 45510, Olympia, WA 98501, phone 360-725-1835, TRS 711, email [abigail.cole@hca.wa.gov](mailto:abigail.cole@hca.wa.gov).

**County Contacts****Adams County**

Adams County Health Department  
108 West Main  
Ritzville, WA 99169  
Phone (509) 659-3315

**Asotin County**

Clarkston Home and Community Services Office  
525 Fifth Street  
Clarkston, WA 99403  
Web site <http://www.altcWashington.com>  
Phone (509) 751-4672  
Alt. Phone 1-800-310-4881  
Fax (509) 758-4593

**Benton County**

Tri-Cities Home and Community Services Office  
500 North Morain Street  
Suite 2210  
Kennewick, WA 99336  
Phone (509) 374-2100  
Alt. Phone 1-800-310-4833  
Fax (509) 374-7559

**Chelan County**

Chelan Community Services Office  
805 South Mission Street  
Wenatchee, WA 98801  
Phone (509) 667-6000

**Clallam County**

Port Angeles Home and Community Services Office  
235 West 1st Street  
Port Angeles, WA 98362  
Phone (360) 565-2160  
Alt. Phone 1-800-280-9891  
TTY (360) 417-5651  
Fax (360) 417-1416

**Clark County**

Vancouver Home and Community Services Office  
800 N.E. 136th Avenue  
Suite 220  
Vancouver, WA 98684  
Phone (360) 397-9500  
Alt. Phone 1-800-280-0586  
TTY (360) 750-4079  
Fax (360) 992-7949

**Columbia County**

Aging and Disability Resource Center  
410 East Main  
Dayton, WA 99328  
Web site <http://www.altcWashington.com/>  
Phone (509) 382-4787

**Cowlitz County**

Kelso Home and Community Services Office  
711 Vine Street  
Kelso, WA 98626  
Phone (360) 501-2500  
Alt. Phone 1-800-605-7322

TTY (360) 577-7591  
Fax (360) 578-4106

**Douglas County**

Wenatchee Home and Community Services Office  
50 Simon Street S.E.  
Suite B  
East Wenatchee, WA 98802  
Phone (509) 886-6140  
Alt. Phone 1-800-670-8874  
Fax (509) 886-6221

**Ferry County**

Republic Home and Community Services Office  
89 East Delaware  
Republic, WA 99166  
Phone (509) 775-2227  
Alt. Phone 1-888-437-0516  
TTY (509) 775-2661  
Fax (509) 775-2401

**Franklin County**

Franklin County Commissioners Office  
1016 North 4th Avenue  
Pasco, WA 99301  
Phone (509) 545-3535

**Garfield County**

Garfield County District Court  
789 West Main Street  
P.O. Box 817 or 819  
Pomeroy, WA 99347  
Phone (509) 843-1002

**Grant County**

Moses Lake Home and Community Services Office  
1651 South Pilgrim Street  
Moses Lake, WA 98837  
Phone (509) 764-5657  
Alt. Phone 1-800-671-8902  
TTY 1-800-833-6388  
Fax (509) 764-5656

**Grays Harbor County**

Aberdeen Home and Community Services Office  
415 West Wishkah Street  
Suite A2  
Aberdeen, WA 98520  
Phone (360) 533-9222  
Alt. Phone 1-800-487-0119  
TTY (360) 533-9730  
Fax (360) 533-9782

**Island County**

Oak Harbor Home and Community Services Office  
900 East College Way  
Suite 210  
Mt. Vernon, WA 98273  
Phone (360) 429-2961  
Alt. Phone 1-866-608-0836  
Fax (360) 429-2958

**Jefferson County**

Port Townsend Home and Community Services Office  
 915 Sheridan Street  
 Suite 201  
 Port Townsend, WA 98368  
 Phone (360) 379-4326  
 Alt. Phone 1-800-280-9991  
 Fax (360) 344-4600

**King County**

King County Home and Community Services Office  
 1737 Airport Way South  
 Suite 130  
 P.O. Box 24847  
 Seattle, WA 98134  
 Phone (206) 341-7750  
 Alt. Phone 1-800-346-9257  
 TTY 1-800-833-6384

**Kitsap County**

Bremerton Home and Community Services Office  
 4710 Auto Center Boulevard  
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 Alt. Phone 1-800-422-7114  
 TTY (360) 478-4928  
 Fax (360) 478-6467

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**Walla Walla County**

Walla Walla Home and Community Services Office  
 206 West Poplar  
 Walla Walla, WA 99362

**WSR 18-15-061**

**AGENDA**

**HEALTH CARE AUTHORITY**

[Filed July 16, 2018, 12:24 p.m.]

The following is the Washington health care authority's semi-annual rule-making 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.

If you have questions about this rule-making agenda, contact Wendy Barcus, Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1306, email wendy.barcus@hca.wa.gov.

**Semi-Annual Rule-Making Agenda  
 July through December 2018**

WAC Citation	Subject Matter	Current Activity		
		CR-101	CR-102 or CR-105	CR-103E
182-02 (new)	Health care authority—General definitions	WSR 18-14-094 Filed 7/3/18		
182-08, 182-12	Public employees benefits board— Annual rule making—Procedures/eligible and noneligible employees	WSR 18-11-023 Filed 5/7/18		
182-13-040	Health care authority—Application for medicare supplement coverage	WSR 18-11-024 Filed 5/7/18		

WAC Citation	Subject Matter	Current Activity		
		CR-101	CR-102 or CR-105	CR-103E
182-16	Public employees benefits board—Annual rule making—Practice and procedure	WSR 18-11-025 Filed 5/7/18		
182-22, 182-23, 182-24, 182-25 (repeal)	Health care authority—Washington health plan and basic health plan	WSR 18-13-049 Filed 6/12/18		
182-30, 182-31, 182-32	School employees benefits board—Establishing rules	WSR 18-12-119 Filed 6/9/18		
182-100-0100 (new)	Health care authority—Problem gambling	WSR 18-14-080 Filed 7/2/18		WSR 18-14-027 Filed 6/26/18
182-500-0075	Washington apple health—Definition N	WSR 18-05-066 Filed 2/16/18		
182-502-0012, 182-502-0060	Washington apple health—When the medical agency does not enroll/reapplying for participation	WSR 18-14-098 Filed 7/3/18		
182-512-0350	Washington apple health—SSI-related medical—Property and contracts excluded as resources	WSR 17-15-094 Filed 7/18/17		
182-512-0550, 182-512-0700	Washington apple health—SSI-related medical-income eligibility; all other excluded resources	WSR 18-15-036 Filed 7/12/18		
182-513-1105	Washington apple health—Personal needs allowance and room and board standards in a medical institution and alternative living facility	WSR 18-12-097 Filed 6/5/18		
182-513-1330	Washington apple health—Determining available income for legally married couples for long-term care services	WSR 18-08-045 Filed 3/29/18	WSR 18-13-021 Filed 6/8/18 Public hearing to be held on 7/25/18	
182-517-0100	Washington apple health—Federal medicare savings program	WSR 18-01-077 Filed 12/15/17		
182-524 (new)	Washington apple health—Compact of free association premium assistance program	WSR 18-12-029 Filed 5/29/18		
182-526-0284, 182-526-0285	Washington apple health—Orders of default; orders of dismissal	WSR 18-01-066 Filed 12/14/17	CR-102 WSR 18-07-059 Filed 3/15/18 Public hearing held on 4/24/18	
182-531-0050, 182-531-2040 (new)	Washington apple health—Medication assisted therapy	WSR 18-14-112 Filed 7/5/18		
182-531-0100, 182-531-0150	Washington apple health—Physician related services—Scope of services and noncovered services	WSR 18-09-074 Filed 4/17/18		
182-531-0200	Washington apple health—Physician-related services requiring prior authorization	WSR 18-11-105 Filed 5/21/18		

WAC Citation	Subject Matter	Current Activity		
		CR-101	CR-102 or CR-105	CR-103E
182-531-0425 (new)	Washington apple health—Collaborative care	WSR 18-02-089 Filed 1/2/18		WSR 18-08-017 Filed 3/23/18
182-531-1675	Washington apple health—Gender dysphoria treatment program	WSR 18-10-027 Filed 4/24/18		
182-531-2030 (new)	Washington apple health—Enhanced rates for pediatric services and administration of vaccines	WSR 18-09-119 Filed 4/18/18	CR-102 WSR 18-14-082 Filed 7/2/18 Public hearing to be held 8/7/18	
182-531A-0800	Washington apple health—Applied behavioral health—Provider requirements		CR-105 WSR 18-11-092 Filed 5/18/18	
182-532-0100 through 182-532-140	Washington apple health—Reproductive health services	WSR 18-12-030 Filed 5/29/18		
182-532-500 through 182-532-790	Washington apple health—Family planning only program/TAKE CHARGE program	WSR 18-12-031 Filed 5/29/18		
182-535, 182-535A	Washington apple health—Dental-related services and orthodontic services	WSR 18-07-089 Filed 3/20/18		
182-535-1245	Washington apple health—Access to baby and child dentistry program	WSR 18-10-113 Filed 5/2/18		
182-535-1270 (new)	Washington apple health—Dental-related services—Implementing a three year pilot program (new section)	WSR 18-03-132 Filed 1/22/18		
182-538	Washington apple health—Managed care	WSR 18-09-111 Filed 4/18/18		
182-538D (new)	Washington apple health—Behavioral health services	WSR 18-14-080 Filed 7/2/18		WSR 18-14-027 Filed 6/26/18
182-543	Washington apple health—Durable medical equipment (DME)/complex rehabilitation technology (CRT)/prosthetics and orthotics (P&O), medical supplies and related services	WSR 18-05-067 Filed 2/16/18		
182-543-9000, 182-543-9100, 182-543-9200, 182-543-9250, 182-543-9300, 182-543-9400	Washington apple health—Reimbursement DME/wheelchairs/CRT/P&O/medical supplies	WSR 18-11-093 Filed 5/18/18		
182-546-0001 through 182-546-4000	Washington apple health—Ambulance transportation services	WSR 14-03-080 Filed 1/15/14		
182-546-0200, 182-546-0250, 182-546-0400, 182-546-0500,	Washington apple health—Transportation—Treat and refer (no transport) (new section)	WSR 18-11-091 Filed 5/18/18		

WAC Citation	Subject Matter	Current Activity		
		CR-101	CR-102 or CR-105	CR-103E
182-546-0700				
182-546-0505 through 182-546-0545 (new)	Washington apple health- Ground emergency medical transporta- tion program	WSR 15-24-129 Filed 12/2/15		
182-546-4600 (new)	Washington apple health- Ambulance transportation—Involun- tary substance use disorder treatment - Ricky Garcia Act	WSR 16-14-040 Filed 6/28/16	CR-102 WSR 18-13-022 Filed 6/8/18 Public hearing to be held on 7/25/18	WSR 18-13-050 Filed 6/13/18
182-547	Washington apple health—Hearing aids	WSR 18-09-021 Filed 4/11/18		
182-548, 182-549	Washington apple health—Federally qualified health centers/rural health clinics	WSR 18-12-099 Filed 6/5/18		
182-550-2600	Washington apple health— Inpatient psychiatric services	WSR 18-04-063 Filed 2/1/18		
182-550-7500	Washington apple health—OPPS rate	WSR 18-09-109 Filed 4/18/18	CR-102 WSR 18-13-114 Filed 6/20/18 Public hearing to be held on 7/25/18	WSR 18-14-061 Filed 6/29/18
182-551-1810	Washington apple health—Adult palli- ative care	WSR 18-19-073 Filed 4/17/18		
182-551-1860	Washington apple health—Hospice— Concurrent care for clients age twenty and younger	WSR 18-15-031 Filed 7/11/18		
182-551-2010, 182-551-2030, 182-551-2125, 182-551-2130, 182-551-2210	Washington apple health—Home health services	WSR 18-05-068 Filed 2/16/18		
182-553-500	Washington apple health—Home infu- sion therapy	WSR 18-13-086 Filed 6/18/18		
182-555 (new); 182-550-6300	Washington apple health—Medical nutrition therapy; outpatient nutritional counseling	WSR 18-04-066 Filed 2/1/18		
182-558	Washington apple health—Premium payment program	WSR 18-06-037 Filed 3/1/18		
182-560-100	Washington apple health—Achieving a better life experience	WSR 18-08-071 Filed 4/3/18	CR-102 WSR 18-14-070 Filed 6/29/18 Public hearing to be held on 8/7/18	

Wendy Barcus  
Rules Coordinator



**WSR 18-15-075****HEALTH CARE AUTHORITY**

[Filed July 17, 2018, 1:00 p.m.]

**NOTICE**

Title or Subject: Medicaid State Plan Amendment (SPA) 18-0031 Reasonable Opportunity Periods for Immigration Status Verification.

Effective Date: July 1, 2018.

Description: The health care authority (agency) intends to submit medicaid SPA 18-0031 in order to implement a pilot program from July 1, 2018, through June 30, 2019, designed to monitor requests for multiple reasonable opportunity periods. "Reasonable opportunity periods" are periods of one hundred twenty days designed to give noncitizens time to provide documentation that verifies the immigration status to which they attested at the time of application, while they receive Washington apple health coverage. When the client's attestation cannot be verified through the agency's interface with systematic alien verification for entitlements program (SAVE) and the client has not previously received two reasonable opportunity periods, the agency will open a reasonable opportunity period regardless of previous requests for verification.

When the agency approves a reasonable opportunity period for a client, the client's effective date of coverage will be updated to the first day of the month of application.

The agency consulted with the Centers for Medicaid and Medicare Services (CMS) and both agencies have agreed to the appropriate data to collect for pilot analysis. The agency will develop a report of clients who apply for Washington apple health but whose eligibility determination is in pending status because of an immigration status discrepancy. The agency will analyze the data to determine the next steps needed for individuals who apply for more than two reasonable opportunity periods. Any data shared between the agency and CMS will remain at the aggregate level.

SPA 18-0031 is in development. The agency would appreciate any input or concerns regarding this SPA. To request a copy of the SPA when it becomes available, you may contact the agency in your county listed in the table or the person named below. 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).

For additional information, contact Paige Lewis, Eligibility Policy and Service Delivery, P.O. Box 45534, Olympia, WA 98504-5534, phone 360-725-0757, TDD/TTY 800-848-6529, fax 360-664-2186, email Paige.Lewis@hca.wa.gov.

**County Contacts****Adams County**

Adams County Health Department  
108 West Main  
Ritzville, WA 99169  
Phone (509) 659-3315

**Asotin County**

Clarkston Home and Community Services Office  
525 Fifth Street  
Clarkston, WA 99403  
Web site <http://www.altcWashington.com>  
Phone (509) 751-4672  
Alt. Phone 1-800-310-4881  
Fax (509) 758-4593

**Benton County**

Tri-Cities Home and Community Services Office  
500 North Morain Street  
Suite 2210  
Kennewick, WA 99336  
Phone (509) 374-2100  
Alt. Phone 1-800-310-4833  
Fax (509) 374-7559

**Chelan County**

Chelan Community Services Office  
805 South Mission Street  
Wenatchee, WA 98801  
Phone (509) 667-6000

**Clallam County**

Port Angeles Home and Community Services Office  
235 West 1st Street  
Port Angeles, WA 98362  
Phone (360) 565-2160  
Alt. Phone 1-800-280-9891  
TTY (360) 417-5651  
Fax (360) 417-1416

**Clark County**

Vancouver Home and Community Services Office  
800 N.E. 136th Avenue  
Suite 220  
Vancouver, WA 98684  
Phone (360) 397-9500  
Alt. Phone 1-800-280-0586  
TTY (360) 750-4079  
Fax (360) 992-7949

**Columbia County**

Aging and Disability Resource Center  
410 East Main  
Dayton, WA 99328  
Web site <http://www.altcWashington.com/>  
Phone (509) 382-4787

**Cowlitz County**

Kelso Home and Community Services Office  
711 Vine Street  
Kelso, WA 98626  
Phone (360) 501-2500  
Alt. Phone 1-800-605-7322  
TTY (360) 577-7591  
Fax (360) 578-4106

**Douglas County**

Wenatchee Home and Community Services Office  
50 Simon Street S.E.  
Suite B

East Wenatchee, WA 98802  
 Phone (509) 886-6140  
 Alt. Phone 1-800-670-8874  
 Fax (509) 886-6221

**Ferry County**

Republic Home and Community Services Office  
 89 East Delaware  
 Republic, WA 99166  
 Phone (509) 775-2227  
 Alt. Phone 1-888-437-0516  
 TTY (509) 775-2661  
 Fax (509) 775-2401

**Franklin County**

Franklin County Commissioners Office  
 1016 North 4th Avenue  
 Pasco, WA 99301  
 Phone (509) 545-3535

**Garfield County**

Garfield County District Court  
 789 West Main Street  
 P.O. Box 817 or 819  
 Pomeroy, WA 99347  
 Phone (509) 843-1002

**Grant County**

Moses Lake Home and Community Services Office  
 1651 South Pilgrim Street  
 Moses Lake, WA 98837  
 Phone (509) 764-5657  
 Alt. Phone 1-800-671-8902  
 TTY 1-800-833-6388  
 Fax (509) 764-5656

**Grays Harbor County**

Aberdeen Home and Community Services Office  
 415 West Wishkah Street  
 Suite A2  
 Aberdeen, WA 98520  
 Phone (360) 533-9222  
 Alt. Phone 1-800-487-0119  
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**Island County**

Oak Harbor Home and Community Services Office  
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 Alt. Phone 1-866-608-0836  
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**Jefferson County**

Port Townsend Home and Community Services Office  
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 Suite 201  
 Port Townsend, WA 98368  
 Phone (360) 379-4326  
 Alt. Phone 1-800-280-9991  
 Fax (360) 344-4600

**King County**

King County Home and Community Services Office  
 1737 Airport Way South  
 Suite 130  
 P.O. Box 24847  
 Seattle, WA 98134  
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 Alt. Phone 1-800-310-5678  
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 Alt. Phone 1-800-239-8292  
 Fax (360) 676-2239

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 Alt. Phone 1-800-459-0421  
 Fax (509) 397-4323

**Yakima County**

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 1002 North 16th Avenue  
 Yakima, WA 98902

Phone (509) 225-4400  
Alt. Phone 1-800-822-2097  
Fax (509) 575-2286

\*\* Winter board retreat - *no regular board meeting.*  
\*\*\* *Special meeting - executive session - no regular board meeting.*  
\*\*\*\* Summer board retreat - *no regular board meeting.*

**WSR 18-15-076**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed July 17, 2018, 1:47 p.m.]

Pursuant to RCW 39.12.015, 39.12.020 and WAC 296-127-011, on August 1, 2018, the industrial statistician will determine and publish on the internet the statewide prevailing rates of wage. These rates become effective thirty days from publication on August 31, 2018.

For more information on prevailing wage or a copy of the rates please visit our web site at [www.lni.wa.gov/TradesLicensing/PrevailingWage/](http://www.lni.wa.gov/TradesLicensing/PrevailingWage/) or call 360-902-5335.

Maggie A. Leland  
Rules Coordinator

**WSR 18-15-079**  
**NOTICE OF PUBLIC MEETINGS**  
**CASCADIA COLLEGE**

[Filed July 17, 2018, 3:20 p.m.]

**2018-2019 Board of Trustees - Meeting Dates**  
**Third Wednesday of Each Month (unless otherwise noted)**

All meetings will begin at 4:00 p.m. and will take place in Room 260 at Cascadia College, 18345 Campus Way N.E., Bothell, WA 98011.

**2018-2019 Board Meeting Dates**

- Wednesday, September 19, 2018
- Wednesday, October 17, 2018
- \*Wednesday, November 14, 2018
- \*\**Wednesday, December 12, 2018 (winter board retreat)*
- \*\*\**Wednesday, January 9, 2019 (special meeting)*
- Wednesday, January 16, 2019
- Wednesday, February 20, 2019
- Wednesday, March 20, 2019
- Wednesday, April 17, 2019
- \*Wednesday, May 8, 2019
- \*Wednesday, June 12, 2019
- July 2019** ***no regular meeting scheduled***
- \*\*\*\**Thursday, August 22, 2019 (summer board retreat)*

\* Meeting dates are the second week of the month, not the third week.

**WSR 18-15-080**  
**NOTICE OF PUBLIC MEETINGS**  
**BOARD OF TAX APPEALS**

[Filed July 17, 2018, 5:04 p.m.]

From August 24 through December 31, 2018, the Washington state board of tax appeals will hold a public meeting each Friday at 9:30 a.m. at the agency's main office, 1110 Capitol Way South, Third Floor, Olympia, WA 98501.

This notice supersedes all prior notices regarding agency public meetings on or after August 24, 2018. If you need additional information, please contact the agency at 360-753-5446.

**WSR 18-15-084**  
**NOTICE OF PUBLIC MEETINGS**  
**STATE BOARD OF HEALTH**

(Governor's Interagency Council on Health Disparities)

[Filed July 18, 2018, 7:45 a.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW), and the Administrative Procedures [Procedure] Act (chapter 34.05 RCW), the following is the updated schedule of public meetings for the Washington state board of health (board), and the governor's interagency council on health disparities (council) for 2018. The board and council meetings are open to the public. We encourage the public to take time to testify on any matter that may come before the board or council.

Agendas for the meetings listed below are made available in advance via listserv and the board and council web sites (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the board and council reserve the right to change or amend agendas at the meeting. If you require special accommodations while attending board or council meetings, please contact Melanie Hisaw five to seven days in advance of the meeting.

**2018 Board/Council Meeting Schedule**

Approved by the Board November 8, 2017  
(update for June date change approved January 10, 2018)  
Approved by the Council December 8, 2017

	Meeting Date	Location
<b>Board</b>	<b>Wednesday August 8, 2018</b>	Capitol Campus John A. Cherberg Building SHR3 304 15th Avenue S.W. Olympia, WA 98501
<b>Council</b>	<b>Thursday September 13, 2018</b>	Centilia Cultural Center 1660 South Roberto Maestas Festival Street Seattle, WA 98144

	Meeting Date	Location
<b>Board</b>	<b>Wednesday October 10, 2018</b>	Kittitas Valley Event Center 901 East 7th Avenue Heritage Center Ellensburg, WA 98926
<b>Board</b>	<b>Wednesday November 14, 2018</b>	Department of Health Point Plaza East Room 152/153 310 Israel Road S.E. Tumwater, WA 98501
<b>Council</b>	<b>Thursday December 6, 2018</b>	Department of Health Point Plaza East Room 152/153 310 Israel Road SE Tumwater, WA 98501

Updated 7/13/2018

Time and locations subject to change as needed. See our web sites at <http://sboh.wa.gov/> and/or <http://healthequity.wa.gov/> for the most current information.

If you need further information, please contact Melanie Hisaw, Executive Assistant, Washington State Board of Health, P.O. Box 47990, Olympia, WA 98504-7990, phone 360-236-4104, fax 360-236-4088, [Melanie.hisaw@sboh.wa.gov](mailto:Melanie.hisaw@sboh.wa.gov).

Date	Time	Location
October 24, 2018	9:00 a.m. to 12:00 p.m.	Employment Security Department Maple Room Meeting Room 212 Maple Park Avenue S.E. Olympia, WA 98501

Although we previously provided notification regarding the July 25 and October 24 meetings in December 2017, we are sending this updated notification because we have added an additional meeting, which will be on August 21, 2018.

In accordance with chapter 42.30 RCW, the Open Public Meetings Act, these meetings are open to the public and conducted at a barrier-free site. For special assistance and for additional information, please contact Bianca Stoner, Legislative and Executive Policy Analyst, Employment Security Department, 360-902-9423 or email [bstoner@esd.wa.gov](mailto:bstoner@esd.wa.gov). Meeting information is also available on the ESAC web site <https://esd.wa.gov/newsroom/ESAC>.

**WSR 18-15-091**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE LOTTERY**  
 [Filed July 18, 2018, 9:03 a.m.]

Washington's lottery has changed the following regular meeting:

From: August 29 and 30, 2018, in Pasco, Washington.

To: August 30, 2018, in Olympia, Washington.

If you need further information contact Debbie Meyer, P.O. Box 43000, 360-890-2472, 360-515-0416, [dmeyer@walottery.com](mailto:dmeyer@walottery.com), [www.walottery.com](http://www.walottery.com).

**WSR 18-15-098**  
**NOTICE OF PUBLIC MEETINGS**  
**EMPLOYMENT SECURITY DEPARTMENT**  
 (Employment Security Advisory Council)  
 [Filed July 18, 2018, 10:22 a.m.]

Following is the schedule of set meetings of the employment security advisory council (ESAC) (convened pursuant to RCW 50.12.200) for 2018.

Date	Time	Location
July 25, 2018	10:00 a.m. to 12:00 p.m.	Employment Security Department Maple Room Meeting Room 212 Maple Park Avenue S.E. Olympia, WA 98501
August 21, 2018	1:00 to 3:00 p.m.	Employment Security Department Maple Room Meeting Room 212 Maple Park Avenue S.E. Olympia, WA 98501