

WSR 16-07-002
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF CORRECTIONS
 (Correctional Industries Advisory Board)

[Filed March 2, 2016, 3:27 p.m.]

Following is the schedule of regular meetings for the correctional industries advisory board for 2016:

| Date | Time | Location |
|----------------|---------|----------------------|
| March 17, 2016 | 11 a.m. | Tumwater, Washington |
| July 21, 2016 | 11 a.m. | TBD |
| December 8 | 11 a.m. | TBD |

If you need further information contact Melanie Worf, P.O. Box 41116, Olympia, WA 98501, (360) 725-9106, (360) 753-0219, melanie.worf@doc.wa.gov, www.washingtonci.com.

WSR 16-07-005
NOTICE OF PUBLIC MEETINGS
WINE COMMISSION

[Filed March 3, 2016, 2:33 p.m.]

The Washington state wine commission has made location changes to the regular 2016 meeting schedule as of March 1, 2016:

MEETING LOCATION CHANGE: The Friday, March 11, 2016, meeting will now be held in Seattle at The World Trade Center, 2200 Alaskan Way, Suite 410.

MEETING LOCATION CHANGE: The Friday, June 10, 2016, meeting will now be held in Port Ludlow at The Resort at Port Ludlow, 1 Heron Road, Port Ludlow.

If you need further information contact Jayne Cain, 1201 Western Avenue, Suite 450, Seattle, WA 98101-2402, (206) 326-5760, jcain@washingtonwine.org, www.washingtonwine.org.

WSR 16-07-009
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE

[Filed March 4, 2016, 12:49 p.m.]

INTERPRETIVE STATEMENT ISSUED

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

ETA 3122.2016 - Manufacturers' Machinery and Equipment Exemption - Design and Product Development

This ETA addresses the application of the manufacturers' machinery and equipment (M&E) exemption to design and product development. It has been updated to explain that certain software developers are eligible for the sales and use tax exemptions for M&E pursuant to ESSB 6138, Part III.

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

Kevin Dixon
 Tax Policy Manager
 Rules Coordinator

WSR 16-07-011
NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE

[Filed March 4, 2016, 3:01 p.m.]

The board of trustees of South Puget Sound Community College has changed the following regular meeting date:

From: Tuesday, April 12, 2016, at 3:00-4:30 p.m., Boardroom, Building #25, 2011 Mottman Road S.W., Olympia, WA 98512.

To: Tuesday, April 5, 2016, at 3:00-4:30 p.m., Boardroom, Building #25, 2011 Mottman Road S.W., Olympia, WA 98512.

If you need further information contact Diana Toledo, (360) 596-5206, dtoledo@spscc.edu.

WSR 16-07-014
NOTICE OF PUBLIC MEETINGS
BREE COLLABORATIVE

[Filed March 4, 2016, 4:02 p.m.]

The following is a schedule of regular meetings for the Dr. Robert Bree Collaborative behavioral health integration:

| Date | Time | Location |
|-------------------------|-------------------|---|
| Friday, April 8, 2016 | 9:00 - 10:30 a.m. | Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104 |
| Friday, May 13, 2016 | 9:00 - 10:30 a.m. | Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104 |
| Friday, June 10, 2016 | 9:00 - 10:30 a.m. | Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104 |
| Friday, July 8, 2016 | 9:00 - 10:30 a.m. | Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104 |
| Friday, August 12, 2016 | 9:00 - 10:30 a.m. | Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104 |

| Date | Time | Location |
|-----------------------------|-------------------|---|
| Thursday, September 8, 2016 | 9:00 - 10:30 a.m. | Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104 |
| Friday, October 14, 2016 | 9:00 - 10:30 a.m. | Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104 |
| Friday, November 4, 2016 | 9:00 - 10:30 a.m. | Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104 |
| Friday, December 9, 2016 | 9:00 - 10:30 a.m. | Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104 |

The following is a schedule of regular meetings for the Dr. Robert Bree Collaborative opioid prescribing guideline implementation:

| Date | Time | Location |
|------------------------------------|------------------|---|
| Wednesday, September 28, 2016 | 3:00 - 4:30 p.m. | Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104 |
| Wednesday, October 26, 2016 | 3:00 - 4:30 p.m. | Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104 |
| Wednesday, December 28, 2016 | 3:00 - 4:30 p.m. | Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104 |
| Wednesday, January 25, 2016 [2017] | 3:00 - 4:30 p.m. | Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104 |

If you need further information contact Ginny Weir, Foundation for Health Care Quality, 705 Second Avenue, Suite 410, Seattle, WA 98104, phone (206) 204-7377, fax (206) 682-3739, e-mail GWeir@qualityhealth.org.

WSR 16-07-015
HEALTH CARE AUTHORITY

[Filed March 7, 2016, 7:17 a.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment 16-0009.

Effective Date: Anticipated on or after May 1, 2016.

Description: The health care authority (the agency) intends to submit medicaid State Plan Amendment (SPA) 16-0009 to update the hospice services payment methodology. The Centers for Medicare and Medicaid Services are requiring states to differentiate payments for routine home care based on the beneficiary's length of stay, and to implement a service intensity add-on payment for services provided in the last seven days of a beneficiary's life, if certain criteria are met.

The effective date is anticipated to be May 1, 2016.

At this time the agency is unable to determine an effect on annual aggregate expenditures.

The SPA is in the development process, therefore a copy is not yet available for review. To contact the agency for additional information and a copy of the SPA when it becomes available, please contact Jean Bui, Section Manager, Rates Development, 626 8th Avenue S.E., Olympia, WA 98501, phone (360) 725-1973, TDD/TTY 1-800-848-5429, fax (253) 350-6512, e-mail jean.bui@hca.wa.gov, web site <http://www.hca.wa.gov/medicaid/rbrvs/Pages/index.aspx>.

WSR 16-07-018

NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE

[Filed March 7, 2016, 11:05 a.m.]

The board of trustees of South Puget Sound Community College has changed the following regular meeting time:

From: Tuesday, March 8, 2016, at 3:00-4:30 p.m., Boardroom, Building #25, 2011 Mottman Road S.W., Olympia, WA 98512.

To: Tuesday, March 8, 2016, at 12:00-4:30 p.m., Boardroom, Building #25, 2011 Mottman Road S.W., Olympia, WA 98512.

If you need further information contact Diana Toledo, (360) 596-5206, dtoledo@spscc.edu.

WSR 16-07-019

PUBLIC RECORDS OFFICER
OLYMPIC COLLEGE

[Filed March 7, 2016, 12:16 p.m.]

The public records officer for Olympic College is Shawn Devine, Director of Communications and Web Services, Olympic College, College Service Center, Room 300B, 1600 Chester Avenue, Bremerton, WA 98337-1699, phone (360) 475-7822, fax (360) 475-7232, e-mail publicrecords@olympic.edu.

David C. Mitchell, Ph.D.
President

WSR 16-07-020
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
ENTERPRISE SERVICES
 (State Capitol Committee)
 [Filed March 7, 2016, 12:17 p.m.]

rescheduled to Monday, April 25, 2016, at 10:00 a.m. to 12:00 p.m., Legislative Building, Senate Rules Room.
 If you have any questions, please contact Nouk Leap at (360) 407-9256 or Kim Buccarelli at (360) 407-9312.

The state capitol committee meeting scheduled for Thursday, March 17, 2016, has been canceled, and will [be]

WSR 16-07-021
AGENDA
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed March 7, 2016, 2:22 p.m.]

Following is the department of social and health services' semi-annual rule-making agenda for January 1 - June 30, 2106 [2016]. This agenda will be published in the Washington State Register as required in RCW 34.05.314 and distributed to interested parties. It is also available online at <https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/dshs-semi-annual-rule-making-agenda>.

This report represents DSHS rules under development at this time. There may be additional rule-making activity as DSHS responds to legislative actions, to comply with federal mandates, or to meet unforeseen circumstances.

Semi-Annual Rules Agenda
 January 1 - June 30, 2016

| Administration/ Division | WAC Sections | Purpose for Rule Making | CR-101 Filings | CR-102 Filings | CR-103 Filings |
|---|--|--|----------------------------------|-----------------------------------|-------------------|
| Aging and Long-Term Support Administration | | | | | |
| Home and Community Services | | | | | |
| | Chapter 388-71 WAC | Proposing to add a section to home and community services and programs, and other related rules as may be required. The new section will clarify exceptions and corresponding verification to the electronic time keeping requirement for home care agencies. | WSR 15-03-029 Filed 1/12/2015 | | |
| | WAC 388-106-1000 through 388-106-1055 | Clarifying the definition for nurse services intervention, to define the scope of services to be authorized, and explain the necessity for documentation to support the required services. | WSR 15-05-078 Filed 2/18/2015 | | |
| | WAC 388-71-0515 (11) | The department is amending to modify the language so that it will accurately reflect a change in the way individual providers will report the time they have worked. This change is based on payment moving from the social services payment system to the provider compensation subsystem that will be implemented in 2016. | WSR 15-08-014 Filed 3/24/2015 | WSR 15-20-112 Filed 10/6/2015 | |
| | Chapters 388-71, 388-106 WAC | The department is considering amending "home and community services and programs," "long-term care services," and other related rules as may be required. | WSR 15-19-135 Filed 9/21/2015 | WSR 16-01-179 Filed 12/22/2015 | |
| | Chapter 388-106 WAC | Long-term care services. These rules will be amended to add retainer payments to the residential support waiver (RSW) and to add two new waiver services, adult day health and expanded community services. Other WAC chapters may need to be updated as a result of this rule making. | WSR 16-04-070 Filed 1/29/2016 | | |

| Administration/ Division | WAC Sections | Purpose for Rule Making | CR-101 Filings | CR-102 Filings | CR-103 Filings |
|---|--|---|----------------------------------|-----------------------------------|---|
| Management Services Division | | | | | |
| | Chapter 388-96 WAC, and other related rules as may be required | The department is proposing new rules relating to nursing home staffing levels. | WSR 15-15-069 Filed 7/13/2015 | | |
| | Chapter 388-96 WAC, as may be required | The department plans to amend or create new sections to adopt rules regarding ventilator/tracheostomy clients in nursing facilities. | WSR 15-22-100 Filed 11/4/2015 | | |
| Residential Care Services Division | | | | | |
| | Chapter 388-107 WAC | The department is revising "enhanced services facilities" in order to address concerns of the Center for Medicare/Medicaid Services (CMS) home and community-based services (HCBS) and stakeholders with operationalization of the requirements stated therein. | WSR 15-10-041 Filed 4/29/2015 | WSR 15-24-037 Filed 11/20/2015 | WSR 16-01-160 Filed 12/22/2015 WSR 15-18-053 Filed 8/27/2015 WSR 15-10-056 Filed 4/30/2015 |
| | Chapter 388-101 WAC | The department is amending to be in compliance with recently passed legislation, SSB 5600 and HB1307. The rules are also needed to address training and fingerprint requirements from past legislation to be effective January 1, 2016. | WSR 15-12-084 Filed 6/1/2015 | WSR 15-20-113 Filed 10/6/2015 | |
| | Chapter 388-78A WAC | The purpose for the changes is to consolidate the negative actions and character, competence, and suitability rules related to background checks for home and community services (HCS), residential services (RCS), and developmental disabilities. | WSR 15-15-098 Filed 7/15/2015 | | |
| | Chapter 388-76 WAC | The department is adding new sections and amending sections to consolidate the negative actions and character, competence, and suitability rules related to background checks for HCS, RCS, and developmental disabilities administration (DDA). | WSR 15-15-099 Filed 7/15/2015 | | |
| | Chapter 388-101 WAC | Adding new sections and amending sections to consolidate the negative actions and character, competence, and suitability rules related to background checks for HCS, RCS, and DDA. | WSR 15-15-109 Filed 7/16/2015 | | |
| | Chapter 388-97 WAC | Adding new sections and amending to consolidate the negative actions and character, competence, and suitability rules related to background checks for HCS, RCS, and DDA. | WSR 15-15-111 Filed 7/16/2015 | | |
| | Chapter 388-97 WAC, WAC 388-97- 0001, 388-97-1080, 388-97-1660, 388- 97-4600 | Amending the following sections in nursing homes, definitions, nursing services, staff and equipment, WAC 388-97-4560 Amount of civil fine, civil penalty fund, and other related rules as may be required. The department may also develop new rule sections related to staffing ratio requirements. | WSR 15-15-125 Filed 7/16/2015 | | WSR 16-02-043 Filed 12/30/2015 |
| | Chapter 388-107 WAC | Adding new sections and amending sections. The purpose for the changes is to consolidate the negative actions and character, competence, and suitability rules related to background checks for HCS, RCS, and DDA. | WSR 15-15-122 Filed 7/16/2015 | | |
| Office of Deaf and Hard of Hearing | | | | | |
| No rule making at this time | | | | | |

| Administration/ Division | WAC Sections | Purpose for Rule Making | CR-101 Filings | CR-102 Filings | CR-103 Filings |
|---|--|--|----------------------------------|-----------------------------------|--|
| Behavioral Health Administration | | | | | |
| Division of Behavioral Health and Recovery | | | | | |
| | Chapter 388-865 WAC | The department is adopting new sections to comply with 2E2SSB 5177 (chapter 7, Laws of 2015). | WSR 15-18-070 Filed 8/28/2015 | WSR 16-01-124 Filed 12/18/2015 | WSR 16-04-040 Filed 1/26/2016 WSR 15-20-121 Filed 10/7/2015 |
| Developmental Disabilities Administration | | | | | |
| | Chapter 388-827 WAC | Amending state supplementary payment program, that will improve the management of the program and more easily meet the needs of DDA clients on the program, by streamlining the methods currently used. | WSR 15-05-045 Filed 2/12/2015 | | |
| | Chapter 388-829A WAC | Updating "alternative living" and other related rules as may be required to comply with the requirements in chapter 74.39A RCW. This update will also include housekeeping changes to replace outdated terminology and update incorrect RCW and WAC references. | WSR 15-09-115 Filed 4/21/2015 | | |
| | Chapter 388-829C WAC | Updating "companion homes" and other related rules as may be required to comply with the requirements in chapter 74.39A RCW. This update will also include housekeeping changes to replace outdated terminology and update incorrect RCW and WAC references. | WSR 15-09-116 Filed 4/21/2015 | | |
| | WAC 388-828-1500 and 388-828-1520 | "When does DDD conduct a reassessment?" and "Where is the DDD assessment and reassessment administered?" to more closely align with the 42 C.F.R. 441.540 (a)(3) requirement that allows the individual to select a time and location of their convenience for assessments. | WSR 15-12-060 Filed 5/28/2015 | | |
| | WAC 388-825-315, 388-825-370 through 388-825- 395, and other related rules as may be required | Amending to change the allocation of personal care hours from a monthly basis to a weekly basis. | WSR 15-19-160 Filed 9/23/2015 | | |
| | Title 388 WAC | The 2015-2017 biennium budgets provided funding to develop eight community respite beds for adults with developmental disabilities for the provision of short-term community-based planned respite services across the state. The department intends to make updates to rules related to funding for respite beds. | WSR 15-20-015 Filed 9/24/2015 | | WSR 16-04-073 Filed 1/29/2016 |
| | WAC 388-832-0015 and repealing WAC 388-832-0085 | Amending due to the 2014 operating supplemental budget directing DDA to move the state funded individual and family services (IFS) program into a 1915(C) HCBS waiver. | WSR 16-02-110 Filed 1/6/2016 | WSR 16-06-048 Filed 2/24/2016 | WSR 16-02-035 Filed 12/30/2015 |
| Children's Administration | | | | | |
| | Chapter 388-70 WAC | The department is making changes to match requirements in chapter 13.38 RCW, the Washington State Indian Child Welfare Act and the federal Indian Child Welfare Act, 25 U.S.C. Chapter 21, as well as to reflect changes in children's administration policy. | WSR 15-11-090 Filed 5/20/2015 | | |
| | Chapter 388-25 WAC | The department proposes to amend to add a fifth eligibility criterion to the extended foster care WAC that goes into effect on July 1, 2016, in order to align with federal legislation. | WSR 16-06-111 Filed 3/2/2016 | | |

| Administration/ Division | WAC Sections | Purpose for Rule Making | CR-101 Filings | CR-102 Filings | CR-103 Filings |
|---|--|---|-----------------------------------|-----------------------------------|----------------------------------|
| | Chapters 388-145, 388-147, and 388-148 WAC | The department is proposing to amend to provide foster parents, DSHS staff, private agency and group care staff additional clarification on the minimum licensing requirements | WSR 16-06-112 Filed 3/2/2016 | | |
| Economic Services Administration | | | | | |
| Community Services Division | | | | | |
| | WAC 388-450-0200 | The department is proposing to amend "Will the medical expenses of elderly persons or individuals with disabilities in my assistance unit be used as an income deduction for Basic Food?" and other related rules as may be required. | WSR 15-08-047 Filed 3/27/2015 | | |
| | Chapter 388-406 WAC | The department is proposing to amend "applications" and other related rules as may be required. The amendments propose to use the option under 7 C.F.R. 273.2 (h)(i)(2)(A) of sending an applicant for Basic Food a notice of pending status on the thirtieth day when there has been a delay in processing a food assistance application and the delay is caused by the household. | WSR 15-14-035 Filed 6/23/2015 | | |
| | WAC 388-450-0015, 388-470-0045, 388-470-0055, and other related rules as may be required | The amendments propose to implement income and asset exclusions for ABLE (achieving a better life experience) tax-deferred accounts and associated distributions. | WSR 15-16-051 Filed 7/29/2015 | WSR 15-23-072 Filed 11/16/2015 | |
| | Chapter 388-493 WAC | The community services division is creating "working family support" to implement a new program that will provide additional resources for Basic Food clients. | WSR 16-01-154 Filed 12/21/2015 | WSR 16-05-091 Filed 2/16/2016 | |
| | WAC 388-450-0200 | The department is amending to clarify that medical marijuana is not an acceptable medical expense. | WSR 16-01-153 Filed 12/21/2015 | WSR 16-06-098 Filed 3/1/2016 | |
| | WAC 388-426-0005 | The department is amending to correct contact information for the USDA in order to file a civil rights complaint or receive more information. | | | |
| | WAC 388-400-0047 and other related rules as may be required | The department may amend to provide a small energy assistance payment to certain Basic Food households who are not eligible for a standard utility allowance income deduction. | WSR 16-04-122 Filed 2/2/2016 | | |
| Division of Child Support | | | | | |
| | Chapter 388-14A WAC | In order to implement SB 5793, DCS is amending WAC 388-14A-4200 Do I get credit for dependent disability payments paid on my behalf to my children? | WSR 15-15-169 Filed 7/22/15 | WSR 15-23-097 Filed 11/17/2015 | WSR 16-03-024 Filed 1/11/2016 |
| Rehabilitation Administration | | | | | |
| Division of Vocational Rehabilitation | | | | | |
| No rule making at this time | | | | | |
| Financial Services Administration | | | | | |
| Operations Support and Services Division | | | | | |
| | Chapter 388-03 WAC | 1. Add "(c) Continuing education credits (CEC) earned before January 1, 2015, will not be accepted, even if the CEC were DSHS approved." under WAC 388-03-160(2) to clarify the beginning date that CEC are accepted for certification status maintenance. 2. Correct the typo "processional" to "professional" in WAC 388-03-114(2). | | WSR 15-23-007 Filed 11/5/2015 | WSR 16-04-021 Filed 1/22/2016 |

| Administration/ Division | WAC Sections | Purpose for Rule Making | CR-101 Filings | CR-102 Filings | CR-103 Filings |
|-----------------------------|-----------------|----------------------------|-------------------|-------------------|-------------------|
| Executive | | | | | |
| No rule making at this time | | | | | |

Katherine Iyall Vasquez
Rules Coordinator

WSR 16-07-024
RULES OF COURT
STATE SUPREME COURT
[March 7, 2016]

GR 9 COVER SHEET

Suggested Amendments
ADMISSION AND PRACTICE RULES (APR)
Rule 28F and Regulation 2 of
Appendix APR 28; Regulations of the APR 28
Limited License Legal Technician Board
Submitted by the Limited License Legal Technician
Board

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENTS TO APR 28C—LIM-) NO. 25700-A-1138
ITED LICENSE LEGAL TECHNICIAN)
BOARD, APR 28D—REQUIREMENTS)
FOR APPLICANTS, APR 28F—LIM-)
ITED PRACTICE RULE FOR LIMITED)
LICENSE LEGAL TECHNICIANS, APR)
28 APP. 28 REGULATION 2—PRAC-)
TICE AREAS-SCOPE OF PRACTICE)
AUTHORIZED BY LIMITED LICENSE)
LEGAL TECHNICAL RULE, APR 28)
APP. 28 REGULATION 3—EDUCATION)
REQUIREMENTS FOR APPLICANTS)

A. Name of Proponent:
Limited License Legal Technician (LLLT) Board
Staff Liaison/Contact:
Ellen Reed, Limited License Legal Technician Program
Lead
Washington State Bar Association
1325 Fourth Avenue, Suite 600
Seattle, WA 98101-2539 (Phone: 206-727-8289)

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

C. Purpose: The primary purposes for the suggested amendments are to clarify the meaning of a portion of APR 28(F) that creates uncertainty concerning the scope of an LLLT's permitted practice as it relates to writing letters, and to modify a portion of Appendix 2A that creates significant barriers to an LLLT's ability to provide meaningful and useful advice to a client in a timely manner. The issues came to the attention of the Board as the scope of practice was being taught for the first time by the University of Washington School of Law; Board members heard from faculty and students alike concerning the difficulties posed by these issues. The Board discussed the two issues at a number of meetings over many months and concluded that changes to the rule language were desirable. The Board received advice and input from a scope of practice committee which included family law professors and private attorneys with family law experience. A draft of the rule changes was submitted by Board member Ellen Dial at the Board's April 2015 meeting, and the Board approved the draft at its meeting in May, 2015.

The Washington State Bar Association Limited License Legal Technician Board, having recommended the Proposed Amendments to APR 28C—Limited License Legal Technician Board, APR 28D—Requirements for Applicants, APR 28F—Limited Practice Rule for Limited License Legal Technicians, APR 28 App. 28 Regulation 2—Practice Areas-Scope of Practice Authorized by Limited License Legal Technical Rule, APR 28 App. 28 Regulation 3—Education Requirements for Applicants, and the Court having considered the amendments and comments submitted thereto;

Now, therefore, it is hereby

ORDERED:

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

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than 45 days after the first date of publication. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 7th Day of March, 2016.

For the Court

Madsen, C.J.

CHIEF JUSTICE

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

APR 28 (F)(8) - Scope of Practice Authorized by Limited Practice Rule

The Board suggests an administrative amendment to add a clarifying phrase after the first three words of APR 28 (F)(8). That section permits an LLLT to "draft legal letters ... if the work is reviewed and approved by a Washington lawyer." The Board believes that the intent of the rules is to pro-

hibit an LLLT from writing letters containing legal advice that are intended to be read by persons other than the client unless the work is reviewed and approved by a Washington lawyer, but that it is not the intent of the rules to imply that LLLTs may write letters to clients only after review and approval by a lawyer. The authority of an LLLT to reduce to writing the legal advice that the LLLT has given or is giving to a client, where the intended recipient of the writing is the client, is implied by the express authorizations to give advice to a client that are set forth in other subsections of APR 28(F). Prohibiting LLLTs from writing of letters to a client unless under the supervision of a lawyer would unduly hinder the LLLT in giving meaningful and timely advice to the client within the authorized scope of the LLLT's practice. The Board believes that letters containing legal advice that are intended to be read by persons other than the client should be reviewed and approved by a Washington lawyer, because advice given to third parties is beyond the authorized scope of an LLLT's practice. These letters, which are often referred to as "opinion letters," are often intended to describe to a third person a legal analysis in support of the author's client's position, another activity that is prohibited to LLLTs. Accordingly, the Board suggests an administrative amendment to clarify that the type of letters written by LLLTs that must be reviewed and approved by a Washington lawyer are letters that sets forth legal opinions and that are intended to be read by persons other than the client. The proposed amendment adds a clarifying phrase after the words "legal letters" in APR 28 (F)(8), and begins a new second clause concerning preparation of other documents by repeating the word "draft" at the commencement of the second clause.

Regulation 2: Practice Areas—Scope of Practice Authorized by Limited License Legal Technician Rule—Issues Beyond the Scope of Authorized Practice

The Board suggests a substantive amendment to subpart A of Regulation 2, to allow an LLLT to prepare a document that includes an issue that is outside of the scope of the LLLT's authorized practice if the LLLT complies fully with the obligations set forth in that Regulation to identify and describe the issue in writing and to recommend that the client secure advice from a lawyer, and if the client nonetheless elects not to seek advice from a lawyer but directs the LLLT how to complete the document with respect to the issue. As currently written, the regulation prohibits an LLLT from completing any document that involves such an issue. The result is that a client who elects not to engage a lawyer is left without effective assistance in completing the document. The Board believes the current language might also emphasize form over substance, because an LLLT is able to advise a client how to complete the portions of a form document that do lie within the authorized scope of the LLLT's practice, but is not able to complete those portions him- or herself. Under the proposed amendment, the LLLT would be able to prepare the document under those circumstances, but would still be prohibited from advising the client regarding the issue that lies outside of the authorized scope of the LLLT's practice, and would be obligated to complete any portion of the document that involves such an issue only at the client's direction. Above the LLLT's signature on the document, the LLLT would be obligated to insert a statement to the effect that the

LLLT did not advise the client with respect to any issue that lies outside of the scope of the LLLT's authorized practice and completed any portions of the document with respect to any such issues at the direction of the client. The proposed amendment modifies the second full paragraph of the Regulation, adds new material in the form of a second set of subparagraphs, and modifies the last sentence of the Regulation to reflect the new material.

Conclusion

The LLLT Board believes that it is important that these proposed amendments be adopted and effective as soon as possible.

D. Hearing: A hearing is not requested.

E. Expedited Consideration: Expedited consideration is requested in order to promote the effective practice of the first cohort of LLLTs licensed in 2015. The LLLT program's goal is to provide much needed access to justice. Delay of the amendments will hinder the LLLTs in providing relief to those in need of LLLT services.

F. Supporting Material: None.

SUGGESTED AMENDMENTS TO APR 28F

TITLE

ADMISSION AND PRACTICE RULES (APR)

RULE 28. LIMITED PRACTICE RULE FOR LIMITED LICENSE LEGAL TECHNICIANS

A.-E.

[Unchanged.]

F. Scope of Practice Authorized by Limited Practice Rule. The Limited License Legal Technician shall ascertain whether the issue is within the defined practice area for which the LLLT is licensed. If it is not, the LLLT shall not provide the services required on this issue and shall inform the client that the client should seek the services of a lawyer. If the issue is within the defined practice area, the LLLT may undertake the following:

- (1) Obtain relevant facts, and explain the relevancy of such information to the client;
- (2) Inform the client of applicable procedures, including deadlines, documents which must be filed, and the anticipated course of the legal proceeding;
- (3) Inform the client of applicable procedures for proper service of process and filing of legal documents;
- (4) Provide the client with self-help materials prepared by a Washington lawyer or approved by the Board that contain information about relevant legal requirements, case law basis for the client's claim, and venue and jurisdiction requirements;
- (5) Review documents or exhibits that the client has received from the opposing party, and explain them to the client;
- (6) Select, complete, file, and effect service of forms that have been approved by the State of Washington, either through a governmental agency or by the Administrative Office of the Courts or the content of which is specified by statute; federal forms; forms prepared by a Washington lawyer; or forms approved by the Board; and advise the client of the significance of the selected forms to the client's case;
- (7) Perform legal research;

(8) Draft ~~legal~~ letters setting forth legal opinions that are intended to be read by persons other than the client, and draft documents beyond what is permitted in paragraph (6), if the work is reviewed and approved by a Washington lawyer;

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

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

G.-L.

[Unchanged.]

SUGGESTED AMENDMENTS TO APPENDIX APR 28 REGULATION 2A

TITLE

APPENDIX ADMISSION AND PRACTICE RULE (APR) 28
REGULATIONS OF THE APR 28 LIMITED LICENSE LEGAL
TECHNICIAN BOARD

REGULATIONS 1: IN GENERAL

[Unchanged.]

**REGULATION 2. PRACTICE AREAS-SCOPE OF PRACTICE
AUTHORIZED BY LIMITED LICENSE LEGAL TECHNICAL
RULE**

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

A. Issues Beyond the Scope of Authorized Practice.

An LLLT has an affirmative duty under APR 28(F) to inform clients when issues arise that are beyond the authorized scope of the LLLT's practice. When an affirmative duty under APR 28(F) arises, then the LLLT shall inform the client in writing that:

1. the issue may exist, describing in general terms the nature of the issue;
2. the LLLT is not authorized to advise or assist on this issue;
3. the failure to obtain a lawyer's advice could be adverse to the client's interests; and,
4. the client should consult with a lawyer to obtain appropriate advice and documents necessary to protect the client's interests.

After an issue beyond the LLLT's scope of practice has been identified, if the client engages a lawyer with respect to the issue, then an LLLT may prepare a document related to the issue only if a lawyer acting on behalf of the client has provided appropriate documents and written instructions for the LLLT as to whether and how to proceed with respect to the issue. If the client does not engage a lawyer with respect to the issue, then the LLLT may prepare documents that relate to the issue if:

1. The client informs the LLLT how the issue is to be determined and instructs the LLLT how to complete the relevant portions of the document, and
2. Above the LLLT's signature at the end of the document, the LLLT inserts a statement to the effect that the LLLT did not advise the client with respect to any issue outside of the LLLT's scope of practice and completed any portions of the document with respect to any such issues at the direction of the client.

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

B. Domestic Relations.

[Unchanged.]

REGULATIONS 3-20

[Unchanged.]

GR 9 COVER SHEET

Suggested Amendments

ADMISSION AND PRACTICE RULES (APR) 28

Sections C, D, and Regulation 3

Limited License Legal Technician Board

Submitted by the Limited License Legal Technician Board

A. Name of Proponent:

Limited License Legal Technician (LLLT) Board

Staff Liaison/Contact:

Ellen Reed, Limited License Legal Technician Program

Lead

Washington State Bar Association

1325 Fourth Avenue, Suite 600

Seattle, WA 98101-2539 (Phone: 206-727-8289)

B. Spokesperson:

Stephen R. Crossland

Chair of LLLT Board

P.O. Box 566

Cashmere, WA 98815 (Phone: 509-782-4418)

C. Purpose:

When making decisions about the design of the LLLT program, the LLLT Board has always weighed whether or not each change they suggest to the Supreme Court will contribute to making the program more affordable, more accessible, and appropriately academically rigorous. In keeping with these guiding principles, the LLLT Board has noted that the rural nature of many communities in Washington suggests that in order to be truly accessible to a large portion of the state's residents, the LLLT core curriculum must be offered in areas not currently served by ABA-approved paralegal education programs and law schools.

Under the current rules and regulations governing the LLLT education, LLLT applicants must meet the LLLT core education requirement at an ABA-approved paralegal program or law school. There are currently four colleges with ABA-approved paralegal programs in Washington and three ABA-approved law schools. All of these schools are located in the Puget Sound area and Spokane. The southern, northern and central portions of the state's population cannot access the LLLT core education except through piecing together an online course schedule, undertaking a long commute to school, or moving closer to the institutions which offer the education. For many students, none of these options are realistic. Furthermore, many schools with excellent paralegal programs are ready and willing to offer the LLLT education to their students, but cannot do so because they lack ABA approval. The ABA approval process is rigorous and respected, but it is also expensive and not an attainable goal for many schools with scarce economic resources.

In order to expand access to the LLLT core education, the LLLT Board has consulted with educators and representatives from paralegal programs and law schools from across the state to develop standards that can be used to approve

paralegal or legal studies programs that have not gone through the ABA approval process. The Board also consulted extensively with the Washington State Board of Community and Technical Colleges (SBCTC). The standards developed by the LLLT Board ("LLLT Educational Program Approval Standards") are based on the ABA Guidelines for the Approval of Paralegal Education Programs, with a few notable differences. Key differences between the two sets of standards can be found in the "Brief Comparison of the ABA Guidelines for the Approval of Paralegal Programs and LLLT Educational Program Approval Standards" document which is attached hereto as supporting material item #2.

Implementation of the LLLT Educational Program Approval Standards is possible only if accompanying amendments are made to APR 28 that will allow the LLLT core education to be offered by non-ABA approved programs and will give the LLLT Board the authority to establish and apply an approval process for the LLLT core education programs in Washington. The Standards allow the LLLT Board to delegate the power to review and approve programs to a third party. The LLLT Board has created a partnership with the SBCTC to fill the role of the third party delegate. The SBCTC carries out educational program review and approval for colleges across the state and is a logical and experienced body to which to delegate the LLLT educational program review and approval. In addition, the SBCTC played a very active part in assisting in the creation of the LLLT Educational Program Approval Standards with the intent of fulfilling the role of the delegate responsible for the program approval process.

APR 28 C

Two amendments are suggested to APR 28(C); the first is merely a grammatical change suggested in order to maintain consistency in the text of APR 28. To that end, the Board suggests that "Limited License Legal Technician" in APR 28 (C)(2)(c) be changed to read "LLLT". The second change suggested to APR 28(C) is substantive; the Board proposes adding a new subsection (h) to APR 28 (C)(2) that would grant the LLLT Board the power to "establish and maintain criteria for approval of educational programs that offer LLLT core education."

APR 28 D

Three amendments are proposed to APR 28(D). Similarly to APR 28(C), two of the suggested amendments seek to standardize the use of "LLLT" within the rules, rather than using "Limited License Legal Technician" and "LLLT" interchangeably. These proposed amendments can be found in sections (D) and (D)(2). A substantive amendment is suggested in APR 28 (D)(3)(b), that will expand the accessibility of the LLLT core education by permitting LLLT applicants to complete the LLLT core curriculum at an educational institution with an LLLT education program approved by the LLLT Board. Again, the LLLT Board plans to delegate coordination of the program review, approval, and ongoing monitoring to the State Board of Community and Technical Colleges.

APR 28 Regulation 3

Amendments to APR 28 Regulation 3 will allow students completing the LLLT core curriculum to do so at a program approved under the LLLT Educational Program

Approval Standards, in addition to an ABA approved law school or paralegal program. It also clarifies how credits are calculated by specifying the number of credit hours needed for completion of the curriculum and allows the evaluation of courses to be focused on the subject matter of the course rather than the name under which it is taught. The language in the proposed amendments to Regulation 3 (A)(2) details the responsibility of the Board to establish and maintain standards for approval of non-ABA approved programs.

Conclusion

These proposed rule amendments seek to uphold the spirit and intent of APR 28 and move toward the expansion of access to legal services for all of Washington's residents, regardless of their socioeconomic status or geographic location. Approving these changes to APR 28 will allow Washington's 29 community and technical colleges, as well as universities and private colleges, to have the chance to participate in educating future practitioners of this innovative program. It will also allow more LLLT candidates to learn and make professional connections in their communities as they move through their pathway to becoming a LLLT. The LLLT Board believes that it is important that these proposed amendments be adopted and effective as soon as possible.

D. Hearing: A hearing is not requested.

E. Expedited Consideration: Expedited consideration is requested in order to allow schools that wish to offer the LLLT core education to begin the approval process and start developing their curriculum in anticipation of the 2016-17 school year.

F. Supporting Material:

1. LLLT Educational Program Approval Standards
2. Brief Comparison of the ABA Guidelines for the Approval of Paralegal Programs and LLLT Educational Program Approval Standards

SUGGESTED AMENDMENTS TO APR 28 C and D

TITLE

ADMISSION AND PRACTICE RULES (APR)

RULE 28. LIMITED PRACTICE RULE FOR LIMITED LICENSE LEGAL TECHNICIANS

A.-B.

[Unchanged.]

C. Limited License Legal Technician Board

(1)

[Unchanged.]

(2) *Board Responsibilities.* The Board shall be responsible for the following:

(a) Recommending practice areas of law for LLLTs, subject to approval by the Supreme Court;

(b) Processing applications and fees, and screening applicants;

(c) Administering the examinations required under this rule which shall, at a minimum, cover the rules of professional conduct applicable to ~~LLLTs~~ LLLTs Limited License Legal Technicians, rules relating to the attorney-client privilege, procedural rules, and substantive law issues related to one or more approved practice areas;

(d) Determining LLLT Continuing Legal Education (LLLT CLE) requirements and approval of LLLT CLE programs;

(e) Approving education and experience requirements for licensure in approved practice areas;

(f) Establishing and overseeing committees and tenure of members;

(g) Establishing and collecting examination fees, LLLT CLE fees, annual license fees, and other fees in such amounts approved by the Supreme Court as are necessary to carry out the duties and responsibilities of the Board; ~~and~~

(h) Establishing and maintaining criteria for approval of educational programs that offer LLLT core curriculum; and

~~(hi)~~ Such other activities and functions as are expressly provided for in this rule.

(3) *Rules and Regulations.* The Board shall propose rules and regulations for adoption by the Supreme Court that:

(a) Establish procedures for grievances and disciplinary proceedings;

(b) Establish trust account requirements and procedures;

(c) Establish rules of professional and ethical conduct; and

(d) Implement the other provisions of this rule.

(4) *Administration and Expenses of the Board.* The Washington State Bar Association shall provide reasonably necessary administrative support for the Board. Members of the Board shall not be compensated for their services but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties according to the Washington State Bar Association's expense policies. Funds accumulated from examination fees, annual fees, and other revenues shall be used to defray the expenses of the Board. All anticipated expenses and anticipated revenues shall be submitted on a proposed budget for approval by the Washington State Bar Association's Board of Governors.

D. Requirements for Applicants. An applicant for licensure as an LLLT Limited License Legal Technician shall:

(1) *Age.* Be at least 18 years of age.

(2) *Moral Character and Fitness to Practice.* Be of good moral character and demonstrate fitness to practice as an LLLT Limited License Legal Technician.

(3) *Education.* Have the following education, unless waived by the Board through regulation:

(a) An associate level degree or higher;

(b) 45 credit hours of core curriculum instruction in paralegal studies as approved by the Board with instruction to occur at:

~~(i) an ABA approved law school; or~~

(ii) an educational institution with an ABA approved paralegal education program; or and

(iii) an educational institution with an LLLT core curriculum program approved by the Board.

(c) In each practice area in which an applicant seeks licensure, instruction in the approved practice area, which must be based on a curriculum developed by or in conjunction with an ABA approved law school. For each approved practice area, the Board shall determine the key concepts or topics to be covered in the curriculum and the number of credit hours of instruction required for admission in that practice area.

(d) For the purposes of satisfying APR 28 (D)(3), one credit hour shall be equivalent to 450 minutes of instruction.

(4) *Application.* Execute under oath and file with the Board an application, in such form as the Board requires. An applicant's failure to furnish information requested by the Board or pertinent to the pending application may be grounds for denial of the application.

(5) *Examination Fee.* Pay, upon the filing of the application, the examination fee and any other required application fees as established by the Board and approved by the Supreme Court.

E.-L.

[Unchanged.]

SUGGESTED AMENDMENTS TO APPENDIX APR 28 REGULATION 3

TITLE

APPENDIX ADMISSION AND PRACTICE RULE (APR) 28
REGULATIONS OF THE APR 28 LIMITED LICENSE LEGAL
TECHNICIAN BOARD

REGULATIONS 1-2.

[Unchanged.]

An applicant for licensure shall satisfy the following education requirements:

REGULATION 3. EDUCATION REQUIREMENTS FOR APPLICANTS AND APPROVAL OF EDUCATIONAL PROGRAMS

A. Core Curriculum.

1. Credit Requirements. An applicant for licensure shall have earned 45 credit hours as required by APR 28 (D)(3)(b). The core curriculum must include the following required subject matters with minimum credits hours earned as indicated: the following course credits at an ABA approved law school or ABA approved paralegal program:

1. Civil Procedure, minimum 8 credits hours;

2. Contracts, minimum 3 credits hours;

3. Interviewing and Investigation Technique, minimum 3 credits hours;

4. Introduction to Law and Legal Process, minimum 3 credits hours;

5. Law Office Procedures and Technology, minimum 3 credits hours;

6. Legal Research, Writing and Analysis, minimum 8 credits hours; and

7. Professional responsibility, minimum 3 credits hours;

The core curriculum courses in which credit for the foregoing subject matters is earned shall satisfy the curricular requirements approved by the Board and published by the Association. If the required ~~core curriculum~~ courses completed by the applicant do not total 45 credits hours ~~as required by APR 28 (D)(3)(b)~~, then the applicant may earn the remaining credits hours by taking legal or paralegal elective courses, ~~at an ABA approved law school or ABA approved paralegal program.~~ All core curriculum course credit hours must be earned at an ABA approved law school, an educational institution with an ABA approved paralegal program, or at an educational institution with an LLLT core curriculum program approved by the Board under the Washington State LLLT Educational Program Approval Standards.

2. LLLT Educational Program Approval Requirements for Programs Not Approved by the ABA. The Board shall be responsible for establishing and maintaining standards, to be published by the Association, for approving LLLT educa-

tional programs that are not otherwise approved by the ABA. Educational programs complying with the Board's standards shall be approved by the Board and qualified to teach the LLLT core curriculum.

B. Practice Area Curriculum.

[Unchanged.]

REGULATIONS 4-20

[Unchanged.]

Reviser's note: The spelling 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.

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

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

agenda is up-to-date. However, the dental hygiene examining committee reserves the right to change or amend agendas at the meeting.

| Date | Time | Location |
|------------------|-----------|--|
| April 29, 2016 | 8:00 a.m. | Department of Health Town Center 2 Room 158 Tumwater |
| July 29, 2016 | 9:00 a.m. | Department of Health Point Plaza East Room 152/153 Tumwater |
| October 14, 2016 | 9:00 a.m. | TBD - Bellevue |

If you need further information, please contact Vicki Brown, Program Manager, Dental Hygiene Examining Committee, Washington Department of Health, P.O. Box 47852, Olympia, WA 98504-7852, phone (360) 236-4865, fax (360) 236-2901, vicki.brown@doh.wa.gov, www.doh.wa.gov.

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

WSR 16-07-028

**PUBLIC RECORDS OFFICER
TRANSPORTATION COMMISSION
DEPARTMENT OF TRANSPORTATION**

[Filed March 10, 2016, 9:31 a.m.]

Pursuant to RCW 42.56.580, the public records officer for the department of transportation and the transportation commission is Kara Larsen, 310 Maple Park Avenue, P.O. Box 47418, Olympia, WA 98504-7418, phone (360) 705-6366, fax (360) 704-6367, e-mail larsenk@wsdot.wa.gov.

Grant Heap
Rule Coordinator

WSR 16-07-036

**PUBLIC RECORDS OFFICER
TACOMA COMMUNITY COLLEGE**

[Filed March 10, 2016, 1:54 p.m.]

Pursuant to RCW 42.56.580, the public records officer for Tacoma Community College is Tim Gould, 6501 South 19th Street, Tacoma, WA 98466, phone (253) 566-5050, fax (253) 566-5050, e-mail tgould@tacomacc.

Sheila Ruhland, Ph.D.
President

WSR 16-07-029

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
(Dental Hygiene Examining Committee)**

[Filed March 10, 2016, 9:37 a.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedures [Procedure] Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, dental hygiene examining committee, for the year 2016. The dental hygiene examining committee meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via listserv and the department of health web site (see below). Every attempt is made to ensure that the

WSR 16-07-038

**DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed March 10, 2016, 4:32 p.m.]

Pursuant to RCW 39.12.015, 39.12.020 and WAC 296-127-011, on March 10, 2016, the industrial statistician made a correction to the prevailing rates of wage. The corrected rates will become effective thirty days from the publication on April 9, 2016.

The prevailing wage program has made a wage rate correction to the trade roofers using irritable bituminous materials in Pierce and Thurston counties.

For more information on prevailing wage or a copy of the rates, please visit our web site at www.lni.wa.gov/Trades

Licensing/Prevailing Wage/ or call (360) 902-5335. Please see details of this correction at <https://fortress.wa.gov/lni/wagelookup/correctionpublication.aspx?PubCtlId=130>.

Maggie A. Leland
 Rules Coordinator
 Senior Policy Advisor

| | | |
|---------|--------------------------------|---|
| Board | Wednesday November 9, 2016 | Department of Health Point Plaza East Room 152/153 310 Israel Road S.E. Tumwater, WA 98501 |
| Council | Wednesday December 14, 2016 | Department of Health (or location TBD) Point Plaza East Room 152/153 310 Israel Road S.E. Tumwater, WA 98501 |

WSR 16-07-039

**NOTICE OF PUBLIC MEETINGS
 STATE BOARD OF HEALTH**

(Governor's Interagency Council on Health Disparities)

[Filed March 11, 2016, 9:15 a.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW), and the Administrative Procedures [Procedure] Act (chapter 34.05 RCW), the following is the updated schedule of public meetings for the Washington state board of health (board), and the governor's interagency council on health disparities (council) for 2016. The board and council meetings are open to the public. We encourage the public to take time to testify on any matter that may come before the board or council.

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

2016 Board/Council Meeting Schedule

Approved by the Board November 19, 2015
 Update Approved March 9, 2016
 Approved by the Council December 9, 2015

| | | |
|---------|---------------------------------|--|
| Board | Wednesday April 13, 2016 | Department of Health Point Plaza East Room 152/153 310 Israel Road S.E. Tumwater, WA 98501 |
| Council | Wednesday May 11, 2016 | Wenatchee Convention Center 121 North Wenatchee Avenue Red Delicious Room Wenatchee, WA 98801 |
| Board | Monday June 6, 2016 | Snohomish Health District 3020 Rucker Avenue Rucker Auditorium Everett, WA 98201 |
| Board | Wednesday July 13, 2016 | Hold date - meet only if necessary |
| Board | Wednesday August 10, 2016 | Location to be determined |
| Council | Wednesday September 14, 2016 | Location to be determined - possibly Tacoma |
| Board | Wednesday October 12, 2016 | Location to be determined |

Start time is 9:30 a.m. unless otherwise specified. Time and locations subject to change as needed. See the board of health web site <http://sboh.wa.gov/> and/or the health disparities council web site <http://healthequity.wa.gov/> for the most current information.

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

WSR 16-07-048

**INTERPRETIVE STATEMENT
 DEPARTMENT OF REVENUE**

[Filed March 14, 2016, 9:52 a.m.]

INTERPRETIVE STATEMENT ISSUED

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

ETA 3167.2016 - Taxability of Fees Charged for Amusement and Recreation Services

This ETA clarifies the distinction between nontaxable charges and taxable charges often associated with sport activities and sporting events. It has been updated with a header to explain that the ETA is only valid for tax reporting periods through December 31, 2015, and instructs the reader to refer to RCW 82.04.050 or dor.wa.gov for tax reporting requirements beginning January 1, 2016.

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

Kevin Dixon
 Tax Policy Manager
 Rules Coordinator

WSR 16-07-049

**INTERPRETIVE STATEMENT
 DEPARTMENT OF REVENUE**

[Filed March 14, 2016, 9:54 a.m.]

INTERPRETIVE STATEMENT ISSUED

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

ETA 3104.2016 - Physical Fitness Services - Specialized Exercise and Conditioning Activities

This ETA clarifies the distinction between physical fitness services and therapeutic activities and instructional lessons in physical fitness. It has been updated with a header to explain that the ETA is only valid for tax reporting periods through December 31, 2015, and instructs the reader to refer to RCW 82.04.050 or dor.wa.gov for tax reporting requirements beginning January 1, 2016.

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

Kevin Dixon
Tax Policy Manager
Rules Coordinator

WSR 16-07-050
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE
[Filed March 14, 2016, 9:55 a.m.]

INTERPRETIVE STATEMENT ISSUED

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

ETA 3003.2016 - Taxability of Yoga, Tai Chi, and Qi Gong

This ETA explains the tax reporting responsibilities of persons providing Yoga, Tai Chi, and Qi Gong classes. It has been updated with a header to explain that the ETA is only valid for tax reporting periods through December 31, 2015, and instructs the reader to refer to RCW 82.04.050 or dor.wa.gov for tax reporting requirements beginning January 1, 2016.

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

Kevin Dixon
Tax Policy Manager
Rules Coordinator

WSR 16-07-052
NOTICE OF PUBLIC MEETINGS
BREE COLLABORATIVE
[Filed March 14, 2016, 11:28 a.m.]

The May 19 regular meeting of the Dr. Robert Bree Collaborative has been changed to Wednesday, **May 11, from 12:30 - 4:30 p.m.**, at the Waterfront Activities Center Lounge, 3710 Montlake Boulevard N.E., Seattle, WA 98195.

If you need further information contact Ginny Weir, Foundation for Health Care Quality, 705 Second Avenue, Suite 410, Seattle, WA 98104, phone (206) 204-7377, fax (206) 682-3739, e-mail GWeir@qualityhealth.org.

WSR 16-07-058
NOTICE OF PUBLIC MEETINGS
BIG BEND
COMMUNITY COLLEGE
[Filed March 15, 2016, 9:40 a.m.]

This notice is in accordance with RCW 42.30.075 that [for] the board of trustees for Big Bend Community College, District No. 18.

During the board of trustees meeting on March 3, 2016, the trustees scheduled a study session on April 7, 2016, from 10:00 to noon. The meeting is scheduled in the BBCC campus in the ATEC Building in the Hardin Community Room.

WSR 16-07-060
NOTICE OF PUBLIC MEETINGS
COMMISSION ON PESTICIDE REGISTRATION
[Filed March 15, 2016, 11:19 a.m.]

The 2016 annual meeting dates for the commission on pesticide registration are:

| | |
|--------------------------|---------------------------------------|
| March 31, 2016 | Prosser WSU |
| June 8, 2016 | Olympia Port Blakeley Office |
| September 21, 2016 | Snoqualmie Summit Inn |
| December 13 and 14, 2016 | Ellensburg Cattlemen's Association |

For more information contact Tiffani Deal at (509) 266-4348 or t.deal@centurytel.net.

WSR 16-07-063
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
(Bleeding Disorder Collaborative for Care)
[Filed March 15, 2016, 1:10 p.m.]

Contact: Leta Evaskus, (206) 521-2029, leta.evaskus@hca.wa.gov.

All meetings will be held through GoTo Webinar unless otherwise noted. All meetings will be recorded, <https://attendee.gotowebinar.com/register/1675635202037745154>.

2016 Revised Meeting Schedule as of 3/14/2016

| | |
|---------------------------|---------------------|
| Thursday, March 17, 2016 | 7 a.m. - 8 a.m. PST |
| Wednesday, March 23, 2016 | 7 a.m. - 8 a.m. PST |
| Thursday, March 31, 2016 | 7 a.m. - 8 a.m. PST |
| Thursday April 7, 2016 | 7 a.m. - 8 a.m. PST |

Wednesday, April 13, 2016 7 a.m. - 8 a.m. PST
 Wednesday, April 20, 2016 1 p.m. - 4 p.m. PST
 Wednesday, April 27, 2016 7 a.m. - 8 a.m. PST
 Thursday, May 5, 2016 7 a.m. - 8 a.m. PST
 Wednesday, May 11, 2016 7 a.m. - 8 a.m. PST
 Thursday, May 19, 2016 7 a.m. - 8 a.m. PST
 Wednesday, May 25, 2016 7 a.m. - 8 a.m. PST
 Thursday, June 2, 2016 7 a.m. - 8 a.m. PST
 Wednesday, June 8, 2016 7 a.m. - 8 a.m. PST
 Wednesday, June 15, 2016 1 p.m. - 4 p.m. PST
 Wednesday June 22, 2016 7 a.m. - 8 a.m. PST
 Thursday, June 30, 2016 7 a.m. - 8 a.m. PST
 Thursday, July 7, 2016 7 a.m. - 8 a.m. PST
 Wednesday, July 13, 2016 7 a.m. - 8 a.m. PST
 Thursday, July 21, 2016 7 a.m. - 8 a.m. PST
 Wednesday, July 27, 2016 7 a.m. - 8 a.m. PST
 Thursday, August 4, 2016 7 a.m. - 8 a.m. PST
 Wednesday, August 10, 2016 7 a.m. - 8 a.m. PST
 Wednesday, August 17, 2016 1 p.m. - 4 p.m. PST
 Wednesday, August 24, 2016 7 a.m. - 8 a.m. PST
 Thursday, September 1, 2016 7 a.m. - 8 a.m. PST
 Thursday, September 15, 2016 7 a.m. - 8 a.m. PST
 Thursday, September 29, 2016 7 a.m. - 8 a.m. PST

Port of Seattle
 "International A"
 Conference Room
 Seattle-Tacoma
 International Airport
 17801 International
 Boulevard
 Seattle, WA 98158

Port of Seattle
 "International A"
 Conference Room
 Seattle-Tacoma
 International Airport
 17801 International
 Boulevard
 Seattle, WA 98158

Port of Seattle
 "International A"
 Conference Room
 Seattle-Tacoma
 International Airport
 17801 International
 Boulevard
 Seattle, WA 98158

Thursday, October 6, 2016 7 a.m. - 8 a.m. PST
 Wednesday, October 12, 2016 7 a.m. - 8 a.m. PST
 Wednesday, October 19, 2016 1 p.m. - 4 p.m. PDT
 Wednesday, October 26, 2016 7 a.m. - 8 a.m. PST
 Thursday, November 3, 2016 7 a.m. - 8 a.m. PST
 Wednesday, November 9, 2016 7 a.m. - 8 a.m. PST
 Thursday, November 17, 2016 7 a.m. - 8 a.m. PST
 Wednesday, November 23, 2016 7 a.m. - 8 a.m. PST
 Thursday, December 1, 2016 7 a.m. - 8 a.m. PST
 Thursday, December 15, 2016 7 a.m. - 8 a.m. PST
 Thursday, December 29, 2016 7 a.m. - 8 a.m. PST

Port of Seattle
 "International A"
 Conference Room
 Seattle-Tacoma
 International Airport
 17801 International
 Boulevard
 Seattle, WA 98158

WSR 16-07-069
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed March 16, 2016, 3:47 p.m.]

Pursuant to RCW 39.12.015, 39.12.020 and WAC 296-127-011, on March 14, 2016, the industrial statistician made a correction to the prevailing rates of wage. The corrected rates will become effective thirty days from the publication on April 13, 2016.

The prevailing wage program has made a wage rate correction to the trade roofers using irritable bituminous materials in Island, Jefferson, King, Kitsap, Lewis, Mason and Snohomish counties.

For more information on prevailing wage or a copy of the rates, please visit our web site at www.lni.wa.gov/TradesLicensing/PrevailingWage/ or call (360) 902-5335. Please see details of this correction at <https://fortress.wa.gov/lni/wagelookup/correctionpublication.aspx?PubCtlId=130>.

Maggie Leland
 Rules Coordinator
 Senior Policy Advisor

WSR 16-07-075

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ARCHAEOLOGY
AND HISTORIC PRESERVATION**

[Filed March 17, 2016, 9:37 a.m.]

Washington state main street program rule-making stakeholder workshop, on Monday, April 25, 2016, at 10:00 a.m. - 12:00 p.m., at Campbell's Resort, Ballroom 1, 104 West Woodin Avenue, Chelan, WA 98816.

For more information contact Greg Griffith, Department of Archaeology and Historic Preservation, P.O. Box 48343, Olympia, WA 98504-8343, (360) 586-3073, Greg.griffith@dahp.wa.gov.

WSR 16-07-076

**PUBLIC RECORDS OFFICER
GOVERNOR'S OFFICE OF
THE EDUCATION OMBUDS**

[Filed March 17, 2016, 9:39 a.m.]

Pursuant to RCW 42.56.580, the public records officer for the Washington state office of the education ombuds is Rose Spidell, 155 N.E. 100th Street, Suite 210, Seattle, WA 98125-8012, phone 1-866-297-2597, fax (206) 729-3251, e-mail Rose.Spidell@gov.wa.gov.

WSR 16-07-080

**NOTICE OF PUBLIC MEETINGS
EMPLOYMENT SECURITY DEPARTMENT
(Employment Security Advisory Council)**

[Filed March 17, 2016, 11:02 a.m.]

Following is the next scheduled meeting for 2016 of the employment security advisory council (ESAC) (convened pursuant to RCW 50.12.200).

| Date | Time | Location |
|----------------|------------------------|---|
| April 27, 2016 | 9:00 a.m. - 12:00 p.m. | WorkSource Thurston County 1570 Irving Street S.W. John Loyle Conference Room Tumwater, WA 98512 |

In accordance with chapter 42.30 RCW, the Open Public Meetings Act, these meetings are open to the public and conducted at a barrier-free site. For special assistance and for additional information, please contact Kristi Basic, Administrative Assistant, Employment Security Department, at (360) 902-9318 or e-mail kbasic@esd.wa.gov. Meeting information is also available on the ESAC web site at <https://esd.wa.gov/newsroom/ESAC>.

WSR 16-07-088

ATTORNEY GENERAL'S OFFICE

[Filed March 18, 2016, 8:31 a.m.]

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION
WASHINGTON ATTORNEY GENERAL**

The Washington attorney general issues formal published opinions in response to requests by the heads of state agencies, state legislators, and county prosecuting attorneys. When it appears that individuals outside the attorney general's office have information or expertise that will assist in the preparation of a particular opinion, a summary of that opinion request will be published in the state register. If you are interested in commenting on a request listed in this volume of the register, you should notify the attorney general's office of your interest by April 13, 2016. This is not the due date by which comments must be received. However, if you do not notify the attorney general's office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the attorney general's office of your intention to comment by e-mail to jeff.even@atg.wa.gov or by writing to the Office of the Attorney General, Solicitor General Division, Attention Jeff Even, Deputy Solicitor General, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you may be provided with a copy of the opinion request in which you are interested, information about the attorney general's opinion process, information on how to submit your comments, and a due date by which your comments must be received to ensure that they are fully considered.

If you are interested in receiving notice of new formal opinion requests via e-mail, you may visit the attorney general's web site at www.atg.wa.gov/AGOOpinions/default.aspx for more information on how to join our AGO Opinions List.

The attorney general's office seeks public input on the following opinion request(s):

**Opinion Docket No. 16-03-01
Request by James Nagel,
Walla Walla Prosecuting Attorney**

QUESTION(S):

1. Does RCW 41.14.140 apply to the unclassified service (exempt) positions in RCW 41.14.070?
2. Does the Board of County Commissioners have the authority pursuant to RCW 36.16.070 or RCW 41.14.-140 to "consent" (or not consent) to the creation of new offices authorized as unclassified service (exempt) positions by RCW 41.14.070?
3. Does the Board of County Commissioners have the authority to "consent" (or not consent) to the selection of specific positions authorized as unclassified service (exempt) under RCW 41.14.070?
4. If the Sheriff, with the consent of the Civil Service Commission, makes changes to the job titles and job descriptions of one or more of the already existing unclassified service positions authorized by RCW 41.14.070, are such new job titles and job descriptions subject to the

"consent" of the Board of County Commissioners under RCW 36.16.070 or RCW 41.14.140?

5. Does the answer to number 4 depend on whether the change in position title or job description may result in a salary adjustment to the position(s)?
6. If an adjustment to salary is required, is the board still required to "fix the compensation" pursuant to RCW 36.16.070?
7. If the creation, selection or job title or job description change does require the "consent" of the Board of County Commissioners, what factors may the Board consider, in light of the holdings of *Osborn v. Grant County*, 130 Wn. 2d 615 (1996), and *Crossler v. Hille*, 136 Wn. 2d 287 (1998)?^t In *Osborn*, the Court interpreted the "consent" term in RCW 36.16.070, holding that, "It is clear from this paragraph that the board has the power to create and fund employee positions in county offices." *Osborn* at 622-623. In the case of *Crossler v. Hille*, the Court held that, "The commissioners have the ability to authorize and fund a position, but this authority does not extend to specific personnel decisions." *Crossler* at 294. However, the Court also held that, "In the present case, the County Commissioners have no authority to impose employment policies on a district court judge." *Id.* The Court further held that, "We have recognized the limited authority of county commissioners in the past and there is no reason to change our position in this case." *Id.* at 295.
8. If the Board has set compensation for a position previously, may the Sheriff pay an individual less than the compensation the Board has set?
9. Are there any "deputy" positions in any of the county elected offices that RCW 36.16.070 would not apply to?
10. Does the holdin in *Crossler v. Hille*, 136 Wn. 2d 287 (1998) change the analysis in AGO 1982 No. 8 9
11. Is the Board of County Commissioners required by statute to fund an unclassified service position in the Sheriff's Office created by RCW 41.14.070?
12. Does the Board of County Commissioners or the Civil Service Commission have the authority to review job descriptions for unclassified service positions in the Sheriff's Office created by RCW 41.14.070 before they can be filled?

Reviser's note: The typographical errors in the above material occurred in the copy filed by the Attorney General's Office and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 16-07-108
CLEMENCY AND PARDONS BOARD**

[Filed March 18, 2016, 3:36 p.m.]

The Washington state clemency and pardons board hereby gives notice of its quarterly hearing scheduled for June 9, 2016, at 10:00 a.m., in Senate Hearing Room 3, of the John A. Cherberg Building, Olympia, Washington¹. The following petitions will be considered by the board²:

¹ Please note that all board hearings are recorded by a court reporter, open to the public, and broadcast on the state public affairs network, TVW.

² At the board's discretion, the order of the petitions to be called for hearing is subject to change.

| Petitioner: | Relief Requested: |
|---------------------|--------------------------|
| King, Robert J. | Commutation |
| Oliver, Marriam D. | Commutation |
| Thomas, Gary M. | Commutation |
| Adams, Jane E. | Pardon |
| Beisley, Richard J. | Pardon |
| Bekele, Dawit Jr. | Pardon |

**WSR 16-07-109
CLEMENCY AND PARDONS BOARD**

[Filed March 18, 2016, 3:37 p.m.]

The Washington state clemency and pardons board hereby gives notice of its quarterly hearing scheduled for June 10, 2016, at 10:00 a.m., in Senate Hearing Room 3, of the John A. Cherberg Building, Olympia, Washington¹. The following petitions will be considered by the board².

¹ Please note that all board hearings are recorded by a court reporter, open to the public, and broadcast on the state public affairs network, TVW.

² At the board's discretion, the order of the petitions to be called for hearing is subject to change.

| Petitioner: | Relief Requested: |
|-----------------------|--------------------------|
| Rodgers, Curtis W. | Commutation |
| Shirley, David M. | Commutation |
| Burnett, James B. | Pardon |
| Chiarello, Edward A. | Pardon |
| Clementz, Gregory F. | Pardon |
| Kubasta, Frederick S. | Pardon |

**WSR 16-07-110
RULES OF COURT
STATE SUPREME COURT**

[March 16, 2016]

| | | |
|--------------------------------|---|------------------|
| IN THE MATTER OF THE SUGGESTED |) | ORDER |
| AMENDMENTS TO GR 27—FAMILY |) | No. 25700-A-1139 |
| LAW COURTHOUSE FACILITATORS, |) | |
| CrR 8.10—POST-TRIAL CONTACT |) | |
| WITH JURORS, AND CrRLJ 8.13— |) | |
| POST-TRIAL CONTACT WITH |) | |
| JURORS |) | |

The Court previously entered Order No. 25700-A-1100 and Order No. 25700-A-1102, which directed that the following suggested amendments be published for comment in January 2016: GR 27—Family Law Courthouse Facilitators, CrR 8.10—Post-Trial Contact with Jurors, and CrRLJ 8.13—Post-Trial Contact with Jurors. The orders set a deadline for public comment of April 30, 2016. Due to a publication oversight, the suggested amendments were not published in the

Washington Reports in January 2016, although they were published in the Washington Register and on the websites of the Washington State Bar Association and the Administrative Office of the Courts.

Now, therefore, it is hereby ORDERED:

(a) That Order No. 25700-A-1100 and Order No. 25700-A-1102 are amended to the extent indicated herein.

(b) That pursuant to the provisions of GR 9(g), the suggested amendments as shown below are to be published for comment in the Washington Reports in March 2016.

(c) That the deadline for the submission of public comment is extended to May 31, 2016.

(d) That the previous publication of the suggested amendments in the Washington Register and on the websites of the Washington State Bar Association and the Administrative Office of the Courts be revised (or the suggested amendments be republished) to reflect the new deadline for public comment.

(e) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. mail or Internet e-mail. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 16th day of March, 2016.

For the Court

Madsen, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET
Suggested New General Rule

**Submitted by the Washington State Association of
County Clerks**

Purpose: "The mission of Washington courts is to protect the liberties guaranteed by the constitution and laws of the state of Washington and the United States; impartially uphold and interpret the law; and provide open, just and timely resolution of all matters," states Chief Justice Barbara A. Madsen in her welcome to the courts' web site. A widely held view is that courts and legal processes were developed by lawyers, for lawyers. But to meet today's demands for access to justice, courts must tailor their mission for not only lawyers and their clients, but for the unrepresented as well.

"Low-income people face more than 85 percent of their legal problems without help from an attorney. Attorney assistance is most successfully secured in family-related matters, but even here only 30 percent of legal problems reported are addressed with the assistance of an attorney. Removing family-related problems, low-income people receive help from an attorney with respect to less than 10 percent of all civil legal problems." The Washington State Civil Legal Needs Study, 2003, p.8. Guardianships were included in the list of legal problems that need to be addressed. Additionally, in 2004 The Practice of Law Board's Courthouse Facilitator Expansion Committee issued a report in which it recom-

mended guardianships as an area of law ripe for courthouse facilitator services.

The number of very elderly people in Washington State is rising steadily and will continue to do so for several decades. Superior Courts and Clerks must position themselves now to meet the needs of unrepresented parties who struggle to comply with the legal requirements of guardianship administration. With a growing aged population, courts can expect guardianship filings to increase. Indeed, for the last four years, guardianship filings have seen a modest but steady increase. Filings for the first half of 2014 are on track to exceed those in 2013 by a significant margin. Anecdotal reports from Clerks' Offices across the state indicate that unrepresented guardians frequently request advice from clerks' staff on procedures and processes associated with a guardianship and how to meet reporting and other requirements.

The history of the family law courthouse facilitator program offers a model the courts could choose to follow to assist citizens who find themselves assisting an incapacitated family member but without the funds to hire counsel. In 1993, responding to the ever-growing number of self-represented litigants in family law, Washington State launched the family law courthouse facilitator program, with enabling legislation following a pilot project in seven counties. The family law courthouse facilitator program is largely considered a resounding success. *See* Washington's Courthouse Facilitator Programs for Self-Represented Litigants in Family Law Cases, Washington State Center for Court Research, 2008. Since 2002, GR 27 has served to guide facilitator program staff and managers. The court benefits from a more-prepared self-represented litigant: hearings are more likely to be timely and appropriately noted and confirmed; pleadings are more likely to be complete and accurate; unrepresented litigants will better understand hearing procedures and processes. Clerks benefit by not having their front counter staff spend significant time responding to questions that are beyond the scope of their duties and knowledge and that frequently lead them toward the unauthorized practice of law. The pro se guardian benefits by having trained, knowledgeable facilitators available to assist with complex and often confusing legal requirements.

The same consumer-protection safeguards in the original GR 27 are still provided for in the new general rule. Exemption from the unauthorized practice of law is allowed only for facilitators operating under the new rule. Continuing oversight is provided by the Guardianship Courthouse Facilitator Advisory Committee. Initial and ongoing training is required. The rule will give structure, authority, and protection for those few courts already providing facilitator-like services in guardianship cases and for those that would like to expand facilitation services.

WSACC is supporting legislation complimentary to this rule in the 2015 legislative session that will sanction facilitators in guardianship cases. In the proposed rule changes to GR 27, there are holding places for the actual RCW citation that will result from the legislation.

GR 27

FAMILY LAW COURTHOUSE FACILITATORS

(a) Generally, RCW 26.12.240 ~~and RCW xx.xx.xxx~~ provide a county may create a courthouse facilitator program to provide basic services to pro se litigants in family law ~~and guardianship~~ cases. This Rule applies only to courthouse facilitator programs created pursuant to RCW 26.12.240 ~~or RCW xx.xx.xxx~~.

(b) The Washington State Supreme Court shall create a ~~Family~~ Courthouse Facilitator Advisory Committee supported by the Administrative Office of the Courts to establish minimum qualifications and ~~develop and~~ administer a curriculum of initial and ongoing training requirements for family law ~~and~~ guardianship courthouse facilitators. The Administrative Office of the Courts shall assist counties in administering ~~family law~~ courthouse facilitator programs.

(c) Definitions. For the purpose of this rule the following definitions apply:

(1) A ~~Family Law~~ Courthouse Facilitator is an individual ~~or individuals~~ who has ~~or have~~ met or exceeded the minimum qualifications and completed the curriculum developed by the ~~Administrative Office of the Courts~~ Courthouse Facilitator Advisory Committee and who is ~~or are~~ providing basic services in family law ~~or guardianship~~ cases in a Superior Court.

(2) Family Law Cases include, but ~~are~~ not limited to, dissolution of marriage, modification of dissolution matters such as child support, parenting plans, non-parental custody or visitation, and parentage by unmarried persons to establish paternity, child support, child custody and visitation.

(3) Guardianship cases include cases filed under RCW 11.88, RCW 11.90, RCW 11.92 and RCW 73.36.

(4) "Basic Service" includes but is not limited to:

a) referral to legal and social service resources, including lawyer referral and alternate dispute referral programs and resources on obtaining ~~family law~~ forms and instructions;

b) assistance in calculating child support using standardized computer based program based on financial information provided by the pro se litigant;

c) processing interpreter requests for facilitator assistance and court hearings;

d) assistance in selection as well as distribution of forms and standardized instructions that have been approved by the court, clerk's office, or the Administrative Office of the Courts;

e) assistance in completing forms that have been approved by the court, clerk's office, or the Administrative Office of the Courts;

f) explanation of legal terms;

g) information on basic court procedures and logistics including requirements for service, filing, scheduling hearings and complying with local procedures;

h) review of completed forms to determine whether forms have been completely filled out but not as to substantive content with respect to the parties' legal rights and obligations;

i) previewing pro se documents prior to hearings for matters such as dissolution of marriage, review hearings, and show cause and temporary relief motions calendars under the

direction of the Clerk or Court to determine whether procedural requirements have been complied with;

j) attendance at ~~pro se~~ hearings to assist the Court with pro se matters;

k) assistance with preparation of court orders under the direction of the Court; and

l) preparation of pro se instruction packets under the direction of the Administrative Office of the Courts.

(d) ~~Family Law~~ Courthouse Facilitators shall, whenever reasonably practical, obtain a written and signed disclaimer of attorney-client relationship, attorney-client confidentiality and representation from each person utilizing the services of the ~~Family Law~~ Courthouse Facilitator. The prescribed disclaimer shall be in the format developed by the Administrative Office of the Courts.

(e) No attorney-client relationship or privilege is created, by implication or by inference, between a ~~Family Law~~ Courthouse Facilitator providing basic services under this rule and the users of ~~Family Law~~ Courthouse Facilitator Program services.

(f) ~~Family law~~ Courthouse facilitators providing basic services under this rule are not engaged in the unauthorized practice of law. Upon a courthouse facilitator's voluntary or involuntary termination from a courthouse facilitator program, that person is no longer a courthouse facilitator providing services pursuant to RCW 26.12.240 ~~or RCW xx.xx.xx~~ or this Rule.

[Adopted effective September 1, 2002.]

GR 9 COVER SHEET

A. Name of Proponent. The Washington Association of Criminal Defense Lawyers (WACDL) requests this rule change.

B. Spokesperson. Joseph A. Campagna, on behalf of WACDL, will serve as spokesperson for the proposed rule.

C. Purpose.

1. Post-trial disclosure of excluded evidence creates a high risk of prejudice to the jury system.

Post-trial disclosure to jurors of excluded evidence undermines confidence in the fairness of our trial system and prejudices the administration of justice. It suggests to jurors in the present case that they were deprived of important information in reaching their verdict. It implies that if they had received fuller information, they might have reached a different verdict. As a result it may cause jurors to question in future trials whether they are being similarly deprived, and may decrease the willingness to limit consideration of evidence as the juror's oath requires. There are no legitimate countervailing reasons for the disclosures. There are also presently no clear rules governing this sort of contact. As a result, the proposed rule is necessary.

The attached declarations demonstrate several recent examples of prejudicial post-trial disclosures. The declarations provided represent only a small sample of reported disclosures of which WACDL is aware. They are intended to illustrate, not to exhaustively document, the problem. As the supporting materials demonstrate, disclosures harmful to the trial process have occurred in municipal, district, and superior courts throughout Washington. The perceived effects of

these disclosures included leaving the jurors visibly upset, and causing them to resent the defense for withholding information, to feel that they are never told the full truth, to wonder whether they can trust the system, and even to question their decision to acquit. These sort of retains, from jurors who may be called again in future service, are significantly damaging to a fair trial process.³

2. Prior attempts to address the problem have met with limited success.

Prior attempts to address this problem have not been adequate. The Rules of Professional Conduct currently prohibit post-discharge contact with jurors that "involves misrepresentation, coercion, duress or harassment." RPC 3.5 (c)(3). The Rules also prohibit "conduct that is prejudicial to the administration of justice." RPC 8.4(d). Informal Ethics Opinion 1030 (1986) concluded that under RPC 8.4(d), "it is improper for a lawyer to disclose information to the jurors which is inadmissible because it is prejudicial," where the juror was subject to call on another jury in the same period off jury service. Information Ethics Opinion 2133 (2006) extended this reasoning to disclosures post-jury service. The committee reasoned that:

Disclosure to discharged jurors of evidence that was excluded by the trial court may have a prejudicial effect on the system of justice by suggesting the juror was deprived of reliable evidence casting the juror's verdict in doubt. This, in turn, may make jurors less willing to rely on the evidence admitted by the trial court in future trials and may decrease the willingness to limit consideration of evidence in a future case as the juror's oath requires.

In 2006, relying on Information Opinion 2133, the Seattle City Attorney's Office and several public defender agencies directed their attorneys to refrain from commenting on or disclosing matters that are not part of the evidentiary record. The directive adopted Opinion 2133's conclusion that the disclosure of excluded evidence tended to undermine a jury's confidence in their verdict, and consequently prejudicial to the administration of justice.

Opinion 2133 was short lived. In 2010, Advisory Opinion 2204 withdrew Opinions 1030 and 2133, concluding that, because jurors are presumed to follow the court's instructions, post-trial disclosure of exclude evidence should not constitute a per se violation of RPC 8.4(d). The Committee noted, however, that "[a]lthough there are arguments in favor of a policy of strict non-disclosure, such a rule seems more appropriate addressed by way of a court rule." Presently, lacking any guiding rule, trial courts have been reluctant to grant motions in limine limiting post-trial disclosures.

3. The proposed rule addresses the risk of prejudice with minimally restrictive limits on post-trial contact.

The proposed rule places appropriate and reasonable limits on post-trial disclosures. First, as shown by the attached supporting documents, and as discussed in Opinion 2133, the potential prejudice is high. Second, there are not legitimate countervailing interests to balance against the potential prejudice. There are generally two legitimate reasons to have post-trial contact with jurors - to determine whether the verdict may be subject to legal challenge and to obtain informal feedback and evaluation on the lawyer's performance. *See, e.g.*, ABA Standards for Criminal Justice, Prosecution Function and Defense Function, (3d Ed. 1993),

Prosecution Function Standard 3-5.4(c) and Defense function Standard 4-7.3(c). Post-trial disclosures of excluded information serve neither of these purposes. Finally, the restrictions on disclosures are minimal. The proposed rules does not limit post-trial contact entirely, as many federal courts do. For instance, Western District of Washington Local Civil Rule 47(d) and Local Criminal Rule 31(f) both prohibit any post-trial contact with jurors without prior leave of the court, except in criminal cases with a hung jury. The proposed rule does not limit contact to this degree, but rather continues to permit contact with former jurors for all appropriate reasons and without first obtaining judicial approval.

D. Hearing. The proponents request a public hearing on this matter. Changes to rules affecting the jury trial process implicate fundamental constitutional rights and are the appropriate subject of public hearing and comment.

E. Expedited consideration. WACDL does not request expedited consideration of the proposed rule.

[PROPOSED] CrR 8.10
POST TRIAL CONTACT WITH JURORS

After a jury has been discharged, or after a verdict has been returned, or after a mistrial has been declared, a lawyer who participated in the trial, a representative from that lawyer's office, or a law enforcement officer who participated in the trial shall not communicate to the jury information that was suppressed or excluded pursuant to a ruling by the judge in the case.

[PROPOSED] CrRLJ 8.13
POST-TRIAL CONTACT WITH JURORS

After a jury has been discharged, or after a verdict has been returned, or after a mistrial has been declared, a lawyer who participated in the trial, a representative from that lawyer's office, or a law enforcement officer who participated in the trial shall not communicate to the jury information that was suppressed or excluded pursuant to a ruling by the judge in the case.

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

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

WSR 16-07-113
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
(Real Estate Commission)
[Filed March 21, 2016, 2:42 p.m.]

Location for 2016 Meetings

There will be no meeting in March. It has been rescheduled for April.

The April 20, 2016, meeting will be held 9:00 a.m. to 3:00 p.m. (or until completion of business) in Olympia at the

Red Lion Hotel, 2300 Evergreen Park Drive S.W., Olympia, WA 98502.

The June 15, 2016, meeting will be held 9:00 a.m. to 3:00 p.m. (or until completion of business) in Seattle at the DoubleTree Hotel Airport, 18740 International Boulevard, Seattle, WA 98188.

The September 13, 2016, meeting will be held 9:00 a.m. to 3:00 p.m. (or until completion of business) in Spokane at the Red Lion Hotel at the Park, 303 West North River Drive, Spokane, WA 99201.

The December 6, 2016, meeting will be held 9:00 a.m. to 3:00 p.m. (or until completion of business) in Seattle at the DoubleTree Hotel Airport, 18740 International Boulevard, Seattle, WA 98188.

WSR 16-07-116

NOTICE OF PUBLIC MEETINGS CENTRALIA COLLEGE

[Filed March 22, 2016, 8:56 a.m.]

The Centralia Community College District Twelve board of trustees has changed the following regular meeting:

From: May 12, 2016, at 3:00 p.m.

To: May 10, 2016, at 3:00 p.m.

If you need further information contact Janet Reaume, 600 Centralia College Boulevard, Centralia, WA, (360) 736-9391 ext. 231, jreaume@centralia.edu, www.centralia.edu.

WSR 16-07-158

DEPARTMENT OF ECOLOGY

[Filed March 23, 2016, 11:30 a.m.]

WASHINGTON STATE WATER QUALITY ASSESSMENT CALL FOR DATA DEADLINE

The "call for fresh and marine water data" will close at 5:00 p.m. on Thursday, June 30, 2016.

The process of updating Washington's statewide water quality assessment for fresh and marine waters is now underway. This assessment includes Category 5 - the state's 303(d) list of impaired waters - as well as other categories that describe the status of water quality in Washington. This assessment will result in submittal of the next "Integrated Report" to the United States Environmental Protection Agency (EPA) to meet requirements of the federal Clean Water Act. More information about the water quality assessment process can be found at www.ecy.wa.gov/programs/wq/303d/2016index.html.

Ecology is requesting data and information collected from Washington state waters by any organization within the ten year period between January 1, 2006, and December 31, 2015. For a dataset to be used in the assessment, the data must have been collected in accordance with documented quality assurance procedures and must be representative of ambient water quality conditions at the time the data were collected. Numeric sampling and monitoring data must be submitted to ecology's environmental information management (EIM) data base (www.ecy.wa.gov/eim) to be used for the assess-

ment. Data entered into other federal and state data bases are also accessed for the assessment. Data that has been submitted to these data bases or to ecology does not need to be submitted again. For questions about submitting other data types or information, please contact department of ecology. **To ensure that your data is able to be used for the next water quality assessment, the data needs to be submitted to ecology by June 30, 2016.**

Questions about the water quality assessment process, or requests for assistance in submitting data and information should be directed to Patrick Lizon, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, phone (360) 407-6782, e-mail 303d@ecy.wa.gov.

WSR 16-07-159

INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed March 23, 2016, 11:52 a.m.]

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

Behavioral Health Administration Division of Behavioral Health and Recovery

Document Title: Washington State 1915(b) Medicaid Behavioral Health Waiver Amendment.

Subject: Integration of substance use disorder services into managed care, authorized by 2SSB 6312, chapter 225, Laws of 2014.

Effective Date: April 1, 2016.

Document Description: Beginning April 1, 2016, nine of the ten counties in regional service areas (RSA) will adopt a purchasing model in which behavioral health services (mental health and substance use disorder services) for medicaid beneficiaries are delivered through managed care contracts with behavioral health organizations (BHO) and physical health services will be purchased under separate managed care contracts with managed care organizations (MCO) through the health care authority (HCA). HCA will contract with MCOs in the tenth RSA for the full continuum of physical health services and behavioral health services. For enrollee populations in this fully integrated managed care region that are exempt from medical managed care, behavioral health services will be delivered through a managed care behavioral health services only contract. To deliver these behavioral health services in a managed care model, it is necessary to submit and receive federal approval from the Centers for Medicare and Medicaid Services.

To receive a copy of the interpretive or policy statements, contact Tara Smith, Federal Programs Manager, Division of Behavioral Health and Recovery, P.O. Box 45330, Olympia, WA 98504-5330, phone (360) 725-3071, TDD/TTY 1-800-833-6384, fax (360) 725-2280, e-mail tara.smith@dshs.wa.gov, web site www.dshs.wa.gov/dbhr/.