

on such issue unless it finds that despite such disqualification the conflict of interest would inappropriately influence its decision.

(6) Within two years after the termination of service or employment, no commissioner or commission employee shall request that the commission take a discretionary action. This provision shall not prohibit a former commissioner from becoming involved in a transaction with the commission if he is a member of the general public or a specific interest group related to the housing construction or finance, and he receives the same treatment as all similarly situated persons. At no time following the termination of service or employment may a commissioner or commission employee receive compensation for any services rendered on behalf of any person in relation to any case, proceeding, or application with respect to which the commissioner voted or employee personally participated during the period of the service or employment.

Example. The term of Commissioner X expires on June 1, 1985. On October 15, 1985 the commission is requested to adopt "official action" resolutions with respect to 10 multifamily rental projects, one of which is being developed by former Commissioner X. The policy of the commission is to adopt all "official action" resolutions requested, so it may adopt the resolution benefiting former Commissioner X. On March 1, 1986 former Commissioner X requests that the commission engage his underwriting company to be one of four underwriters from a pool of 10 applicant underwriters. Since this request is within 2 years of his tenure as a commissioner and such commission action requires a discretionary decision by the commission to choose among competing underwriters, former Commissioner X must withdraw his request. [Statutory Authority: RCW 42.18.250, 85-18-031 (Resolution No. 85-55), § 262-02-030, filed 8/28/85.]

Title 263 WAC INDUSTRIAL INSURANCE APPEALS, BOARD OF

Chapter
263-12 **Practice and procedure.**

Chapter 263-12 WAC PRACTICE AND PROCEDURE

WAC
263-12-115 Procedures at hearings.

WAC 263-12-115 Procedures at hearings. (1) Industrial appeals judge. All hearings shall be conducted by an industrial appeals judge who shall conduct the hearing in an orderly manner and rule on all procedural matters, objections and motions.

(2) Order of presentation of evidence.

(a) In any appeal under either the Industrial Insurance Act or the Crime Victims Compensation Act, the appealing party shall initially introduce all evidence in his or her case-in-chief.

(b) In all appeals under the Washington Industrial Safety and Health Act, the department shall initially introduce all evidence in its case-in-chief.

(c) After the party with the initial burden has presented his or her case-in-chief, the other parties may then introduce the evidence necessary to their cases-in-chief. In the event there is more than one other party, they may either present their cases-in-chief successively or may join in their presentation. Rebuttal evidence shall be received in the same order.

Witnesses may be called out of turn in contravention of this rule only by agreement of all parties.

(3) **Objections and motions to strike.** Objections to the admission or exclusion of evidence shall be in short form, stating the legal grounds of objection relied upon. Extended argument or debate shall not be permitted.

(4) **Rulings.** The industrial appeals judge on objection or on his or her own motion shall exclude all irrelevant or unduly repetitious evidence and all rulings upon objections to the admissibility of evidence shall be made in accordance with rules of evidence applicable in the superior courts of this state.

(5) **Interlocutory appeals to the board - Confidentiality of trade secrets.** A direct appeal to the board shall be allowed as a matter of right from any ruling of an industrial appeals judge adverse to the employer concerning the confidentiality of trade secrets in appeals under the Washington Industrial Safety and Health Act.

(6) Interlocutory review by the chief industrial appeals judge.

(a) Except as provided in WAC 263-12-115(5) interlocutory rulings of the industrial appeals judge are not subject to direct review by the board. A party to an appeal may within five working days of receiving an adverse ruling from an industrial appeals judge request a review of such ruling by the chief industrial appeals judge or his or her designee. Such request for review shall be in writing and shall be accompanied by an affidavit in support thereof setting forth the grounds therefor, including the reasons for the necessity of an immediate review during the course of conference or hearing proceedings. Within ten working days of receipt of the written request, the chief industrial appeals judge, or designee, may decline to review the ruling based upon the written request and supporting affidavit; or, after such review as he or she deems appropriate, may either affirm or reverse the ruling, or refer the matter to the industrial appeals judge for further consideration.

(b) Failure to request review of an interlocutory ruling shall not constitute a waiver of the party's objection, nor shall an unfavorable response to the request preclude a party from subsequently renewing the objection whenever appropriate.

(c) No conference or hearing shall be interrupted for the purpose of filing a request for review of the industrial appeals judge's rulings; nor shall any scheduled

proceedings be canceled pending a response to the request.

(7) **Recessed hearings.** Where, for good cause, all parties to an appeal are unable to present all their evidence at the time and place originally set for hearing, the industrial appeals judge may recess the hearing to the same or a different location so as to insure that all parties have reasonable opportunity to present their respective cases. No written "notice of hearing" shall be required as to any recessed hearing.

(8) **Failure to present evidence when due.** If any party is due to present certain evidence at a hearing or recessed hearing and, for any reason on its part, fails to present thereat all of such evidence, the industrial appeals judge may conclude the hearing and issue a proposed decision and order on the record, or recess or set over the proceedings to further hearing for the receipt of such evidence.

(9) **Evidence by deposition.** When a hearing is recessed or set over pursuant to WAC 263-12-115 (7) or (8), or if a party volunteers or desires to take the testimony of any witness in a proceeding by deposition, or if the admission of evidence cannot otherwise be accomplished in a reasonably timely manner, the industrial appeals judge may permit or require the perpetuation of testimony by deposition regardless of the witness' availability to testify at the hearing or at a future recessed hearing. Such ruling may only be given after the industrial appeals judge gives due consideration to: (a) The complexity of the issues raised by the appeal, (b) the desirability of having the witness' testimony presented at a hearing, (c) the costs incurred by the parties in complying with the ruling, and (d) the fairness to the parties in complying with the ruling. The industrial appeals judge may require that depositions be taken and published within prescribed time limits, with each party bearing its own costs, which time limits may be extended by the industrial appeals judge for good cause.

(10) **Offers of proof in colloquy.** When an objection to a question is sustained an offer of proof in question and answer form shall be permitted unless the question is clearly objectionable on any theory of the case. [Statutory Authority: RCW 51.52.020. 84-08-036 (Order 17), § 263-12-115, filed 3/30/84. Statutory Authority: RCW 51.41.060(4) and 51.52.020. 83-01-001 (Order 12), § 263-12-115, filed 12/2/82. Statutory Authority: RCW 51.52.020. 82-03-031 (Order 11), § 263-12-115, filed 1/18/82; Order 9, § 263-12-115, filed 8/8/75; Order 7, § 263-12-115, filed 4/4/75; Order 4, § 263-12-115, filed 6/9/72; General Order 3, Rule 7.5, filed 10/29/65; General Order 2, Rule 7.4, filed 6/12/63; General Order 1, Rule 5.10, filed 3/23/60. Formerly WAC 296-12-115.]

Title 275 WAC

DEPARTMENT OF SOCIAL AND HEALTH SERVICES (INSTITUTIONS)

Chapters

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275-18	Standards for certification of approval for drug treatment centers.
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Chapter 275-16 WAC

LIABILITY FOR COSTS OF CARE AND HOSPITALIZATION OF THE MENTALLY ILL

WAC

275-16-030 Schedule of charges.

WAC 275-16-030 Schedule of charges. Hospitalization charges shall be due and payable on or before the tenth day of each calendar month for services rendered during the preceding month, based upon the following schedule: