

WSR 24-04-011

EMERGENCY RULES

DEPARTMENT OF HEALTH

[Filed January 26, 2024, 8:58 a.m., effective January 26, 2024, 8:58 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Establishing a directory to help mental health counselors, marriage and family therapists, and social worker associates find supervisors and setting supervision standards.

The department of health (department) is continuing emergency rules that established new WAC 246-809-020, 246-809-070, 246-809-071, and 246-809-072 in chapter 246-809 WAC, Licensure for mental health counselors, marriage and family therapists, and social workers. These emergency rules implement section 7 of 2SHB 1724 (chapter 425, Laws of 2023), which was codified as RCW 18.225.180.

These emergency rules: (1) Establish a new program to facilitate placement of associates with qualified supervisors (referred to as the "directory"), (2) set requirements for individual providers and facilities to be listed in the directory, and (3) set minimum standards for supervision of associates.

These rules continue without change to the initial emergency rules filed on September 28, 2023, under WSR 23-20-055. The department will continue these emergency rules until directory and supervision standards are adopted through the permanent rule-making process. The department filed the preproposal statement of inquiry (CR-101) to begin the permanent rule making on December 27, 2023, under WSR 24-02-038.

Citation of Rules Affected by this Order: New WAC 246-809-020, 246-809-070, 246-809-071, and 246-809-072.

Statutory Authority for Adoption: RCW 18.225.040 and 2SHB 1724 (chapter 425, Laws of 2023), codified as RCW 18.225.180.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency rule is necessary to support the Washington state behavioral health workforce, which is increasingly strained. By establishing and continuing the directory and supervision standards through emergency rule, the department will facilitate associates finding supervisors that can support their professional development, completing supervised experience requirements, and becoming licensed as independent providers.

Additionally, the statutory authority for the directory was designated by the legislature as necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions. Pursuant to section 33 of 2SHB 1724, the department is implementing the directory immediately.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 4, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 4, Amended 0, Repealed 0.

Date Adopted: January 26, 2024.

Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

OTS-4907.4

NEW SECTION

WAC 246-809-020 Mental health counselor, marriage and family therapist, and social worker supervision standards. (1) For any mental health counselor, marriage and family therapist, or social worker licensure candidate (licensure candidate), supervision must include:

- (a) Clearly communicating the nature of the supervisory relationship to the public, other professionals, and all clients served, consistent with the requirements of WAC 246-809-710(2);
- (b) Regular supervision, including meeting at least one hour for every 80 hours of the licensure candidate's clinical practice time; and
- (c) Discussing the following topics:
 - (i) Services provided by the licensure candidate;
 - (ii) Caseload and treatment plans of the licensure candidate;
 - (iii) Theory and practice of the work being conducted;
 - (iv) Relevant Washington laws and rules;
 - (v) Standards of practice;
 - (vi) Coordination of work with other professionals and parties; and
 - (vii) Relevant professional literature and research.

(2) The supervisor must:

- (a) Qualify as an approved supervisor or equally qualified licensed mental health practitioner under this chapter and, in the event they no longer qualify, immediately notify licensure candidates under their supervision;
- (b) Have expertise and knowledge necessary to directly supervise the licensure candidate's work;
- (c) Assure that the licensure candidate has sufficient and appropriate education, background, and preparation for the work they will be doing;
- (d) Provide sufficient training and supervision to the licensure candidate to assure the health and safety of clients;
- (e) Maintain documentation of work done and supervision provided; and

(f) Provide accurate and objective letters of reference or other documentation of the licensure candidate's work at the licensure candidate's request.

(3) A licensure candidate must:

(a) Confirm that a potential supervisor meets the approved supervisor requirements for the licensure candidate's intended profession;

(b) Maintain documentation of work done and supervision provided; and

(c) Periodically submit to the department documentation of supervision hours completed.

(4) A candidate seeking licensure as a licensed marriage and family therapist or licensed social worker must ensure that any supervision hours under a licensed mental health counselor or other equally qualified licensed mental health practitioner comply with the requirements in WAC 246-809-130 or 246-809-330, as applicable.

NEW SECTION

WAC 246-809-070 Licensed counselor supervisor directory. (1) Effective October 1, 2023, the licensed counselor supervisor directory (directory) is established.

(2) The purpose of the directory is to facilitate placement of associates seeking supervisors with eligible providers or facilities for postgraduate supervision as required by WAC 246-809-130, 246-809-230, and 246-809-330.

(3) The directory shall not be made available for any commercial purpose consistent with RCW 42.56.070(8).

(4) A provider or facility shall be removed from the directory:

(a) When a department audit shows the provider or facility no longer meets directory requirements as established in WAC 246-809-071 or 246-809-072;

(b) Upon the request of the provider or facility; or

(c) For other good cause as determined by the department.

(5) Participation in the directory is not required to be a supervisor under WAC 246-809-134, 246-809-234, or 246-809-334.

NEW SECTION

WAC 246-809-071 Individual licensed counselor supervisor directory application. To be listed in the licensed counselor supervisor directory, an individual provider shall:

(1) Hold a license or retired active license that permits treatment of individuals in the state of Washington without restrictions, in an eligible profession, including:

(a) Mental health counselor, marriage and family therapist, or social worker under chapter 18.225 RCW;

(b) Psychologist under chapter 18.83 RCW;

(c) Physician practicing as a psychiatrist under chapter 18.71 RCW; or

(d) Psychiatric nurse practitioner under chapter 18.79 RCW.

(2) Submit a completed application on forms provided by the department;

- (3) Submit verification of meeting the following education requirements:
 - (a) A minimum of 15 clock hours of training in clinical supervision obtained through:
 - (i) A supervision course;
 - (ii) Continuing education credits on supervision;
 - (iii) Supervision of supervision; or
 - (iv) Any combination of these; and
 - (b) Twenty-five hours of experience in supervision of clinical practice; and
- (4) Meet any other qualifications as required by law.

NEW SECTION

WAC 246-809-072 Facility licensed counselor supervisor directory application. To apply to be listed in the licensed counselor supervisor directory, a facility or agency must:

- (1) Provide mental health, substance use disorder, or co-occurring disorder services to persons with a behavioral health disorder;
- (2) Operate under the authority of one or more of the following:
 - (a) Washington state departments and agencies listed in the government agency directory available on the state of Washington website;
 - (b) Federally recognized Indian tribes located within the state;
 - (c) Counties as listed in chapter 36.04 RCW;
 - (d) Community and technical colleges governed by the Washington state board for community and technical colleges;
 - (e) Colleges and universities governed by the Washington state higher education coordinating board;
 - (f) Hospitals licensed under chapter 70.41 RCW;
 - (g) Home health care agencies, home care agencies, and hospice care agencies licensed under chapter 70.127 RCW;
 - (h) Agencies and facilities licensed or certified under chapter 71.05 or 71.24 RCW; or
 - (i) Psychiatric hospitals, residential treatment facilities, and hospitals licensed under chapter 71.12 RCW;
- (3) Submit a completed application on forms provided by the department; and
- (4) Submit verification that at least one individual responsible for providing supervision to associates at the facility meets requirements in WAC 246-809-071.

WSR 24-04-012

EMERGENCY RULES

HEALTH CARE AUTHORITY

(Public Employees Benefits Board)

[Admin #2024-03.02—Filed January 26, 2024, 11:23 a.m., effective January 26, 2024, 11:23 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The health care authority (HCA) is refiling new WAC 182-12-5100 What options for health plan enrollment are available to a retired employee of an employer group that previously ended participation in public employees benefits board (PEBB) insurance coverage, as authorized in SHB 1804, section 3, chapter 312, Laws of 2023.

Citation of Rules Affected by this Order: New WAC 182-12-5100.

Statutory Authority for Adoption: RCW 41.05.951; SHB 1804, section 3, chapter 312, Laws of 2023, 68th legislature, 2023 regular session.

Other Authority: RCW 41.05.021 and 41.05.160.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency rule making is necessary to preserve public peace, health, or safety, or support of the state government and its existing public institutions by establishing enrollment rules for eligible retired or disabled employees of employer groups whose participation in insurance plans or contracts under RCW 41.05.080(1) ended due to the termination of the contractual agreement between HCA and an employer group on or before January 1, 2023. This emergency rule making is necessary to implement SHB 1804, section 3, chapter 312, Laws of 2023, while HCA conducts the permanent rule-making process.

This filing continues the emergency rules filed under WSR 23-20-068, filed on September 29, 2023. Since the filing of this emergency rule, HCA is continuing to review the PEBB chapters for updates and is preparing for its annual revisions to begin under permanent rule making shortly.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 1, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Date Adopted: January 26, 2024.

Wendy Barcus
Rules Coordinator

OTS-4617.2

NEW SECTION

WAC 182-12-5100 What options for health plan enrollment are available to a retired employee of an employer group that previously ended participation in public employees benefits board (PEBB) insurance coverage? (1) A retired employee of an employer group as defined in WAC 182-12-109, whose participation in public employees benefits board (PEBB) retiree insurance coverage ended due to the employer group ending participation in PEBB insurance coverage on or before January 1, 2023, must be allowed to enroll in PEBB health plan coverage if the requirements as described in subsection (4) of this section are met.

(2) For this section only, "subscriber" means the retired employee as described in subsection (1) of this section who is requesting enrollment in PEBB health plan coverage.

(3) The subscriber may elect to enroll in PEBB medical, dental, or both by self-paying the premium and applicable premium surcharges set by the health care authority (HCA). The subscriber enrolled under this section is not eligible for any subsidy provided under RCW 41.05.085.

(4) The subscriber must submit the required forms to the PEBB program, and they must be received by December 31, 2023:

(a) The subscriber may enroll eligible dependents as described in WAC 182-12-260 and must include the dependent's enrollment information on the required forms;

(b) If the subscriber elects to enroll a dependent in PEBB health plan coverage, the dependent will be enrolled in the same PEBB medical and PEBB dental plans as the subscriber;

Exception: If the subscriber selects a medicare supplement plan or medicare advantage prescription-drug (MA-PD) plan, nonmedicare enrollees will be enrolled in the UMP Classic. If the subscriber selects any other medicare plan, they must also select a nonmedicare plan with the same contracted vendor available to nonmedicare enrollees.

(c) The subscriber's account may incur a premium surcharge in addition to their monthly medical premium and the subscriber must attest as described in WAC 182-08-185 (1) and (2). A premium surcharge will be applied to a subscriber who does not attest. If the subscriber's attestation results in a premium surcharge, it will take effect the same date as PEBB medical begins;

(d) The subscriber's first premium payment and applicable premium surcharges are due to HCA no later than 45 days after the effective date of coverage as described in subsection (5) of this section. Following the first premium payment, premiums and applicable premium surcharges must be paid as premiums become due. If the subscriber's monthly premium and applicable premium surcharges remain unpaid for 60 days from the original due date, the subscriber's PEBB insurance coverage will be terminated retroactive to the last day of the month for which the monthly premium and applicable premium surcharges were paid as described in WAC 182-08-180 (1) (c).

Exception: For a subscriber enrolled in a medicare advantage (MA) or a MA-PD plan a notice will be sent to them notifying them that they are delinquent on their monthly premiums and that the enrollment will be terminated prospectively to the end of the month after the notice is sent.

(5) The effective date of enrollment in PEBB health plan coverage will be the first day of the month following the date the required form is received. If that day is the first of the month, then enroll-

ment begins on that day except for a MA or MA-PD plan which will begin the first day of the month following the signature date on the form.

(6) PEBB health plan coverage may continue unless the subscriber requests to terminate enrollment as described in subsection (8) of this section, or premiums and applicable premium surcharges are no longer paid as described in subsection (4)(d) of this section. If PEBB health plan coverage is terminated for these reasons, the subscriber and their enrolled dependents will not be eligible to reenroll.

(7) The subscriber enrolled under this section may make enrollment changes on the same terms and conditions as retirees who are eligible for Consolidated Omnibus Budget Reconciliation Act (COBRA) as described in WAC 182-08-185, 182-08-196, 182-08-198, and 182-12-262.

(8) The subscriber enrolled under this section who requests to voluntarily terminate their PEBB health plan coverage must do so in writing. PEBB health plan coverage will end on the last day of the month in which the PEBB program receives the termination request or on the last day of the month specified in the subscriber's termination request, whichever is later. If the termination request is received on the first day of the month, PEBB health plan coverage will end on the last day of the previous month.

Exception: When a subscriber or their dependent is enrolled in a MA or MA-PD plan, then enrollment in PEBB health plan coverage will terminate on the last day of the month when the MA plan disenrollment form is received.

WSR 24-04-018
EMERGENCY RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Developmental Disabilities Administration)

[Filed January 29, 2024, 7:47 a.m., effective February 1, 2024]

Effective Date of Rule: February 1, 2024.

Purpose: The developmental disabilities administration (DDA) is enacting these changes on an emergency basis to require providers in the scope of chapter 388-829 WAC to complete the skills demonstration portion of CPR training in person.

Citation of Rules Affected by this Order: Repealing WAC 388-101D-0105; and amending WAC 388-829-0040 and 388-829-0050.

Statutory Authority for Adoption: RCW 34.05.350 and 74.39A.074(5).

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Enacting these rules on an emergency basis is necessary in order to ensure providers delivering DDA services complete the skills portion of CPR training in person. The in person requirement existed before the COVID-19 pandemic, but was temporarily lifted during the pandemic to allow providers to complete training virtually to maintain social distancing. These rule amendments are necessary to ensure all providers return to the prepandemic requirement and to clarify that this requirement is for all provider types of community residential services, not just exempt providers (as implied by the requirement previously existing only in a section about exempt staff).

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 2, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 1.

Date Adopted: January 29, 2024.

Katherine I. Vasquez
Rules Coordinator

SHS-5018.2

AMENDATORY SECTION (Amending WSR 17-14-090, filed 6/30/17, effective 8/1/17)

WAC 388-829-0040 What are the training requirements for exempt individuals (~~hired on or after January 1, 2016~~)? (~~Exempt individuals hired on or after January 1, 2016,~~) An individual exempt under WAC 388-829-0035 must meet the following (~~the~~) training requirements:

- (1) Staff hired with a (~~seventy-five~~) 75-hour certificate or letter of exemption must take:
 - (a) Agency orientation; and
 - (b) Client-specific training.
- (2) The hiring or contracting entity must verify that staff hired with an HCA-C from areas outside of DDA have completed the training required in subsection (1) of this section and:
 - (a) DDA-developed specialty training; or
 - (b) Forty hours of DDA residential services curriculum.
- (3) (~~All~~) Exempt community residential staff must maintain current CPR and first aid training certificates as required under WAC 388-829-0050. (~~This training must be completed in person and within sixty days of hire.~~)
- (4) (~~All~~) Exempt community residential staff must complete (~~twelve~~) 12 hours of continuing education per year.

AMENDATORY SECTION (Amending WSR 17-14-090, filed 6/30/17, effective 8/1/17)

WAC 388-829-0050 What is basic training? Basic training is (~~seventy~~) 70 hours of required training that must include:

- (1) Forty hours of DDA residential services curriculum, which includes:
 - (a) Blood-borne pathogen requirements under WAC 296-823-12005; and
 - (b) DDA specialty training requirements; and
- (2) Thirty hours of additional topics related to one or more of the following:
 - (a) Population-specific training(~~+~~).
 - (b) (~~Capable caregiver~~) Specialty training under (~~chapter 388-112~~) WAC 388-112A-0450 related to mental health or WAC 388-112A-0440 dementia(~~+~~).
 - (c) (~~CPR and~~) First aid training and certification (~~as described in WAC 388-829-0040; or~~) which must be completed no more than 60 days after date of hire and kept current.
 - (d) Cardiopulmonary resuscitation (CPR) training and certification which must be completed no more than 60 days after date of hire and kept current. The skills demonstration portion must be completed in-person.
 - (e) On-the-job training hours, including client-specific training, when the instructor is a trained peer coach as described in WAC 388-829-0060.
- (3) For an employee hired on or after February 1, 2024, a provider must ensure that the new employee complies with the in-person CPR requirement under subsection (2) of this section.
- (4) For an employee hired before February 1, 2024, who is CPR-certified but did not complete training in-person, the employee must

meet the in-person CPR requirement no later than December 1, 2024, regardless of when the certification expires.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-101D-0105 Staff training within six months of employment.

WSR 24-04-034
EMERGENCY RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed January 30, 2024, 10:39 a.m., effective January 30, 2024, 10:39 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This WAC change will update school nurse certification policy to match updated department of health licensure changes as a result of Washington recently entering into the nurse licensure compact.

Citation of Rules Affected by this Order: Amending WAC 181-79A-223 and 181-79A-244.

Statutory Authority for Adoption: Chapter 28A.410 RCW.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Clarify school nurse certification policy to match updated department of health licensure changes.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 30, 2024.

Michael Nguyen
Rules Coordinator

OTS-5173.1

AMENDATORY SECTION (Amending WSR 21-15-085, filed 7/16/21, effective 8/16/21)

WAC 181-79A-223 Academic and experience requirements for certification—School nurse, school occupational therapist, school physical therapist, school speech-language pathologist or audiologist, school social worker, school behavior analyst, and school orientation and mobility specialist. Candidates for school nurse, school occupational therapist, school physical therapist and school speech-language pathologist or audiologist, school social worker, school behavior analyst, and school orientation and mobility specialist certification shall apply directly to the professional certification office. Such candidates

shall complete the following requirements, in addition to those set forth in WAC 181-79A-150, except for a state-approved educator preparation program.

(1) **Degree.** Candidates who hold a master's degree or higher are not required to obtain a role-specific master's degree if the candidate provides satisfactory evidence to the superintendent of public instruction that they have completed all course work requirements relevant to the role-specific master's degree.

(2) **Professional transitions to public schools.** Candidates for the initial certificate for the roles under this section must complete the professional transitions to public schools coursework under WAC 181-79A-224.

(3) **Experience.** Candidates for the professional certificate for the roles under this section must complete two years full-time equivalency (FTE) in the role in Washington with a school district, state-approved private school, state tribal compact school, state authorized charter school, or state agency that provides educational services for students.

(4) **School nurse.**

(a) **Initial.**

(i) The candidate shall hold a valid (~~department of health~~) license as a registered nurse (RN) (~~in Washington state~~) under chapter 18.79 or 18.80 RCW.

(ii) The candidate shall hold a baccalaureate degree or higher in nursing from a program accredited by the National League for Nursing Accrediting Commission or the Commission on Collegiate Nursing Education.

(b) **Professional.**

(i) The candidate shall have completed the requirements for the initial certificate as a school nurse and have completed (~~one hundred fifty~~) 150 continuing education credit hours related to education, nursing, or other health sciences since the first issuance of the initial certificate.

(ii) The candidate shall hold a valid (~~department of health~~) license as a registered nurse (RN) (~~in Washington state~~) under chapter 18.79 or 18.80 RCW.

(iii) The candidate shall have completed suicide prevention training under RCW 28A.410.226, 43.70.442, and as described in WAC 181-79A-244.

(5) **School occupational therapist.**

(a) **Initial.**

(i) The candidate shall hold a valid department of health license as an occupational therapist in Washington state.

(ii) The candidate shall hold a baccalaureate degree or higher from an American Occupational Therapy Association approved program in occupational therapy.

(b) **Professional.**

(i) The candidate shall have completed the requirements for the initial certificate as a school occupational therapist and have completed (~~one hundred fifty~~) 150 continuing education credit hours related to occupational therapy, other health sciences, or education since the first issuance of the initial certificate.

(ii) The candidate shall hold a valid department of health license as an occupational therapist in Washington state.

(6) **School physical therapist.**

(a) **Initial.**

(i) The candidate shall hold a valid department of health license as a physical therapist in Washington state.

(ii) The candidate shall hold a baccalaureate degree or higher from an American Physical Therapy Association accredited program in physical therapy.

(b) **Professional.** The candidate shall have completed the requirements for the initial certificate as a school physical therapist and have completed (~~one hundred fifty~~) 150 continuing education credit hours related to physical therapy, other health sciences, or education since the first issuance of the initial certificate.

(7) **School speech-language pathologist or audiologist.**

(a) **Initial.** The candidate shall have completed all course work (except special project or thesis) for a master's degree or higher from a college or university program accredited by the American Speech and Hearing Association (ASHA). If the degree program requires a written comprehensive exam relevant to the role, the candidate must successfully complete it. If the degree program does not require a written comprehensive exam relevant to the role, the candidate may present verification from ASHA of a passing score on a national exam in speech pathology or audiology, or a passing score on an exam approved by the professional educator standards board.

(b) **Professional.**

(i) The candidate shall hold a master's degree or higher.

(ii) The candidate shall have completed the requirements for the initial certificate as a speech language pathologist or audiologist and have completed (~~one hundred fifty~~) 150 continuing education credit hours related to speech language pathology, audiology, other health sciences, or education since the first issuance of the initial certificate.

(8) **School social worker.**

(a) **Initial.** The candidate shall hold a masters degree or higher in social work or social welfare from an accredited institution of higher learning.

(b) **Professional.**

(i) The candidate shall have completed the requirements for the initial certificate as a school social worker and have completed (~~one hundred fifty~~) 150 continuing education credit hours related to the role of the school social worker or education since the first issuance of the initial certificate.

(ii) The candidate shall have completed suicide prevention training under RCW 28A.410.226, 43.70.442, and as described in WAC 181-79A-244.

(9) **Behavior analyst.**

(a) **Initial.**

(i) Candidates must hold a valid board certified behavior analyst (BCBA) certificate from the behavior analyst certification board (BACB), or other national certificate as approved by the professional educator standards board.

(ii) Candidates must hold a master's degree or higher in any area.

(iii) Candidates must have achieved a passing score on the board certified behavior analyst (BCBA) exam from the behavior analyst certification board (BACB), or other assessment as approved by the professional educator standards board.

(b) **Professional.**

(i) Candidates must hold a valid board certified behavior analyst (BCBA) certificate from the behavior analyst certification board

(BACB), or other national certificate as approved by the professional educator standards board.

(ii) The candidate shall have completed the requirements for the initial certificate as a behavior analyst and have completed (~~one hundred fifty~~) 150 continuing education credit hours related to the role of the school behavior analyst or education since the first issuance of the initial certificate.

(10) Orientation and mobility specialist.

(a) Initial.

(i) Candidates must hold a valid certified orientation and mobility specialist (COMS) certificate from the academy for certification of vision rehabilitation and education professionals (ACVREP), valid national orientation and mobility certification (NOMC) from the national blindness professional certification board (NBPCB), or other valid national certificate as approved by the professional educator standards board.

(ii) Candidates must hold a baccalaureate degree or higher in any area.

(b) Professional.

(i) Candidates must hold a valid certified orientation and mobility specialist (COMS) certificate from the academy for certification of vision rehabilitation and education professionals (ACVREP), valid national orientation and mobility certification (NOMC) from the national blindness professional certification board (NBPCB), or other valid national certificate as approved by the professional educator standards board.

(ii) The candidate shall have completed the requirements for the initial certificate as an orientation and mobility specialist and have completed (~~one hundred fifty~~) 150 continuing education credit hours related to the role or to education since the first issuance of the initial certificate.

AMENDATORY SECTION (Amending WSR 22-08-101, filed 4/5/22, effective 5/6/22)

WAC 181-79A-244 Certificate renewal requirements. Certificate renewal requirements include the following:

(1) **Equity-based school practices.** Applications for renewal dated July 1, 2023, and beyond, for the certificate types and roles as indicated in (a) and (b) of this subsection, must demonstrate completion of professional learning focused on equity based school practices aligned with the cultural competency, diversity, equity, and inclusion (CCDEI) standards under WAC 181-85-204.

(a) Completion of at least 15 continuing education credit hours of professional learning in equity-based school practices is required for renewal of residency, professional, initial, and continuing teacher and CTE teacher certificates.

(b) Completion of at least 10 continuing education credit hours of professional learning in equity-based school practices is required for renewal of residency, professional, initial, and continuing principal, program administrator, superintendent, and CTE director certificates.

(c) Individuals holding at least one valid, expiration dated administrator certificate under (b) of this subsection are only required to meet the equity-based school practices requirement for administra-

tors when renewing or reinstating a teacher certificate under (a) of this subsection.

(d) Holders of a valid National Board Certificate issued by the National Board for Professional Teaching Standards (NBPTS) meet the equity-based school practices requirement by maintaining a valid National Board Certificate.

(e) A professional growth plan with at least one goal aligned to the standards in this subsection meets the equity-based school practices requirement.

(2) **National Professional Standards for Education Leaders.** Applications for renewal dated July 1, 2023, and beyond, for holders of residency, professional, initial, and continuing certificates in the role of principal, program administrator, superintendent and CTE director, must demonstrate completion of 10 continuing education credit hours of professional learning focused on the National Policy Board for Educational Administration (NPBEA) Professional Standards for Educational Leaders (PSEL). A professional growth plan with at least one goal aligned to the PSEL standards meets the certificate renewal requirement in this subsection.

(3) **Providers for professional learning in equity-based school practices and National Professional Standards for Education Leaders.** Professional learning under subsections (1) and (2) of this section must be provided by one or more of the following organizations. These organizations may only provide the professional learning for as long as they maintain status as a Washington state approved in-service education agency under chapter 181-85 WAC.

(a) Association of Washington school principals;

(b) Office of the superintendent of public instruction;

(c) Professional educator standards board-approved administrator or teacher preparation program providers;

(d) Washington education association;

(e) Washington state educational service districts; or

(f) Washington state school districts, tribal compact schools, approved charter schools, Washington school for the deaf, Washington school for the blind.

(4) **Government-to-government relationships with federally recognized tribes.**

(a) Applications for renewal dated July 1, 2023, and beyond, for holders of residency, professional, initial, and continuing certificates in the role of principal, program administrator, superintendent and CTE director, must demonstrate completion of five continuing education credit hours of professional learning focused on government-to-government relationships with federally recognized tribes.

(b) Professional learning related to government-to-government relationships with federally recognized tribes must be provided by one or more subject matter experts approved by the governor's office on Indian affairs in collaboration with the tribal leaders congress on education and the office of native education in the office of the superintendent of public instruction.

(c) Completion of a professional growth plan (PGP) may not be used to meet the requirement for professional learning in government-to-government relationships.

(5) **Science, technology, engineering, math (STEM) integration.** Applications for certificate renewal must demonstrate completion of at least 15 continuing education credit hours, or at least one goal from an annual professional growth plan, emphasizing the integration of

science, technology, engineering, and/or mathematics instruction under RCW 28A.410.2212.

(a) This renewal requirement applies to teachers in the following areas: Elementary education; early childhood education; middle level mathematics and science; secondary mathematics; secondary science; the designated sciences; and career and technical education. Specific endorsements in these endorsement areas are as published by the professional educator standards board.

(b) Holders of a valid National Board Certificate issued by the National Board for Professional Teaching Standards (NBPTS) meet this requirement by maintaining a valid National Board Certificate.

(6) **Suicide prevention training requirement.** Renewal of certificates, and issuance of professional certificates, for school counselors, school psychologists, school nurses, and school social workers requires completion of suicide prevention training under RCW 28A.410.226, 43.70.442, and as described in this section.

Approved trainings meeting this suicide prevention training requirement will be as published by the professional educator standards board. The training program must be at least three hours in length. The professional educator standards board will consider these training programs as continuing education credit hours.

(7) **Washington state department of health licenses.**

(a) Holding a valid department of health license as a physical therapist in Washington state is a requirement for renewal of school physical therapist educational staff associate (ESA) certificate.

(b) Holding a valid department of health license as an occupational therapist in Washington state is required for renewal of school occupational therapist ESA certificates.

(c) Holding a valid (~~department of health~~) license as a registered nurse (RN) (~~in Washington state~~) under chapter 18.79 or 18.80 RCW is a requirement for renewal of school nurse ESA certificates.

(8) **National certificates related to educational staff associate roles.**

(a) Holding a valid Board Certified Behavior Analyst (BCBA) certificate from the Behavior Analyst Certification Board (BACB), or other national certificate as approved by the professional educator standards board, is a requirement for renewal of School Behavior Analyst ESA certificates.

(b) Holding a valid Certified Orientation and Mobility Specialist (COMS) Certificate from Academy for Certification of Vision Rehabilitation and Education Professionals (ACVREP), or, a valid National Orientation and Mobility Certification (NOMC) from the National Blindness Professional Certification Board (NBPCB), is a requirement for renewal of school Orientation and Mobility Specialist ESA Certificates.

(9) **Continuing education role requirements.** Except as otherwise required in Title 181 WAC, continuing education for the following roles must relate to the described areas.

(a) CTE teacher. Continuing education credit hours for renewal of CTE teacher certificates must relate to career and technical education methods, including those described in RCW 28A.700.010 and WAC 181-77A-165, or to the subject matter certified to teach.

(b) CTE director. Continuing education credit hours for renewal of CTE director certificates must relate to career and technical education, or supervisory or managerial subjects.

(c) School counselor. Continuing education credit hours for renewal must relate to:

(i) American School Counseling Association (ASCA) Professional Standards and Competencies; or

(ii) School Counselor Standards published by the National Board for Professional Teaching Standards (NBPTS).

(d) School psychologist. Continuing education credit hours for renewal certificates must relate to the National Association of School Psychologists (NASP) Professional Practices.

WSR 24-04-059
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-10—Filed February 1, 2024, 8:26 a.m., effective February 6, 2024]

Effective Date of Rule: February 6, 2024.

Purpose: The purpose of this emergency rule is to open recreational razor clam seasons.

Citation of Rules Affected by this Order: Repealing WAC 220-330-16000L; and amending WAC 220-330-160.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Survey results show that adequate clams are available for harvest in Razor Clam Areas 1, 3, 4, and 5 for recreational harvest. Washington department of health has certified clams from these Razor Clam Areas 1, 3, 4, and 5 to be safe for human consumption. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 1, 2024.

Kelly Susewind
Director

NEW SECTION

WAC 220-330-16000L Razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-330-160, it is unlawful to take, dig for or possess razor clams taken for personal use from any beaches in any razor clam area except as provided for in this section:

(1) Effective 12:01 p.m. February 6 through 11:59 p.m. February 12, 2024, razor clam digging is permissible in Razor Clam Areas defined in WAC 220-330-160 during dates and times listed below:

Table with 3 columns: Razor Clam Area, Date, Time. Row 1: Area 1, February 7 through 12, From 12:01 p.m. to 11:59 p.m. Row 2: Area 2, Closed, Closed

Razor Clam Area	Date	Time
Area 3	February 7 through 11	From 12:01 p.m. to 11:59 p.m.
Area 4	February 7, 8, 11 and 12	From 12:01 p.m. to 11:59 p.m.
Area 5	February 6, 9, and 10	From 12:01 p.m. to 11:59 p.m.
Area 6	Closed	Closed
Area 7	Closed	Closed

(2) It is unlawful to dig for razor clams at any time in the Long Beach and Copalis Beach Clam sanctuaries defined in WAC 220-320-130.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. February 13, 2024:

WAC 220-330-16000L Razor clams—Areas and seasons.

WSR 24-04-070
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-11—Filed February 2, 2024, 9:52 a.m., effective February 4, 2024]

Effective Date of Rule: February 4, 2024.

Purpose: The purpose of this emergency rule is to increase the pot limit in Crab Management Subregion 3-2 to 50 pots per license effective February 4, 2024.

Citation of Rules Affected by this Order: Repealing WAC 220-340-47000A; and amending WAC 220-340-470.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The pot limit in Subregion 3-2 has been increased to 50 pots per license following coordination with industry. There is sufficient allocation remaining to accommodate harvest in the Puget Sound commercial crab fishery in Regions 1, 3-1, 3-2, 3-3, and 3-4 until further notice. Crab Management Regions 2-West and 2-East will remain closed due to the attainment of the state share. These provisions are in conformity with the last agreed management plans with applicable tribes. Comanagement plans are entered into as required by court order. The Puget Sound commercial season is structured to meet harvest allocation objectives negotiated with applicable treaty tribes and outlined in the management plans. There is insufficient time to adopt permanent rules. Further adjustment of season structure may be made pending updated harvest data.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 2, 2024.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-47000B Commercial crab fishery—Gear limits—Puget Sound and Marine Fish-Shellfish Management and Catch Reporting Areas:

Notwithstanding the provisions of 220-340-470, effective February 4, 2024, until further notice:

Effective during the "Open period" listed in amended section of WAC 220-340-455 above it will be unlawful for any person to harvest crabs with more than the "Pot limit" per license per buoy tag number indicated within each "geographical management unit".

Geographical Management Unit (WAC 220-320-110)	Pot limit
Region 1, MFSF Catch Areas 21A, 21B, and 22B	50
Region 1, Marine Fish-Shellfish Catch Areas 22A, 20A, and 20B	50
Region 2E, excluding Everett Flats CSMA (WAC 220-320-120(3))	0
Region 2E, Everett Flats CSMA (WAC 220-320-120(3))	0
Region 2W, not including Port Townsend Bay CSMA (WAC 220-320-120(5))	0
Region 2W, Port Townsend Bay CSMA (WAC 220-320-120(5))	0
Subregion 3-1	40
Subregion 3-2, not including Discovery Bay CSMA (WAC 220-230-120 (1)(a)), Sequim Bay CSMA (WAC 220-320-120(6)), or the Port Angeles Harbor CSMA (WAC 220-320-120(4)).	50
Subregion 3-2, Discovery Bay CSMA (WAC 220-320-120 (1)(a))	20
Subregion 3-2, Sequim Bay CSMA (WAC 220-320-120(6))	20
Subregion 3-2, the Port Angeles Harbor CSMA (WAC 220-320-120(4)).	0
Subregion 3-3	50
Subregion 3-4	50

Reviser's note: The typographical error 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.

REPEALER

The following section of Washington Administrative Code is repealed, effective February 4, 2024:

WAC 220-340-47000B Commercial crab fishery—Gear limits—
Puget Sound and Marine Fish-Shellfish
Management and Catch Reporting Areas.
(24-07)

WSR 24-04-071

EMERGENCY RULES

STATE BOARD OF HEALTH

[Filed February 2, 2024, 10:30 a.m., effective February 2, 2024, 10:30 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: On-site sewage system substitute proprietary treatment product components. The state board of health (board) adopted an emergency rule regarding substitute components of registered products as part of the certification and registration of proprietary treatment products used in on-site sewage systems. The original emergency rule was filed on June 15, 2022 (WSR 22-13-101). Emergency rules have been filed continuously thereafter with the most recent filing on October 6, 2023 (WSR 23-21-061 [23-21-016]). Only one change has been made to the amendments since the filing of the original emergency rule. This emergency rule is being adopted with a slight change to the previous emergency rule language. The rule language changes "written application" to "written request" to maintain consistent terminology with chapter 246-272A WAC.

This sixth emergency rule amends WAC 246-272A-0110 to allow manufacturers to make a written request to the department of health (department) to substitute components of a registered product's construction in cases of a demonstrated supply chain shortage or similar manufacturing disruptions that may impact installations, operation, or maintenance. The request must include information that demonstrates the substituted component will not negatively impact performance or diminish the effect of the treatment, operation, and maintenance of the original registered product. The emergency rule will also allow manufacturers of registered proprietary treatment products to replace components of their products that are not available due to supply chain shortages or similar manufacturing disruptions with like components, as long as the components will not negatively impact performance, treatment, operation, or maintenance of the original registered product.

The current rule requires manufacturers of proprietary treatment products used in on-site sewage systems to test their products with the National Sanitation Foundation (NSF) and register their products with the department based on NSF test results before the product is allowed to be permitted or installed in Washington. Without the emergency rule, the current rule would impede home sales when maintenance of proprietary products has not been completed as noted on home inspections for property transfers because replacement parts with NSF registration are unavailable. New construction is likewise impacted as many active or pending permits include on-site sewage systems using Salcor products. Salcor manufactures a disinfecting ultraviolet (UV) light system incorporated into several proprietary treatment products used in Washington state. There are other manufacturers of disinfecting UV light systems that can be substituted into proprietary treatment products in place of Salcor products. Salcor was sold and the new owner is working with NSF to get their products approved, but this process will take several months. In order to continue to protect the public's health, safety, and welfare, it is necessary to adopt a sixth emergency rule to allow the department to consider written requests from manufacturers of proprietary treatment products for substitutes to proprietary treatment product components so their systems will be able to function properly without negatively impacting treatment, operation, or maintenance during supply chain shortages. To date, four

manufacturers have received department approval to substitute the Salcor 3G UV lamp with an alternate UV lamp.

In 2018, the board filed a CR-101 preproposal statement of inquiry (WSR 18-06-082) to initiate permanent rule making and update the on-site sewage system rules. That rule making is still underway and is expected to conclude in 2024. As directed by the board at the June 8, 2022, meeting, the emergency rule amendment will be considered for incorporation into the permanent rule making that is currently underway.

Citation of Rules Affected by this Order: Amending WAC 246-272A-0110.

Statutory Authority for Adoption: RCW 43.20.050(3).

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The board finds that in order to protect the public's health, safety, and welfare, it is necessary to adopt the emergency rule to amend WAC 246-272A-0110 to allow the department to consider written request from manufacturers of proprietary treatment products to substitute a proprietary treatment product component so their systems may continue to function properly without negatively impacting performance or diminishing the effect of the treatment, operation, or maintenance during supply chain shortages.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: February 2, 2024.

Michelle A. Davis, MPA
Executive Director

OTS-3856.4

AMENDATORY SECTION (Amending WSR 05-15-119, filed 7/18/05, effective 9/15/05)

WAC 246-272A-0110 Proprietary treatment products—Certification and registration. (1) Manufacturers shall register their proprietary treatment products with the department before the local health officer may permit their use.

(2) To qualify for product registration, manufacturers desiring to sell or distribute proprietary treatment products in Washington state shall:

(a) Verify product performance through testing using the testing protocol established in Table I and register their product with the department using the process described in WAC 246-272-0120;

(b) Report test results of influent and effluent sampling obtained throughout the testing period (including normal and stress loading phases) for evaluation of constituent reduction according to Table II;

(c) Demonstrate product performance according to Table III. All (~~thirty-day~~) 30-day averages and geometric means obtained throughout the test period must meet the identified threshold values to qualify for registration at that threshold level; and

(d) For registration at levels A, B, and C verify bacteriological reduction according to WAC 246-272A-0130.

(3) Manufacturers verifying product performance through testing according to the following standards or protocols shall have product testing conducted by a testing facility accredited by ANSI:

(a) ANSI/NSF Standard 40—Residential Wastewater Treatment Systems;

(b) NSF Standard 41: Non-Liquid Saturated Treatment Systems;

(c) NSF Protocol P157 Electrical Incinerating Toilets - Health and Sanitation; or

(d) Protocol for bacteriological reduction described in WAC 246-272A-0130.

(4) Manufacturers verifying product performance through testing according to the following standards or protocols shall have product testing conducted by a testing facility meeting the requirements established by the Testing Organization and Verification Organization, consistent with the test protocol and plan:

(a) EPA/NSF—Protocol for the Verification of Wastewater Treatment Technologies; or

(b) EPA Environmental Technology Verification Program protocol for the Verification of Residential Wastewater Treatment Technologies for Nutrient Reduction.

(5) Treatment levels used in these rules are not intended to be applied as field compliance standards. Their intended use is for establishing treatment product performance in a product testing setting under established protocols by qualified testing entities.

(6) Manufacturers may submit a written request to substitute components of a registered product's construction in cases of supply chain shortage or similar manufacturing disruptions impacting installations, operation, or maintenance. The substitution request must include a report stamped, signed, and dated by a professional engineer demonstrating the substituted component will not negatively impact performance or diminish the effect of the treatment, operation, and maintenance of the original registered product. If approved, substitution is authorized until rescinded by the department.

TABLE I

Testing Requirements for Proprietary Treatment Products	
Treatment Component/Sequence Category	Required Testing Protocol
Category 1 Designed to treat sewage with strength typical of a residential source when septic tank effluent is anticipated to be equal to or less than treatment level E.	ANSI/NSF 40— Residential Wastewater Treatment Systems (protocols dated between July 1996 and the effective date of these rules)
Category 2 Designed to treat high-strength sewage when septic tank effluent is anticipated to be greater than treatment level E. (Such as at restaurants, grocery stores, mini-marts, group homes, medical clinics, residences, etc.)	EPA/NSF Protocol for the Verification of Wastewater Treatment Technologies/ EPA Environmental Technology Verification (April 2001)
Category 3 Black water component of residential sewage (such as composting and incinerating toilets).	NSF/ANSI Standard 41: Non-Liquid Saturated Treatment Systems (September 1999) NSF Protocol P157 Electrical Incinerating Toilets - Health and Sanitation (April 2000)
Total Nitrogen Reduction in Categories 1 & 2 (Above)	Protocol for the Verification of Residential Wastewater Treatment Technologies for Nutrient Reduction/EPA Environmental Technology Verification Program (November, 2000)

TABLE II

Test Results Reporting Requirements for Proprietary Treatment Products	
Treatment Component/Sequence Category	Testing Results Reported
Category 1 Designed to treat sewage with strength typical of a residential source when septic tank effluent is anticipated to be equal to or less than treatment level E.	Report test results of influent and effluent sampling obtained throughout the testing period for evaluation of constituent reduction for the parameters: CBOD ₅ , and TSS: <input type="checkbox"/> Average <input type="checkbox"/> Standard Deviation <input type="checkbox"/> Minimum <input type="checkbox"/> Maximum <input type="checkbox"/> Median <input type="checkbox"/> Interquartile Range <input type="checkbox"/> 30-day Average (for each month) For bacteriological reduction performance, report fecal coliform test results of influent and effluent sampling by geometric mean from samples drawn within (thirty-day) <u>30-day</u> or monthly calendar periods, obtained from a minimum of three samples per week throughout the testing period. See WAC 246-272A-0130. Test report must also include the individual results of all samples drawn throughout the test period.

Test Results Reporting Requirements for Proprietary Treatment Products	
<p>Category 2 Designed to treat high-strength sewage when septic tank effluent is anticipated to be greater than treatment level E.</p> <p>(Such as at restaurants, grocery stores, mini-marts, group homes, medical clinics, residences, etc.)</p>	<p>Report all individual test results and full test average values of influent and effluent sampling obtained throughout the testing period for: CBOD₅, TSS and O&G. Establish the treatment capacity of the product tested in pounds per day for CBOD₅.</p>
<p>Category 3 Black water component of residential sewage (such as composting and incinerating toilets).</p>	<p>Report test results on all required performance criteria according to the format prescribed in the NSF test protocol described in Table I.</p>
<p>Total Nitrogen Reduction in Categories 1 & 2 (Above)</p>	<p>Report test results on all required performance criteria according to the format prescribed in the test protocol described in Table I.</p>

TABLE III

Product Performance Requirements for Proprietary Treatment Products						
Treatment Component/Sequence Category	Product Performance Requirements					
<p>Category 1 Designed to treat sewage with strength typical of a residential source when septic tank effluent is anticipated to be equal to or less than treatment level E.</p>	Treatment System Performance Testing Levels					
	Level	Parameters				
		CBOD₅	TSS	O&G	FC	TN
	A	10 mg/L	10 mg/L	—	200/100 ml	—
	B	15 mg/L	15 mg/L	—	1,000/100 ml	—
	C	25 mg/L	30 mg/L	—	50,000/100 ml	—
	D	25 mg/L	30 mg/L	—	—	—
	E	125 mg/L	80 mg/L	20 mg/L	—	—
	N	—	—	—	20 mg/L	
	<p>Values for Levels A - D are 30-day values (averages for CBOD₅, TSS, and geometric mean for FC.) All 30-day averages throughout the test period must meet these values in order to be registered at these levels.</p> <p>Values for Levels E and N are derived from full test averages.</p>					
<p>Category 2 Designed to treat high-strength sewage when septic tank effluent is anticipated to be greater than treatment level E.</p> <p>(Such as at restaurants, grocery stores, mini-marts, group homes, medical clinics, residences, etc.)</p>	<p>All of the following requirements must be met:</p> <p>(1) All full test averages must meet Level E; and</p> <p>(2) Establish the treatment capacity of the product tested in pounds per day for CBOD₅.</p>					
<p>Category 3 Black water component of residential sewage (such as composting and incinerating toilets).</p>	<p>Test results must meet the performance requirements established in the NSF test protocol.</p>					
<p>Total Nitrogen Reduction in Categories 1 & 2 (Above)</p>	<p>Test results must establish product performance effluent quality meeting Level N, when presented as the full test average.</p>					

WSR 24-04-075
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-12—Filed February 2, 2024, 3:05 p.m., effective February 5, 2024]

Effective Date of Rule: February 5, 2024.

Purpose: Opens sea cucumber harvest in Districts 1 and 2-2.
Clarifies language regarding weekly harvest limits.

Citation of Rules Affected by this Order: Amending WAC
220-340-730.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020,
77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency rule opens harvest of sea cucumber in Districts 1 and 2-2 on February 5, 2024, with a weekly harvest limit for each area. Harvestable surpluses of sea cucumbers exist in the districts specified. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 2, 2024.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-73000N Sea cucumbers Effective February 5 through February 29, 2024, the following provisions of WAC 220-340-730 regarding Puget Sound commercial sea cucumber harvest and sales shall be as described below. All other provisions of WAC 220-340-730 not addressed herein, and unless otherwise amended, remain in effect:

(a) Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber District 1 and District 2-2.

(b) It is unlawful for any harvester to fish for, take, or possess for commercial purposes more than 1,500 pounds of sea cucumber per license for each weekly fishery opening period from District 1.

(c) It is unlawful for any harvester to fish for, take, or possess for commercial purposes more than 300 pounds of sea cucumber per license for each weekly fishery opening period from District 2-2.

WSR 24-04-076
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-13—Filed February 2, 2024, 4:16 p.m., effective February 5, 2024]

Effective Date of Rule: February 5, 2024.

Purpose: Closes commercial harvest of green urchins in Districts 3 and 4, and red urchins in District 3. Clarifies language regarding weekly harvest limits.

Citation of Rules Affected by this Order: Repealing WAC 220-340-75000C; and amending WAC 220-340-750.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency rule closes harvest of green urchins in Districts 3 and 4, and red sea urchins in Sea Urchin District 3, on February 5, 2024. There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 2, 2024.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-75000D Commercial sea urchin fisheries. Effective February 5, 2024, until further notice, the provisions of WAC 220-340-750 regarding commercial harvest of sea urchins shall be modified as described below. All other provisions of WAC 220-340-750 not addressed herein remain in effect unless otherwise amended by emergency rule:

1. It is unlawful for any person to fish for, take, or possess for commercial purposes any green sea urchins less than 2.25 inches; or red sea urchins measuring less than 3.25 inches or greater than 5 inches. All measurements are caliper measurements of the largest shell (test) diameter, exclusive of the spines.

2. The following areas are open for red sea urchin harvest only, seven days-per-week: Sea Urchin District 1, District 2, District 4.

3. The following areas are open for green sea urchin harvest only, seven days-per-week: Sea Urchin District 1.

4. It is unlawful for any harvester to fish for, take, or possess for commercial purposes more than 1,500 pounds per species of red sea urchin or green sea urchin per license for each weekly fishery opening period.

REPEALER

The following section of the Washington Administrative Code is repealed effective February 5, 2024:

WAC 220-340-75000C Commercial sea urchin fisheries.
(23-273)

WSR 24-04-095

EMERGENCY RULES

DEPARTMENT OF HEALTH

[Filed February 7, 2024, 9:45 a.m., effective February 7, 2024, 9:45 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Emergency rules that temporarily remove the requirement for home care aide applicants to become certified within two years of completing training.

WAC 246-980-100 Examination and reexamination for home care aide certification, in chapter 246-980 WAC, Home care aide rules. WAC 246-980-100 (5)(c) requires that home care aide certification testing occur within two years of training. This emergency rule removes the two-year limit on the validity of training.

Lasting impacts from the coronavirus disease 2019 (COVID-19) pandemic have impacted the home care aide workforce by creating backlogs that limit access to training and testing. Continuing to require testing within two years of training would require many uncertified individuals to repeat training, delaying and possibly preventing them from becoming credentialed as a home care aide. This would negatively impact the individuals working toward a credential, the home care aide workforce, and the clients for whom they provide care.

These rules continue emergency rules initially filed on October 17, 2022, under WSR 22-21-102; and continued on February 14, 2023, under WSR 23-05-083; June 13, 2023, under WSR 23-13-068; and October 12, 2023, under WSR 23-21-065. They are being continued while permanent rule making is in progress to consider training timelines for home care aides. The standards set in this emergency rule are the same as the current emergency rule.

Citation of Rules Affected by this Order: Amending WAC 246-980-100.

Statutory Authority for Adoption: RCW 18.88B.021.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency rule is necessary to avoid a critical shortage of home care aides, to support the clients who rely on home care aides, and to avoid increasing existing training and testing backlogs.

During the COVID-19 pandemic, the home care aide training, testing, and certification pipeline was severely impacted. Early 2020 closures and capacity restrictions created long-lasting backlogs, preventing individuals from becoming credentialed within statutory time frames. While certification requirements were temporarily waived by governor's proclamations, individuals working toward home care aide certification now need to meet requirements in chapter 246-980 WAC despite backlogs. If the two-year limit on the validity of training remains in place, individuals trained earlier in the pandemic will be required to repeat training. This could have negative impacts, including (1) certification delays while individuals wait for training availability and then repeat training; (2) increased training backlogs; (3) loss of potential home care aides, as individuals who repeat training may then be unable to meet certification time frames; and (4)

forcing more medically vulnerable patients to rely on other care options, such as higher-level residential care settings or hospitals.

Removing this limit by emergency rule will support the home care aide workforce and the public health by (1) removing a barrier to certification, while still requiring that home care aides receive appropriate training; (2) enabling more vulnerable individuals to receive care in their homes, rather than needing to obtain care in residential care settings; and (3) helping to create a smooth transition away from regulation through pandemic emergency measures and back to statutory time frames.

These emergency rules will be continued as permanent rule making considers how training timelines should function in the long term.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: February 6, 2024.

Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

OTS-4130.1

AMENDATORY SECTION (Amending WSR 18-20-072, filed 9/28/18, effective 10/29/18)

WAC 246-980-100 Examination and reexamination for home care aide certification. (1) The certification examination will consist of both a written knowledge test and a skills demonstration.

(2) The certification examination will test the core competencies, including but not limited to:

- (a) Communication skills;
- (b) Worker self-care;
- (c) Problem solving;
- (d) Maintaining dignity;
- (e) Consumer directed care;
- (f) Cultural sensitivity;
- (g) Body mechanics;
- (h) Fall prevention;
- (i) Skin and body care;
- (j) Home care aide roles and boundaries;
- (k) Supporting activities of daily living; and

(1) Food preparation and handling.

(3) An applicant must apply to take the examination by completing the application for both certification and the examination and returning it to the department. The department will notify the examination contractor once an applicant meets all requirements to take the certification examination.

(4) The examination contractor will notify an applicant of the date, time, and place of the examination.

(5) The examination contractor will notify both the department and an applicant of the examination results.

(a) An applicant who does not successfully pass any portion of the examination can follow the examination contractor's procedures for review and appeal.

(b) An applicant who does not successfully pass any portion of the examination may retake that portion of the examination two times.

(i) To retake the examination, an applicant must submit an application for reexamination, along with the required reexamination fee directly to the examination contractor.

(ii) An application for reexamination may be submitted any time after an applicant receives notice of not successfully completing any portion of the certification examination.

(c) An applicant who does not successfully pass both portions of the certification examination (~~(within two years of successfully completing the required training or who does not successfully pass both portions of the certification examination)~~) after completing the certification examination three consecutive times:

(i) Must retake and successfully complete the core competencies portion of the entry-level training as required by RCW 74.39A.074 before retaking both portions of the certification examination; and

(ii) Cannot continue to provide care as a long-term care worker until the certification has been issued.

WSR 24-04-100

EMERGENCY RULES

WASHINGTON STATE UNIVERSITY

[Filed February 7, 2024, 10:35 a.m., effective February 7, 2024, 10:35 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Washington State University (WSU) is updating the rules regarding the standards of conduct for students, chapter 504-26 WAC.

Citation of Rules Affected by this Order: Amending WAC 504-26-010, 504-26-100, and 504-26-110.

Statutory Authority for Adoption: RCW 28B.30.150.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest; and that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The emergency rule changes would allow a conduct hearing board of one and is based on the preservation of health, safety, and general welfare exception plus the federal law exception (Title IX). Essentially, WSU is currently unable to process student conduct cases in a timely manner, even those involving serious allegations of misconduct, due to its inability to convene conduct boards, and this change is needed to address that.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 3, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Date Adopted: February 7, 2024.

Deborah L. Bartlett, Director
Procedures, Records, and Forms
and University Rules Coordinator

OTS-5169.2

AMENDATORY SECTION (Amending WSR 22-23-142, filed 11/21/22, effective 1/1/23)

WAC 504-26-010 Definitions. Words and phrases used in the standards of conduct regardless of their associated gender identity include all genders. Words and phrases used in the standards of conduct in the singular or plural encompass both the singular and the

plural, unless the context clearly indicates otherwise. For purposes of the standards of conduct, the following definitions apply:

(1) Academic integrity hearing board. Teaching faculty and student representatives who, collectively, are authorized by the university to review an instructor's determination that a student violated university academic integrity policies and whether or not the outcome proposed by the instructor is in keeping with the instructor's published policies.

(2) Academic integrity violation. A violation of the university's academic integrity expectations, which is defined as:

(a) Use of unauthorized materials in taking quizzes, tests, or examinations, or giving or receiving unauthorized assistance by any means, including talking, copying information from another student, using electronic devices, or taking an examination for another student.

(b) Use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments.

(c) Acquisition or possession of tests or other academic material belonging to a member of the university faculty or staff when acquired without the permission of the university faculty or staff member.

(d) Fabrication, which is the intentional invention or counterfeiting of information in the course of an academic activity. Fabrication includes, but is not limited to:

(i) Counterfeiting data, research results, information, or procedures with inadequate foundation in fact. The office of research must be consulted in matters involving alleged research misconduct as that term is defined in the university's executive policy 33.

(ii) Counterfeiting a record of internship or practicum experiences.

(iii) Submitting a false excuse for absence or tardiness or a false explanation for failing to complete a class requirement or scheduled examination at the appointed date and time.

(e) Engaging in any behavior for the purpose of gaining an unfair advantage specifically prohibited by a faculty member in the course syllabus or class discussion.

(f) Scientific misconduct. Falsification, fabrication, plagiarism, or other forms of dishonesty in scientific and scholarly research are prohibited. Complaints and inquiries involving cases of scientific misconduct are managed according to the university's policy for responding to allegations of scientific misconduct. A finding of scientific misconduct is subject to sanctions by CCS. The policy for responding to allegations of scientific misconduct (executive policy 33) may be reviewed by contacting the office of research.

(g) Unauthorized collaboration on assignments.

(h) Intentionally obtaining unauthorized knowledge of examination materials.

(i) Plagiarism. Presenting the information, ideas, or phrasing of another person as the student's own work without proper acknowledgment of the source. This includes submitting a commercially prepared paper or research project or submitting for academic credit any work done by someone else. The term "plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

- (j) Unauthorized multiple submission of the same work.
 - (k) Sabotage of others' work.
 - (l) Tampering with or falsifying records.
 - (m) Violating any other academic rule or standards specified in published course policies.
- (3) Appeals board. The group of students, faculty, and staff, collectively, authorized in accordance with WAC 504-26-115 to consider appeals from a university conduct board's or conduct officer's determination as to whether a student has violated the standards of conduct and any sanctions assigned.
- (4) Brief adjudication. The process by which a conduct officer may adjudicate student conduct matters that are not resolving allegations that would constitute Title IX sexual harassment within the university's Title IX jurisdiction, and where possible sanctions do not include suspension for more than 10 instructional days, expulsion, loss of recognition, or revocation of degree. Also referred to as a "conduct officer hearing" or "brief adjudicative proceeding."
- (5) CCR. The university's office of compliance and civil rights.
- (6) CCS. The university's center for community standards.
- (7) Complainant. Any person who is the alleged victim of prohibited student conduct, whether or not such person has made an actual complaint.
- (8) Conduct board. The group (~~of students, faculty, and staff, collectively~~) or individual authorized in accordance with WAC 504-26-110 to adjudicate certain student conduct matters.
- (9) Conduct officer. A university official authorized by the dean of students or their designee to initiate, manage, and/or adjudicate certain student conduct matters in accordance with WAC 504-26-401 and 504-26-402.
- (10) Faculty member. For purposes of this chapter, any person hired by the university to conduct classroom or teaching activities or who is otherwise considered by the university to be a member of its faculty.
- (11) Full adjudication. The process by which a conduct board adjudicates matters involving possible suspension of greater than 10 instructional days, expulsion, loss of recognition, revocation of degree, or other matters as determined by the university. Also referred to as "formal adjudication," "formal (or full) adjudicative proceeding," or "conduct board hearing."
- (12) Gender identity. Having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to the person at birth.
- (13) Member of the university community. Includes any person who is a student, faculty member, university official, any person employed by the university, or any person with a relationship with the university, including guests of and visitors to the university. A person's status in a particular situation is determined by the dean of students or designee.
- (14) Parties. The parties to a student conduct proceeding must include the university and the respondent. The parties in a student conduct matter where the allegations, if true, would constitute Title IX sexual harassment within the university's Title IX jurisdiction must also include the complainant(s). The university may designate other complainants as parties to conduct proceedings including, but

not limited to, harmed parties. The dean of students or their designee determines party status for complainants.

(15) Recognized or registered student organization. A group of students, collectively, that has complied with the formal requirements for university recognition or registration.

(16) Respondent. A student or recognized or registered student organization alleged to have violated these standards of conduct.

(17) Standards of conduct. The standards of conduct for students outlined in this chapter.

(18) Student. For the purposes of this chapter, any person who:

(a) Is enrolled in at least one undergraduate, graduate, or professional studies course at the university;

(b) Has been notified of their acceptance for admission but has not yet registered for their course(s);

(c) Is eligible to reenroll in classes without reapplying.

(19) Title IX. Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 and its implementing 34 C.F.R. Part 106.

(20) University. Washington State University.

(21) University official. Any person employed by the university, performing assigned administrative or professional responsibilities.

(22) University premises. All land, buildings, facilities, vehicles, websites, and other property in the possession of or owned, used, or controlled by the university (including adjacent streets and sidewalks), including its study abroad program sites, as well as university-sponsored or hosted online platforms.

AMENDATORY SECTION (Amending WSR 22-23-142, filed 11/21/22, effective 1/1/23)

WAC 504-26-100 Presiding officers. Full adjudicative proceedings are conducted by the conduct board and are presided over by an individual who is licensed to practice law in the state of Washington and has judicial training. The presiding officer's role is to ensure a fair and impartial process and is limited to making procedural and evidentiary rulings and handling logistical and other matters related to facilitating the proceedings to ensure compliance with legal requirements. The presiding officer must transmit a full and complete record of the proceedings to CCS and the conduct board, including such comments upon demeanor of witnesses as the presiding officer deems relevant, in accordance with RCW 34.05.461. The presiding officer does not vote (~~and is not considered for purposes of creating a quorum of the conduct board~~).

AMENDATORY SECTION (Amending WSR 22-23-142, filed 11/21/22, effective 1/1/23)

WAC 504-26-110 Composition of conduct board. A conduct board (~~must consist of at least three members. A quorum of three is needed to hear a matter~~) may consist of one person or multiple persons selected from the pool of approved university community members in accordance with WAC 504-26-105. The presiding officer is not a member of the conduct board (~~and therefore is not considered for purposes of determining whether there is a quorum. A minimum of one conduct board~~

~~member hearing a matter must be a student. The remaining members may be students, or full-time or part-time faculty or staff of any rank or classification. When the complainant or respondent is enrolled at a particular campus, at least one member of the conduct board must be from that campus)).~~ No conduct board member may serve on a case if the member previously served on a board in a case involving the same complainant or respondent.