

WSR 18-15-043

GR 9 COVER SHEET

RULES OF COURT

STATE SUPREME COURT

[July 11, 2018]

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

The Washington Association of Criminal Defense Lawyers, having recommended the suggested amendments to CrR 4.7—Discovery; CrRLJ 4.7—Discovery;; and Suggested New Criminal Rules CrR 3.7—Recording Interrogations; CrR 3.8—Recording Eyewitness Identification Procedure; CrR 3.9—In-Court Eyewitness Identification; CrR 4.11—Recording Witness Interviews; CrRLJ 3.7—Recording Interrogations; CrRLJ 3.8—Recording Eyewitness Identification Procedure; CrRLJ 3.9—In-Court Eyewitness Identification; CrRLJ 4.11—Recording Witness Interviews, and the Court having considered the amendments and comments submitted thereto;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendments 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 in January 2019.

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

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

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

For the Court

Fairhurst, C.J.
CHIEF JUSTICE

Suggested New Criminal Rule CrR 3.7 Recording Interrogations

Date: February 23, 2018
Proponent: Washington Association of Criminal Defense Lawyers
1511 Third Ave., Suite 503
Seattle, WA 98101
Ph. (206) 623-1302
Fax. (206) 623-4257
Spokesperson: Kent Underwood, WACDL Court Rules Committee Co-chair
Purpose: The purpose of this rule is to improve the reliability of interrogation evidence by having a full record of the entire interrogation.
Public Hearing: Not requested.
Expedited
Consideration: Not requested.

SUGGESTED NEW CRIMINAL RULE CrR 3.7

CrR 3.7 RECORDING INTERROGATIONS

(a) Recording Interrogations. Custodial and non-custodial interrogations of persons under investigation for any crime are to be recorded by an audiovisual recording made by use of an electronic or digital audiovisual device.

(b) Exceptions.

- (1) A spontaneous statement not made in response to a question;
(2) The person requests prior to making the statement that an electronic recording not be made, and the request is electronically recorded;
(3) Malfunction of equipment, provided due diligence has been met in maintaining the recording equipment;
(4) Substantial exigent circumstances exist which prevent the recording;
(5) Statements made as a part of routine processing or "booking"; when the interrogation takes place in another jurisdiction.

The State has the burden to prove by a preponderance of the evidence that an exception is applicable.

(c) Consequences of Failure to Record. If the court finds by a preponderance of the evidence that a person was subjected to custodial or non-custodial interrogation in violation of this rule, then any statements made by the person during or following that non-recorded custodial interrogation, even if otherwise in compliance with this section, are presumed to be inadmissible in any criminal proceeding against the person, except for purposes of impeachment.

The presumption of inadmissibility may be overcome by clear and convincing evidence that the statement was voluntarily given and is reliable, based on the totality of the circumstances.

(d) Preservation. Recordings are to be preserved until the conviction is final and all direct and habeas corpus appeals are exhausted, or until the prosecution is barred by law. In all class A felonies, recordings are to be preserved for 99 years.

GR 9 COVER SHEET

Suggested New Criminal Rule CrR 3.8 Recording Eyewitness Identification Procedure

Date: February 23, 2018

Proponent: Washington Association of Criminal Defense Lawyers
1511 Third Ave., Suite 503
Seattle, WA 98101
Ph. (206) 623-1302
Fax. (206) 623-4257

Spokesperson: Kent Underwood, WACDL Court Rules Committee Co-chair

Purpose: The purpose of the rule is to improve the reliability of eyewitness identification evidence by recording the eyewitness identification procedure, thereby allowing for subsequent review.

Public Hearing: Not requested.

Expedited Consideration: Not requested.

SUGGESTED NEW CRIMINAL RULE CrR 3.8

CrR 3.8 RECORDING EYEWITNESS IDENTIFICATION PROCEDURE

(a) Recording. An out-of-court identification procedure resulting from a photo array, live lineup, or show-up identification procedure conducted by a law enforcement officer shall not be admissible unless a record of the identification procedure is made.

(b) Documenting the Procedure.

(1) All identification procedures and related interviews conducted with any victim/witness should be fully documented. Video-recording should be used when practicable. Audio recording is the preferred alternative. If neither video- nor audio-recording is possible, administrators should produce a detailed written report of the interview or identification procedure immediately following completion of the procedure.

(2) A confidence statement should be obtained immediately after the victim/witness makes a decision. The exact words used by the victim/witness in expressing his/her degree of confidence should be documented.

(c) Contents. The record of an out-of-court identification procedure is to include details of what occurred at the out-of-court identification, including the following:

(1) The place where the identification procedure was conducted;

(2) The dialogue between the witness and the officer who administered the procedure;

(3) The results of the identification procedure, including any selection, or lack of selection, made by the witness/victim;

(4) If a live lineup, a photo of the lineup; if the identification procedure includes movements, a video of the identification procedure; if the identification procedure includes speaking, an audio recording of the speaking and a photo of the identification procedure;

(5) If a photo lineup, the photographic array, mug books or digital photographs used, including an unaltered, accurate copy of the photographs used, and an accurate copy upon which the witness indicated his or her selection;

(6) The identity of persons who witnessed the live lineup, photo lineup, or showup, including the location of such witnesses and whether those witnesses could be seen by the witness making the identification decision;

(7) The identity of any individuals with whom the witness has spoken about the identification, at any time before, during, or immediately after the official identification procedure, and a detailed summary of what was said. This includes the identification of both law enforcement officials and private actors who are not associated with law enforcement.

(c) Remedy: If the record that is prepared is lacking in important details as to what occurred at the out-of-court identification procedure, and if it was feasible to obtain and preserve those details, the court may, in its sound discretion and consistent with appropriate case law, declare the identification inadmissible, redact portions of the identification testimony, admit expert testimony, and/or fashion an appropriate jury instruction to be used in evaluating the reliability of the identification.

GR 9 COVER SHEET

Suggested New Criminal Rule CrR 3.9 In-Court Eyewitness Identification

Date: June 5, 2018

Proponent: Washington Association of Criminal Defense Lawyers
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Ph. (206) 623-1302
Fax. (206) 623-4257

Spokesperson: Kent Underwood, WACDL Court Rules Committee Co-chair

Purpose: The purpose of the rule is to exclude in-court identification of an Accused where there has been no prior out-of-court eyewitness identification procedure and the perpetrator is unknown to the witness. Such in-court eyewitness identifications are suggestive, often unreliable, unduly prejudicial, burden shifting, and improper opinion evidence. This rule is not intended to presume that in-court identifications are admissible if there has been an out-of-court eyewitness identification procedure.

Public Hearing: Not requested.

Expedited Consideration: Not requested.

SUGGESTED NEW CRIMINAL RULE CrR 3.9

CrR 3.9 IN-COURT EYEWITNESS IDENTIFICATION

In-Court Identifications. In-court identifications are inadmissible where the perpetrator is unknown to the witness and there has been no prior out-of-court eyewitness identification procedure.

GR 9 COVER SHEET

Suggested Amendment to Criminal Rule CrR 4.7 Discovery

Date: June 5, 2018

Proponent: Washington Association of
Criminal Defense Lawyers
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Ph. (206) 623-1302
Fax. (206) 623-4257

Spokesperson: Kent Underwood, WACDL Court Rules Committee Co-chair

Purpose: The purposes of these amendments are: (1) to create CrR 4.7 (a)(2)(iv), requiring the prosecuting attorney to provide all eyewitness identification procedures to the defense; (2) amend CrR 4.7 (a)(3) and (4) to bring the rule into accord with *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963), and its progeny; and (3) to amend CrR 4.7 (h)(3) to permit defense counsel to provide properly redacted discovery to defendants.

Public Hearing: Not Requested.

Expedited Consideration: WACDL requests expedited consideration under GR 9 (e)(2)(E) because conflict in case law is an exceptional circumstance that justifies expedited consideration, specifically as relates to CrR 4.7 (a)(4).

SUGGESTED AMENDMENT TO CRIMINAL RULE CrR 4.7 DISCOVERY

CrR 4.7 DISCOVERY

(a) Prosecutor's Obligations

(1) Unchanged.
(2) The prosecuting attorney shall disclose to the defendant:

- (i) Unchanged.
(ii) Unchanged.
(iii) Unchanged.

(iv) All records, including notes, reports, and electronic recordings relating to an identification procedure, as well as all identification procedures, whether or not the procedure resulted in an identification or the procedure resulted in the identification of a person other than the suspect.

(3) Except as is otherwise provided as to protective orders, the prosecuting attorney shall disclose to the defendant's counsel any material or information within the prosecuting attorney's knowledge which tends to negate defendant's guilt as to the offense charged, and/or which tends to impeach a State's witness.

(4) The prosecuting attorney's obligation under this section is limited to material and information within the knowledge, possession or control of members of the prosecuting attorney's staff. includes material and evidence favorable to the defendant and material to the defendant's guilt or punishment, and/or which tends to impeach a State's witness. This includes favorable evidence known to others acting on the State's behalf in the case, including the police. The prosecuting authority's duty under this rule not conditioned on a defense request for such material. Such duty is ongoing, even after plea or sentencing.

(b) Defendant's Obligations. Unchanged.

(c) Additional disclosures Upon Request and Specification. Unchanged.

- (d) Material Held by Others.** Unchanged.
(e) Discretionary Disclosures. Unchanged.
(f) Matters Not Subject to Disclosure. Unchanged.
(g) Medical and Scientific Reports. Unchanged.
(h) Regulation of Discovery.

(1) *Investigation Not to Be Impeded.* Unchanged.

(2) *Continuing Duty to Disclose.* Unchanged.

(3) *Custody of Materials.* Any materials furnished to an attorney pursuant to these rules shall remain in the exclusive custody of the attorney and be used only for the purposes of conducting the party's side of the case, unless otherwise agreed by the parties or ordered by the court, and shall be subject to such other terms and conditions as the parties may agree or the court may provide. Further, a defense attorney shall be permitted to provide a copy of the materials to the defendant after making appropriate the following redactions; which are approved by the prosecuting authority or order of the court.

(i) Dates of Birth—redact to the year of birth;

(ii) Names of Minor Children—redact to the initials;

(iii) Social Security Numbers or Federal Taxpayer Identification Numbers—redact in their entirety;

(iv) Financial Accounting Information—redact to the last four digits;

(v) Passport Numbers and Driver License Numbers—redact in their entirety;

(vi) Home Addresses—redact to the City and State; and

(vii) Phone Numbers—redact in their entirety.

Each defense attorney shall maintain a duplicate copy of discovery furnished to the defendant they are representing, which shows the redactions made in accordance with this court rule for the duration of the case. The duplicate copy of discovery with redactions shall be kept in the client's case file. If the defense attorney withdraws from representing the defendant, the duplicate copy with redactions shall be furnished to the new attorney and maintained in the new attorney's case file for the defendant for the duration of the case. The court may, upon proper showing, request to see the duplicate copy with redactions that has been furnished to the defendant, to make sure the redactions have been properly made.

(4) *Protective Orders.* Unchanged

(5) *Excision.* Unchanged

(6) *In Camera Proceedings.* Unchanged

(7) *Sanctions.* Unchanged

GR 9 COVER SHEET

Suggested Amendment to Criminal Rule CrR 4.11 Recording Witness Interviews

Date: February 23, 2018

Proponent: Washington Association of
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Ph. (206) 623-1302
Fax. (206) 623-4257

Spokesperson: Kent Underwood, WACDL Court Rules Committee Co-chair

Purpose: The purpose of the rule is to improve the reliability of evidence by permitting the recording of pretrial interviews thereby creating a more accurate record of the interview.

Public Hearing: Not requested.

Expedited Consideration: Not requested

Purpose: The purpose of the rule is to improve the reliability of interrogation evidence by having a full record of the entire interrogation.

Public Hearing: Not requested.

Expedited Consideration: Not requested

SUGGESTED NEW CRIMINAL RULE CrR 4.11

SUGGESTED NEW CRIMINAL RULE CrRLJ 3.7

CrR 4.11 RECORDING WITNESS INTERVIEWS

CrRLJ 3.7 RECORDING INTERROGATIONS

(a) Recording of Witness Interviews. Counsel for any party, or an employee or agent of counsel's office, may conduct witness interviews by openly using an audio recording device or other means of verbatim audio recording, including a court reporter. Such interviews are subject to the court's regulation of discovery under CrR 4.7(h). Any disputes about an interview or manner of recording shall be resolved in accordance with CrR 4.6 (b) and (c) and CrR 4.7(h). This rule shall not affect any other legal rights of witnesses.

(a) In General. Custodial and non-custodial interrogations of persons under investigation for any crime are to be recorded by an audiovisual recording made by use of an electronic or digital audiovisual device.

(b) Providing Copies. Copies of recordings and transcripts, if made, shall be provided to all other parties in accordance with the requirements of CrR 4.7. If an interview is recorded by a court reporter, and is discoverable under CrR 4.7, any party or the witness may order a transcript thereof at the party's or witness's expense. Dissemination of audio recordings or transcripts of witness interviews obtained under this rule is prohibited except where required to satisfy the discovery obligations of CrR 4.7, pursuant to court order after a showing of good cause relating solely to the criminal case at issue, or as reasonably necessary to conduct a party's case.

(b) Exceptions.

(1) A spontaneous statement not made in response to a question;

(2) The person requests prior to making the statement that an electronic recording not be made, and the request is electronically recorded;

(3) Malfunction of equipment, provided due diligence has been met in maintaining the recording equipment;

(4) Substantial exigent circumstances exist which prevent the recording;

(5) Statements made as a part of routine processing or "booking"; when the interrogation takes place in another jurisdiction.

(c) Preliminary Statement. At the commencement of any recorded witness interview, the person conducting the interview shall confirm on the audiotape or recording that the witness has been provided the following information: (1) the name, address, and telephone number of the person conducting the interview; (2) the identity of the party represented by the person conducting the interview; and (3) that the witness may obtain a copy of the recording and transcript, if made.

The State has the burden to prove by a preponderance of the evidence that an exception is applicable.

(c) Consequences of Failure to Record. If the court finds by a preponderance of the evidence that a person was subjected to custodial or non-custodial interrogation in violation of this rule, then any statements made by the person during or following that non-recorded custodial interrogation, even if otherwise in compliance with this section, are presumed to be inadmissible in any criminal proceeding against the person, except for purposes of impeachment.

(d) Witness Consent. A witness may refuse to be recorded. In the event that a witness refuses to be recorded, and there is a dispute regarding any statement made by the witness, the jury should be instructed to examine the statement carefully in the light of any reasons for the refusal and other circumstances relevant to that witness's testimony, including, but not limited to, bias and motive.

The presumption of inadmissibility may be overcome by clear and convincing evidence that the statement was voluntarily given and is reliable, based on the totality of the circumstances.

(d) Preservation. Recordings are to be preserved until the conviction is final and all direct and habeas corpus appeals are exhausted, or until the prosecution is barred by law.

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Suggested New Criminal Rule CrRLJ 3.7 Recording Interrogations

Suggested New Criminal Rule CrRLJ 3.8 Recording Eyewitness Identification Procedure

Date: February 23, 2018

Proponent: Washington Association of Criminal Defense Lawyers
1511 Third Ave., Suite 503
Seattle, WA 98101
Ph. (206) 623-1302
Fax. (206) 623-4257

Spokesperson: Kent Underwood, WACDL Court Rules Committee Co-chair

Date: February 23, 2018

Proponent: Washington Association of Criminal Defense Lawyers
1511 Third Ave., Suite 503
Seattle, WA 98101
Ph. (206) 623-1302
Fax. (206) 623-4257

Spokesperson: Kent Underwood, WACDL Court Rules Committee Co-chair

Purpose: The purpose of the rule is to create a more reliable evidence of Eyewitness identification by recording the eyewitness identification procedure, allowing for subsequent review.

Public Hearing: Not requested.

Expedited

Consideration: Not requested

SUGGESTED NEW CRIMINAL RULE CrRLJ 3.8

CrRLJ 3.8 RECORDING EYEWITNESS IDENTIFICATION PROCEDURE

(a) Recording. An out-of-court identification procedure resulting from a photo array, live lineup, or show-up identification procedure conducted by a law enforcement officer shall not be admissible unless a record of the identification procedure is made.

(b) Documenting the Procedure.

(1) All interviews and identification procedures conducted with any victim/witness should be fully documented. Video-recording should be used when practicable. Audio recording is the preferred alternative. If neither video- nor audio-recording is possible, administrators should produce a detailed written report of the interview or identification procedure immediately following completion of the procedure.

(2) A confidence statement should be obtained immediately after the victim/witness makes a decision. The exact words used by the victim/witness in expressing his/her degree of confidence should be documented.

(c) Contents. The record of an out-of-court identification procedure is to include details of what occurred at the out-of-court identification, including the following:

(1) The place where the identification procedure was conducted;

(2) The dialogue between the witness and the officer who administered the procedure;

(3) The results of the identification procedure, including any selection, or lack of selection, made by the witness/victim;

(4) If a live lineup, a photo of the lineup; if the identification procedure includes movements, a video of the identification procedure; if the identification procedure includes speaking, an audio recording of the speaking and a photo of the identification procedure;

(5) If a photo lineup, the photographic array, mug books or digital photographs used, including an unaltered, accurate copy of the photographs used, and an accurate copy upon which the witness indicated his or her selection;

(6) The identity of persons who witnessed the live lineup, photo lineup, or showup, including the location of such witnesses and whether those witnesses could be seen by the witness;

(7) The identity of any individuals with whom the witness has spoken about the identification, at any time before, during, or immediately after the official identification procedure, and a detailed summary of what was said. This includes the identification of both law enforcement officials and private actors who are not associated with law enforcement.

(c) Remedy. If the record that is prepared is lacking in important details as to what occurred at the out-of-court identification procedure, and if it was feasible to obtain and pre-

serve those details, the court may, in its sound discretion and consistent with appropriate case law, declare the identification inadmissible, redact portions of the identification testimony, admit expert testimony, and/or fashion an appropriate jury instruction to be used in evaluating the reliability of the identification.

GR 9 COVER SHEET

Suggested New Criminal Rule CrRLJ 3.9 In-Court Eyewitness Identification

Date: June 5, 2018

Proponent: Washington Association of Criminal Defense Lawyers
1511 Third Ave., Suite 503
Seattle, WA 98101
Ph. (206) 623-1302
Fax. (206) 623-4257

Spokesperson: Kent Underwood, WACDL Court Rules Committee Co-chair

Purpose: The purpose of the rule is to exclude in-court identification of an accused where the perpetrator is unknown to the witness and there has been no prior out-of-court eyewitness identification procedure. Such in-court eyewitness identifications are suggestive, often unreliable, unduly prejudicial, burden shifting and improper opinion evidence. This rule is not intended to presume that in-court identifications are admissible if there has been an out-of-court identification procedure.

Public Hearing: Not requested.

Expedited

Consideration: Not requested

SUGGESTED CRIMINAL RULE CrRLJ 3.9

CrRLJ 3.9 IN-COURT EYEWITNESS IDENTIFICATION

In-Court Identifications. In-court eyewitness identifications are inadmissible where the perpetrator is unknown to the witness and there has been no prior out-of-court eyewitness identification procedure.

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Suggested Amendment to Criminal Rule CrRLJ 4.7 Discovery

Date: June 5, 2018

Proponent: Washington Association of Criminal Defense Lawyers
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Seattle, WA 98101
Ph. (206) 623-1302
Fax. (206) 623-4257

Spokesperson: Kent Underwood, WACDL Court Rules Committee Co-chair

Purpose: The purposes of these amendments are: (1) create CrRLJ 4.7 (a)(1)(xii), requiring the prosecuting authority to provide all eyewitness identification procedures to the defense; (2) amend CrRLJ 4.7 (a)(3) and (4), to bring the rule into accord with *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963), and its progeny; and (3) to amend CrRLJ 4.7 (g)(3) to permit defense counsel to provide properly redacted discovery to defendants.

Public Hearing: None sought.
 Expedited
 Consideration: WACDL requests expedited consideration under GR 9 (e)(2)(E) because conflict in case law is an exceptional circumstance that justifies expedited consideration, specifically as relates to CrRLJ 4.7 (a)(3) and (4).

SUGGESTED AMENDMENT TO CRIMINAL RULE CrRLJ 4.7 DISCOVERY

CrRLJ 4.7 DISCOVERY

(a) Prosecuting Authority's Obligations

(1) Except as otherwise provided by protective orders or as to matters not subject to disclosure, the prosecuting authority shall, upon written demand, disclose to the defendant the following material and information within his or her possession or control concerning:

- (i) Unchanged.
- (ii) Unchanged.
- (iii) Unchanged.
- (iv) Unchanged.
- (v) Unchanged.
- (vi) Unchanged.
- (vii) Unchanged.
- (viii) Unchanged.
- (ix) Unchanged.
- (x) Unchanged.
- (xi) Unchanged.

(xii) All records, including notes, reports and electronic recordings relating to an identification procedure, as well as all identification procedures, whether or not the procedure resulted in an identification or the procedure resulted in the identification of a person other than the suspect.

(2) Unchanged.

(3) Except as is otherwise provided as to protective orders, the prosecuting attorney shall disclose to the defendant's counsel any material or information within the prosecuting authority's knowledge which tends to negate defendant's guilt as to the offense charged, and/or which tends to impeach a State's witness.

(4) ~~The prosecuting authority's obligation under this section is limited to material and information within the actual knowledge, possession, or control of members of his or her staff. includes material and evidence favorable to the defendant and material to the defendant's guilt or punishment, and/or which tends to impeach a State's witness. This includes favorable evidence known to others acting on the State's behalf in the case, including the police. The prosecuting authority's duty under this rule not conditioned on a defense request for such material. Such duty is ongoing, even after plea or sentencing.~~

- (b) Defendant's Obligations.** Unchanged.
- (c) Physical and Demonstrative Evidence.** Unchanged.
- (d) Material Held by Others.** Unchanged.
- (e) Discretionary Disclosures.** Unchanged.
- (f) Matters Not Subject to Disclosure.** Unchanged.
- (g) Regulation of Discovery.**
 - (1) *Investigation Not to Be Impeded.* Unchanged.
 - (2) *Continuing Duty to Disclose.* Unchanged.

(3) *Custody of Materials.* Any materials furnished to a lawyer pursuant to these rules shall remain in the exclusive custody of the lawyer and be used only for the purposes of conducting the party's side of the case, unless otherwise agreed by the parties or ordered by the court, and shall be subject to such other terms and conditions as the parties may agree or the court may provide. Further, a defense lawyer shall be permitted to provide a copy of the materials to the defendant after making appropriate the following redactions; which are approved by the prosecuting authority or order of the court.

- (i) Dates of Birth—redact to the year of birth;
- (ii) Names of Minor Children—redact to the initials;
- (iii) Social Security Numbers or Federal Taxpayer Identification Numbers—redact in their entirety;
- (iv) Financial Accounting Information—redact to the last four digits;
- (v) Passport Numbers and Driver License Numbers—redact in their entirety;
- (vi) Home Addresses—redact to the City and State; and
- (vii) Phone Numbers—redact in their entirety.

Each defense lawyer shall maintain a duplicate copy of discovery furnished to the defendant they are representing, which shows the redactions made in accordance with this court rule for the duration of the case. The duplicate copy of discovery with redactions shall be kept in the client's case file. If the defense lawyer withdraws from representing the defendant, the duplicate copy with redactions shall be furnished to the new lawyer and maintained in the new lawyer's case file for the defendant for the duration of the case. The court may, upon proper showing, request to see the duplicate copy with redactions that has been furnished to the defendant, to make sure the redactions have been properly made.

- (4) *Protective Orders.* Unchanged
- (5) *Excision.* Unchanged
- (6) *In Camera Proceedings.* Unchanged
- (7) *Sanctions.* Unchanged

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Suggested Amendment to Criminal Rule CrRLJ 4.11 Recording Witness Interviews

Date: February 23, 2018

Proponent: Washington Association of Criminal Defense Lawyers
 1511 Third Ave., Suite 503
 Seattle, WA 98101
 Ph. (206) 623-1302
 Fax. (206) 623-4257

Spokesperson: Kent Underwood, WACDL Court Rules Committee Co-chair

Purpose: The purpose of the rule is to improve the reliability of evidence by permitting the recording of pretrial interviews thereby having a more accurate record of the interview.

Public Hearing: Not requested

Expedited

Consideration: Not requested

SUGGESTED NEW CRIMINAL RULE CrRLJ 4.11

CrRLJ 4.11 RECORDING WITNESS INTERVIEWS

(a) Recording of Witness Interviews. Counsel for any party, or an employee or agent of counsel's office, may conduct witness interviews by openly using an audio recording device or other means of verbatim audio recording, including a court reporter. Such interviews are subject to the court's regulation of discovery under CrRLJ 4.7(g). Any disputes about an interview or manner of recording shall be resolved in accordance with CrRLJ 4.6 (b) and (c) and CrRLJ 4.7(g). This rule shall not affect any other legal rights of witnesses.

(b) Providing Copies. Copies of recordings and transcripts, if made, shall be provided to all other parties in accordance with the requirements of CrRLJ 4.7. If an interview is recorded by a court reporter, and is discoverable under CrRLJ 4.7, any party or the witness may order a transcript thereof at the party's or witness's expense. Dissemination of audio recordings or transcripts of witness interviews obtained under this rule is prohibited except where required to satisfy the discovery obligations of CrRLJ 4.7, pursuant to court order after a showing of good cause relating solely to the criminal case at issue, or as reasonably necessary to conduct a party's case.

(c) Preliminary Statement. At the commencement of any recorded witness interview, the person conducting the interview shall confirm on the audiotape or recording that the witness has been provided the following information: (1) the name, address, and telephone number of the person conducting the interview; (2) the identity of the party represented by the person conducting the interview; and (3) that the witness may obtain a copy of the recording and transcript, if made.

(d) Witness Consent. A witness may refuse to be recorded. In the event that a witness refuses to be recorded, and there is a dispute regarding any statement made by the witness, the jury should be instructed to examine the statement carefully in the light of any reasons for the refusal and other circumstances relevant to that witness's testimony, including, but not limited to, bias and motive.

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 spelling error in the above material occurred in the copy filed by the State Supreme Court and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 18-16-092
AGENDA
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed July 31, 2018, 10:30 a.m.]

Pursuant to RCW 34.05.314, following is the department of labor and industries' semi-annual rules development agenda for July 1 through December 31, 2018.

This report details current and anticipated rule-making activities for the department of labor and industries. This agenda is for information purposes, and the noted dates of anticipated rule-making actions are estimates. There may be additional rule-making activities not anticipated at this time, such as to implement new state laws, meet federal requirements, or other circumstances.

Please contact Maggie Leland at 360-902-4504 or maggie.leland@lni.wa.gov if you have any questions.

Semi-Annual Rules Development Agenda
July 1 - December 31, 2018

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
Division: Administrative services						
296-30 296-31 296-33	Crime victims compensation (CVC)	Maty Brimmer Crime Victims 360-902-6707 Linda Messick Crime Victims 360-902-5374	TBD	TBD	TBD	This rule making pertains to the administration of the CVC program, mental health treatment rules and fees, and attendant services. This rule making will consider adopting some rules from chapters 296-14, 296-20, 296-21, 296-23, 296-23A, and 296-23B WAC.
Division: Division of occupational safety and health (DOSH)						
296-36 296-155 Part Q	Compressed air (tunnels)	Chris Miller DOSH Standards Program 360-902-5516	9/18/12	TBD	TBD	This rule making is in response to petitions and other requests from labor and business industry stakeholders to update the compressed air work requirements in chapters 296-36 and 296-155 WAC Part Q.

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-155	Fall protection	Chris Miller DOSH Standards Program 360-902-5516	3/22/16	N/A	N/A	The purpose of this rule making is to consider correcting Part C-1 in construction rule, as well as amend the department's rules to make them at-least-as-effective-as the Occupational Safety and Health Administration (OSHA). The department intends to withdraw this preproposal statement of inquiry (WSR 16-07-121) and combine this rule making with unified fall protection rule making, listed further down.
296-62 296-155	Lead	Chris Miller DOSH Standards Program 360-902-5516	4/19/16	TBD	TBD	This rule making is in response to a petition and a series of stakeholder meetings. This rule making was initiated to update existing lead standards in both general industry and construction in light of increasing evidence of the hazards associated with occupational lead exposure.
296-62	eRules Reformatting, Phase 9	Chris Miller DOSH Standards Program 360-902-5516	7/19/16	TBD	TBD	This rule making is the ninth of an estimated ten staged filing packages to reformat all DOSH rules for easier use, clearer understanding, and greater stakeholder access.
296-27	Recordkeeping and reporting, Phase 3	Chris Miller DOSH Standards Program 360-902-5516	8/2/16	TBD	TBD	This rule making is in response to OSHA publishing changes to section C.F.R. 1904.35, Employee Involvement, which left some of our rules not as effective. Other housekeeping amendments may also be considered in this WAC chapter.
296-305 296-800 296-802 296-833 296-843 296-848 296-849 296-855 296-856	eRules Reformatting, Phase 6	Chris Miller DOSH Standards Program 360-902-5516	9/6/16	8/21/18	TBD	This rule making is the sixth of an estimated ten staged filing packages to reformat all DOSH rules for easier use, clearer understanding, and greater stakeholder access.
296-307	Worker protection standard (pesticides)	Chris Miller DOSH Standards Program 360-902-5516	11/22/16	8/21/18	November 2018	This rule making is in response to the federal Environmental Protection Agency (EPA) worker protection standard updates. The department is coordinating the adoption of the rules with the department of agriculture.
296-45 296-307	eRules Reformatting, Phase 10	Chris Miller DOSH Standards Program 360-902-5516	1/3/17	TBD	TBD	This rule making is the tenth of an estimated ten staged filing packages to reformat all DOSH rules for easier use, clearer understanding, and greater stakeholder access. Note that amendments to chapter 296-45 WAC will be removed from this rule making at the proposed rule making (CR-102) stage and added to the rule making for chapter 296-45 WAC, listed below.
296-850 296-307 296-841	Beryllium	Chris Miller DOSH Standards Program 360-902-5516	4/18/17	5/1/18	8/21/18	This rule making is in response to recently increased OSHA requirements related to preventing worker exposure to beryllium and beryllium compounds. The department proposed to add chapter 296-850 WAC, Beryllium. Beryllium and beryllium compounds are currently included in the department's air contaminant standard under chapters 296-307 and 296-841 WAC, so updates to the air contaminant tables are included in this rule making.
296-45	Electric power generation, transmission, and distribution	Chris Miller DOSH Standards Program 360-902-5516	6/20/17	TBD	TBD	This rule making will make housekeeping changes resulting from the 2016 rule change. These eRule requirements for formatting will make the rule easier to read, comprehend, reference and access electronically.

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-67	Process safety management (PSM) of highly hazardous chemicals for petroleum refineries	Chris Miller DOSH Standards Program 360-902-5516	8/22/17	TBD	TBD	This rule making addresses the PSM requirements specific to petrochemical refining facilities. The current rules are outdated, not having been updated in over twenty years and do not reflect current industry practices.
296-65	Requirements for certification and training for asbestos removal and encapsulation	Chris Miller DOSH Standards Program 360-902-5516	1/2/18	TBD	TBD	The purpose of this rule making is to update the requirements regarding asbestos removal and encapsulation. This rule making intends to remove confusing and unnecessary language, as well as add clarification where necessary throughout the rule. Some requirements that may have updates include: Certification and testing requirements; when refresher training is required; and when temporary certificates can be issued.
296-52	Safety standards for possession, handling, and use of explosives	Chris Miller DOSH Standards Program 360-902-5516	1/23/18	TBD	TBD	In order to reflect technological advancements in explosives over the past ten to thirty years, and better align with federal regulations, the department is updating the safety standards for possession, handling, and use of explosives. Focus areas will likely include definitions, licensing, storage, background check requirements, public disclosure, and transportation, among others sections.
296-155	Crane incident reporting requirement	Chris Miller DOSH Standards Program 360-902-5516	3/20/18	TBD	TBD	The purpose of this rule making is to provide clarity on the department's interpretation of requirements relating to crane decertification and reinstatement. This rule making intends to address what activities are covered, and will clearly state that damage to critical parts of the crane would require notification, rather than just implying it. This rule making will include additional housekeeping changes as well.
296-840	Respirable crystalline silica—Nonmandatory appendices	Chris Miller DOSH Standards Program 360-902-5516	5/22/18 (CR-105)	TBD	TBD	The expedited proposed rules add two nonmandatory appendices to the WAC chapter to provide guidance to healthcare providers on medical surveillance. These rules amend recently filed rule making regarding occupational exposure to respirable crystalline silica.
296-155 Part S	Demolition standards	Chris Miller DOSH Standards Program 360-902-5516	7/5/18	TBD	TBD	The purpose of this rule making is to update the requirements in chapter 296-155 WAC, Standards for construction work, Part S, demolition. The department is initiating this rule making to remove confusing and unnecessary language, as well as add clarification where necessary throughout the rule to improve safety. Other updates and housekeeping changes may also be made throughout this chapter.
296-900	Penalties (SB [SHB] 1953)	Chris Miller DOSH Standards Program 360-902-5516	8/21/18 (CR-105)	TBD	11/20/18 (unless objection to expedited filing received, then TBD.)	This proposed rule making is as a result of a recent amendment to RCW 49.17.180 during the 2018 legislative session (SHB 1953). The proposed rule equals the recent amendment to RCW 49.17.180 which sets up an annual adjustment system retaining the current penalty amounts in statute unless required to be higher by the federal Occupational Safety and Health Act (OSHA).

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-24	Walking working surfaces	Chris Miller DOSH Standards Program 360-902-5516	TBD	TBD	TBD	The purpose of this rule making is to address the requirements in chapter 296-24 WAC, General safety and health standards, Part J-1, Walking-working surfaces. The department plans on initiating this rule making to align with possible new language under the plan to adopt a single unified fall protection chapter (see below) and to be at-least-as-effective-as OSHA C.F.R. 1910.
296-155 296-24 296-800 (other chapters that reference the requirements may be updated to align with the changes)	Unified fall protection	Chris Miller DOSH Standards Program 360-902-5516	TBD	TBD	TBD	This rule making is planned in response to Occupational Safety and Health Administration (OSHA) updates made in November 2016. Stakeholders requested the department create a single unified fall protection standard that applies to all industries statewide. This rule making will amend the department's rules to make them at-least-as-effective-as OSHA.
296-840	Respirable crystalline silica (agriculture)	Chris Miller DOSH Standards Program 360-902-5516	TBD	TBD	TBD	This rule making plans on clarifying the application of the respirable crystalline silica chapter to agriculture.
296-305 296-803 296-811 296-835 296-842 296-863 296-855	Change Log Phase 5	Chris Miller DOSH Standards Program 360-902-5516	TBD (CR-105)	TBD	TBD	The rule making will consider amendments to correct outstanding housekeeping issues, such as correcting typos and updating old references, which are on the DOSH change log.
Division: Field services and public safety						
296-96	Elevator rules (licensing)	Alicia Curry Field Services and Public Safety 360-902-6244	5/30/17	6/5/18	8/21/18	The elevator program is proposing changes to the elevator rules to update and clarify the rules, and to make housekeeping changes. An initial emergency rule (WSR 17-12-022) was filed on May 30, 2017, creating a temporary limited Category 03 license that is restricted to work performed on hand-powered manlifts in grain terminals. A CR-101 Preproposal statement of inquiry (WSR 17-12-023) was filed simultaneously. A second emergency rule (WSR 17-20-028) to renew the rule was filed on September 27, 2017. The emergency rule was needed to address the shortage of licensed mechanics in the grain industry for the upcoming harvest season. The elevator program has solicited input from stakeholders in the development of permanent rules and for other changes to the licensing rules.
296-96	Elevator rules (code adoption)	Alicia Curry Field Services and Public Safety 360-902-6244	7/18/17	6/5/18	8/21/18	The elevator program is proposing amendments to the elevator rules in chapter 296-96 WAC. The department performed a formal review of the rules to adopt new safety code requirements, to update and clarify the rules, and make housekeeping changes.

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-104	Board of boiler rules	Alicia Curry Field Services and Public Safety 360-902-6244	7/5/18	9/18/18	11/20/18	The board of boiler rules and boiler program is considering amending the boiler rules to adopt new safety code requirements and clarify existing rules. The boiler rules are reviewed on a regular basis to ensure the rules are consistent with national boiler and unfired pressure vessel safety standards and industry practice. In addition, the program is considering a fee increase by the fiscal-growth factor of four percent for fiscal year 2019 (OFM's maximum allowable fiscal growth rate). The boiler program's budget and projected revenue indicate a fee increase is necessary to cover the program's operating expenses.
296-96 296-150C 296-150F 296-150I 296-150M 296-150P 296-150R 296-150T 296-150V 296-200A	Fee increases: Contractor registration, elevator, factory assembled structures (FAS)	Alicia Curry Field Services and Public Safety 360-902-6244)	7/17/18	9/18/18	11/20/18	The purpose of this rule making is to consider increasing fees by 4.00 percent (office of financial management's maximum allowable fiscal growth factor for fiscal year 2019) for the contractor registration, elevator, and FAS programs. The department evaluated the programs' budgets and projected revenue and determined fee increases are necessary to help cover the cost of ongoing services. The programs have not increased fees for several years.
Division: Fraud prevention and labor standards						
296-05	Apprenticeship rules	Beverly Clark Fraud Prevention and Labor Standards 360-902-6272	8/1/17	5/22/18	8/21/18	The purpose of this rule making is to reorganize and clarify the current rules to improve understanding by regulated parties and align with newly issued federal regulations on equal employment opportunity provisions.
296-128-500 through 296-128-540	Executive administrative professional (EAP) exemptions	Beverly Clark Fraud Prevention and Labor Standards 360-902-6272	3/20/18	TBD	TBD	The department is considering changes to the definitions of bona fide executive, administrative, professional and outside salespeople for the purposes of coverage under chapter 49.46 RCW, Minimum wage requirements and labor standards.
296-127	Prevailing wage	Beverly Clark Fraud Prevention and Labor Standards 360-902-6272	TBD	TBD	TBD	This rule making will review prevailing wage rules, which have not been comprehensively reviewed since the early 1990s. Amendments will: <ul style="list-style-type: none"> • Reflect court decisions; • Integrate administrative policies; • Streamline current processes; • Create consistency with the statute; and • Make housekeeping changes.
Division: Insurance services						
296-17 296-17B	2019 workers' compensation premium rates	Jo Anne Attwood Employer Services 360-902-4777	6/19/18	9/18/18	11/30/18	This rule making will set the rates for 2019 workers' compensation insurance.
296-17A	2019 classification amendments	Jo Anne Attwood Employer Services 360-902-4777	10/2/18	TBD	TBD	The department will propose combining and amending various subclassifications; and creating a subclassification for pile construction drilled method. This rule making will not change employers' rates.
296-20	Hearing aid replacement	Robert Mayer Health Services Analysis 360-902-5021	2/6/18	TBD	TBD	This rule making is considering the criteria for replacing hearing instruments. The department is convening a workgroup of experts and interested parties to understand the issues and develop criteria reflecting current technology, taking into consideration insurance coverage best practices. The rule was last updated March 22, 2008.

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-20 296-23	Medical aid rules update	Emily Stinson Health Services Analysis 360-902-5974	November 2018	February 2018	May 2018	This rule making will update payment rates for health care services, which are published annually in the medical aid rules and fee schedules.
296-14	Pension discount rate (PDR) (dual rates)	Suzy Campbell Legal Services 360-902-5003	6/19/18	Tentative 10/23/18	Tentative 12/18/18	This rule making will reduce the current PDR using different assumptions for annual investment returns for the reserve funds for self-insured and state fund pension claims, and to align with recent department requested legislation passed in the 2018 session allowing for the department to use different methods of calculating state fund and self-insured liabilities when determining the annuity values of a pension based on the rates of mortality, disability, remarriage, and interest. The pension discount rate is the interest rate used to account for the time value of money when evaluating the present value of future pension payments.
296-14	Presumptive PTSD coverage (SB [SSB] 6214)	Suzy Campbell Legal Services 360-902-5003	8/21/18	TBD	TBD	This rule making will update existing rules and create new rules needed to implement SB [SSB] 6214, allowing industrial insurance coverage for posttraumatic stress disorders of law enforcement, firefighters and emergency medical technicians.
296-20 296-23	Acupuncture pilot	Jami Lifka Office of the Medical Director 360-902-4941	9/5/17	10/23/18	TBD	Based on a review of the efficacy of acupuncture for treating low back pain, the department initiated a pilot that will help determine how acupuncture treatment could best be incorporated into the workers' compensation setting. Under this pilot, current provisions related to the exclusion of acupuncture treatment and acupuncturists will be waived only for pilot participants. The pilot began on October 1, 2017 and will continue throughout a two-year period, or as otherwise specified. Pilot program results will be considered in developing proposed rule language, medical coverage decisions and/or payment policy.
296-20	Neurogenic thoracic outlet syndrome (nTOS) surgery	Jami Lifka Office of the Medical Director 360-902-4941	TBD	TBD	TBD	This rule making will put diagnostic and surgical criteria in rule, which will lead to more timely decisions regarding surgery, reduced time loss duration, and better clinical outcomes for workers.
296-17B	Retrospective rating	Tim Smolen Retrospective Rating 360-902-4835	11/5/13	TBD	TBD	This rule making will address extending requirements for businesses that enroll in individual retro plans and revise enrollment requirements for businesses under common majority ownership.
296-17B	Retrospective rating for workers' compensation insurance—Common ownership (pilot)	Julie Osterberg Retrospective Rating 360-902-5819 Tim Smolen Retrospective Rating 360-902-4835	8/5/15	TBD	TBD	This pilot rule making will consider/allow exceptions to the retroactive rating program's current common ownership rule (WAC 296-17B-770) as written.

WAC CHAPTER(S)	RULE SUBJECT	AGENCY CONTACT	PROPOSED TIMELINE			BRIEF DESCRIPTION OF CHANGES
			CR-101	CR-102	CR-103	
296-15	Medical bill electronic data interchange	James Nylander Self-Insurance 360-902-6907	4/19/16	TBD	TBD	The department and the self-insured employer community have agreed to partner in the development of a self-insurance risk analysis system. One component of this system will feature the collection of medical bill data using an electronic data interchange. This rule making will consider amending existing rules and adopting a new rule in order to make reporting requirements clear and to ensure a uniform standard of reporting is established.
296-15	Workers' compensation self-insurance rules and regulations	James Nylander Self-Insurance 360-902-6907	4/17/18	8/21/18	TBD	This rule making will consider updating rules related to the management and reporting of self-insured claims, and the requirements for self-insured certified claims administrators.

Maggie A. Leland
Rules Coordinator

WSR 18-16-100

AGENDA

**DEPARTMENT OF HEALTH
STATE BOARD OF HEALTH**

[Filed July 31, 2018, 2:35 p.m.]

**July 2018
Rules Agenda**

This report details current and anticipated rule-making activities for the department of health (DOH) and the State board of health (SBOH). If you have any questions regarding this report or DOH rule-making activities, please contact Tami Thompson at 360-628-0096. If you have any questions regarding SBOH rule-making activities please contact Michelle Davis at 360-236-4105.

This agenda is for information purposes, and the noted dates of anticipated rule-making actions are estimates. Any errors in this agenda do not affect the rules and rule-making notices filed with the office of the code reviser and published in the Washington State Register. There may be additional DOH rule-making activities that cannot be forecasted as the department initiates rule making to implement new state laws, meet federal requirements, or meet unforeseen circumstances. See the "**Key**" at the end of the tables for explanations of terms and acronyms.

Blank cells in tables mean the anticipated filing date is not known at the time this rules agenda is filed.

Authority	RCW/ Session Law	Rule Title	CR-101	CR-101 WSR #	CR-102	CR-102 WSR#	CR-103	Contact	Phone
Board of denturists	RCW 18.30.065	Chapter 246-812 WAC, Board of denturists, reviewing the chapter consistent with the five year review. The use of initials following a licensed dentist names, license denials, withdrawing an application, license reinstatement and appeals.	10/5/17	17-21-004				Vicki Brown	360-236-4865

Authority	RCW/ Session Law	Rule Title	CR-101	CR-101 WSR #	CR-102	CR-102 WSR#	CR-103	Contact	Phone
Board of denturists	RCW 18.30.065	WAC 246-812-480 Sexual misconduct, the board of denturists is proposing revisions to clarify that forcible or non-consensual acts are within the definition of sexual misconduct.	Anticipate filing					Vicki Brown	360-236-4865
Board of hearing and speech	Chapter 18.35 RCW	Chapter 246-828 WAC, the board of hearing and speech is proposing to amend rules on definitions, examinations, interim permits, delegation, and speech pathology assistant certification.	7/31/17	17-16-125				Bruce Bronoske	360-236-4843
Board of naturopathy	RCW 18.36A.160	Chapter 246-836 WAC, considering the practice of non-surgical cosmetic procedures in naturopathic practice.	11/4/13	13-22-059	7/2/18	18-14-087	Anticipate filing	Susan Gragg	360-236-4941
Board of naturopathy	RCW 18.36A.160	WAC 246-836-080 Continuing competency program.	3/31/17	17-08-062	Anticipate filing			Susan Gragg	360-236-4941
Board of naturopathy	RCW 18.36A.160	WAC 246-836-150 Full approval of colleges of naturopathic medicine.	6/19/17	17-13-095	Anticipate filing			Susan Gragg	360-236-4941
Board of naturopathy	RCW 18.36A.160	WAC 246-836-330, 246-836-340, 246-836-350, 246-836-360, 246-836-370, 246-836-380, and 246-836-390 considering repealing outdated and redundant rule sections.	6/19/17	17-13-092	2/7/18	18-05-008	Anticipate filing	Susan Gragg	360-236-4941
Board of nursing home administrators	Chapters 18.52 and 18.130 RCW	Chapter 246-843 WAC, Nursing home administrators, reopening the chapter to consider adding health services executive certification for licensure.	8/16/17	17-16-084	Anticipate filing			Kendra Pitzler	360-236-4723
Board of occupational therapy	RCW 18.59.130	WAC 246-847-080 Examinations, 246-847-135 Standards of supervision, and 246-847-150 Fieldwork experience OTA, the occupational therapy practice board (board) is revising sections of	2/17/17	17-03-108	6/6/18	18-12-113	Anticipate filing	Kathy Weed	360-236-4883

Authority	RCW/ Session Law	Rule Title	CR-101	CR-101 WSR #	CR-102	CR-102 WSR#	CR-103	Contact	Phone
		the occupational therapy chapter. This proposal is to complement the board's separate rule-making effort, filed as WSR 18-09-032 into performing a formal five-year review in accordance with RCW 43.70.041. The board proposes rule revisions that will provide consistency and cohesion to existing rules.							
Board of optometry	RCW 18.54.070(2) and 18.53.010(4)	WAC 246-851-580 and 246-851-590, drug list and guidelines, the board of optometry (board) is considering revising the rules to clarify the use of adjuvant analgesics for the practice of optometry.	2/20/18	18-05-086				Loralei Walker	360-236-4647
Board of optometry	RCW 18.54.070, 18.130.050, 18.130.062 and Executive Order 06-03	WAC 246-851-550 Sexual misconduct, the board is proposing to file a new CR-102. WSR 17-19-045 filed on September 21, 2017, expired. The board is proposing to amend the rule to clarify that the rules also apply to misconduct with a patient. The term "patient" was inadvertently left out of the original CR-102 rule language.	3/8/17	17-07-047		Anticipate filing		Loralei Walker	360-236-4947
Board of osteopathic physicians and surgeons	RCW 18.57.005, 18.57A.020, and chapter 297, Laws of 2017	Chapters 246-853 and 246-854 WAC, the board of osteopathic medicine and surgery (board) is considering adopting and amending sections of rule to establish requirements for prescribing opioid drugs by osteopathic physicians and osteopathic physician assistants as directed by ESHB 1427. The board	8/22/17	17-17-139	7/2/18	18-14-088	Anticipate filing	Brett Cain	360-236-4766

Authority	RCW/ Session Law	Rule Title	CR-101	CR-101 WSR #	CR-102	CR-102 WSR#	CR-103	Contact	Phone
		will also consider amending the current pain management rules to be consistent with the new opioid prescribing rules.							
Board of osteopathic physicians and surgeons	RCW 18.57.005, 18.130.050 and 18.340.020	Chapter 246-853 WAC, Osteopathic physicians and surgeons, the board is considering rule amendments to several sections to ensure that the rules are current, up to date, and align with best practices. The board will also consider adding a new section describing the process for issuing expedited temporary practice permits for military spouses.	11/27/17	17-24-016				Brett Cain	360-236-4766
Board of physical therapy	Chapter 18.74 RCW	Chapter 246-915A WAC, Physical therapist licensure compact.	Anticipate filing					Kris Waidely	360-236-4847
Chiropractic quality assurance commission	RCW 18.25.0171 and 18.130.050	WAC 246-808-020 Colleges—Policies, 246-808-030 Accreditation of colleges—Procedure, 246-808-040 Colleges—Educational standards required for accreditation, and 246-808-XXX Early remediation, the chiropractic quality assurance commission (commission) is considering revisions to update existing rules and create new rules to establish an early remediation program for certain allegations of practice deficiencies of a less serious nature than those requiring formal discipline.	12/29/16	17-02-045				Leanne Yount	360-236-4856
Chiropractic quality assurance commission	RCW 18.25.0171 and 18.130.050	WAC 246-808-105, 246-808-115, 246-808-130, 246-808-133, 246-808-135, 246-808-140, 246-808-180, 246-808-181, 246-808-190,	10/18/16	16-21-080				Leann Yount	360-236-4856

Authority	RCW/ Session Law	Rule Title	CR-101	CR-101 WSR #	CR-102	CR-102 WSR#	CR-103	Contact	Phone
		246-808-201, 246-808-215, 246-808-510, and 246-808-535, regarding licensure—Application and eligibility requirements, the commission is considering revising the rules and proposing to establish new temporary practice rules for military status or military-related status.							
Chiropractic quality assurance commission	RCW 18.25.0171 and 18.130.050	WAC 246-808-320 Privileged communications, 246-808-330 Patient abandonment, 246-808-340 Consultation, 246-808-350 Unethical requests, 246-808-360 Patient welfare, 246-808-370 Patient disclosure, 246-808-380 Degree of skill, 246-808-390 Illegal practitioners, and 246-808-520 Identification, the commission is considering revising specific chiropractic standards of care rules.	10/17/16	16-21-066				Leann Yount	360-236-4856
Chiropractic quality assurance commission	RCW 18.25.0171 and 18.130.050	WAC 246-808-540 Billing, 246-808-545 Improper billing practices, 246-808-550 Future care contracts prohibited, 246-808-560 Documentation of care, 246-808-565 Radiographic standards, 246-808-570 Pelvic or prostrate examination prohibited, 246-808-575 Intravaginal adjustment restricted, 246-808-580 Acupuncture, 246-808-585 Clinically necessary x-rays, and 246-808-590 Sexual misconduct, the commission is considering	11/17/16	16-23-106				Leann Yount	360-236-4856

Authority	RCW/ Session Law	Rule Title	CR-101	CR-101 WSR #	CR-102	CR-102 WSR#	CR-103	Contact	Phone
		amending these rules to align with current practice standards.							
Chiropractic quality assurance commission	RCW 18.25.0171 and 18.130.050	WAC 246-808-010, 246-808-505, 246-808-600, 246-808-605, 246-808-610, 246-808-615, 246-808-620, 246-808-625, 246-808-630, 246-808-650, 246-808-655, 246-808-660, 246-808-670, 246-808-680, 246-808-685, 246-808-690, 246-808-695, 246-808-720, and 246-808-810, the commission is considering revising these rules regarding definitions, procedures, instrumentation, publicity, advertising, printed materials, transactions, costs, records, duties, mandatory reporting, associations, societies, insurance and professional liability carriers, courts, state and federal agencies, and conflict of interest.	12/7/16	16-23-120				Leann Yount	360-236-4856
Chiropractic quality assurance commission	RCW 18.25.0171 and 18.130.050	WAC 246-808-XXX independent chiropractic examinations (ICE) the commission is considering creating rules to set standards for independent chiropractic physical examinations and patient records reviews.	10/16/15	15-21-047				Leann Yount	360-236-4856
Dental quality assurance commission	RCW 18.32.002, 18.32.0357, 18.32.0356, and chapter 297, Laws of 2017	Chapter 246-817 WAC the commission is considering adopting and amending sections of rule to establish requirements for prescribing opioid drugs by dentists as directed by engrossed substitute house bill (ESHB) 1427. The commission will also consider amending the	8/22/17	17-17-140	7/16/18	18-15-056	Anticipate filing	Jennifer Santiago	360-236-4893

Authority	RCW/ Session Law	Rule Title	CR-101	CR-101 WSR #	CR-102	CR-102 WSR#	CR-103	Contact	Phone
		current pain management rules to be consistent with the new opioid prescribing rules.							
Dental quality assurance commission	RCW 18.32.002, 18.32.0357, 18.32.0356, and 18.32.180	WAC 246-817-420 Specialty representation, the commission is considering amendments to recognized specialties to include the American board of dental specialties (ABDS) boards/areas of specialty and other potential specialties.	11/17/17	17-23-124				Jennifer Santiago	360-236-4893
Dental quality assurance commission	RCW 18.32.002 and 18.32.0365	WAC 246-817-601, 246-817-610, 246-817-620, and 246-817-630 infection control, the commission is considering amending rules to update dental infection control practice standards.	9/9/16	16-19-021	Anticipate filing			Jennifer Santiago	360-236-4893
Dental quality assurance commission	RCW 18.32.002, 18.32.0365, and 18.32.640	WAC 246-817-701 through 246-817-790, administration of anesthetic agents for dental procedures, the commission is considering amendments to update general requirements. In addition to general updates, the commission is also considering amendments to address twenty-four hour on-call availability after a complex dental procedure, on-site inspections for all dentists holding sedation permits, and creation of a pediatric sedation endorsement.	8/17/17	17-17-089				Jennifer Santiago	360-236-4893
Dental quality assurance commission	RCW 18.32.0365 and 18.29.050	WAC 246-817-550 Acts that may be performed by licensed dental hygienists under general supervision, the commission is proposing rule amendments to add identified tasks	2/2/18	18-04-078	Anticipate filing			Jennifer Santiago	360-236-4893

Authority	RCW/ Session Law	Rule Title	CR-101	CR-101 WSR #	CR-102	CR-102 WSR#	CR-103	Contact	Phone
		from WAC 246-817-520, acts that may be performed by dental assistants under close supervision to the list of allowable tasks that a dentist can delegate to dental hygienists under general supervision.							
Department of health (DOH)	RCW 70.98.050	WAC 246-221-010 Occupational dose limits for adults.			Anticipate filing			Theresa Phillips	360-236-3147
DOH	RCW 70.98.050 and 70.98.080	WAC 246-247-035 National standards adopted by reference for sources of radionuclide emissions, and 246-247-075 Monitoring, testing, and quality assurance.			Anticipate filing			Theresa Phillips	360-236-3147
DOH	RCW 43.70.250, 43.20B.020, 70.98.080, and 43.70.110	Chapter 246-224 WAC, Radiation protection—Radiation machine assembly and registration, and chapter 246-254 WAC, Radiation protection—Fees.	11/21/17	17-23-155	Anticipate filing			Peter Beaton	360-236-4031
DOH	RCW 70.119A.170	WAC 246-296-040 Use of funds by the state, 246-296-060 Establishing a drinking water state revolving fund (DWSRF) loan fee, loan fee account, and loan fee uses, and 246-296-080 Ineligible projects and project-related costs.			Anticipate filing			Theresa Phillips	360-236-3147
DOH	Chapter 220, Laws of 2017	Title 246 WAC, establishing a new chapter relating to rapid health information network data reporting.	10/16/17	17-21-075				Amanda Morse	206-437-2045
DOH	RCW 70.342.075, 43.70.040	Title 246 WAC, creating a new chapter of rules to establish nicotine content measurement standards for closed system nicotine containers used with vapor products.	6/7/17	17-15-026				Stacia Wasmundt or Matthew Green	360-236-2568 or 360-236-3309

Authority	RCW/ Session Law	Rule Title	CR-101	CR-101 WSR #	CR-102	CR-102 WSR#	CR-103	Contact	Phone
DOH	Chapter 43.70, 18.130, 18.155, 34.05 RCW	Chapter 246-10 WAC, Administrative procedures, a chapter review which may include clarification, streamlining, modernization, and implementation of chapter 109, Laws of 2013.	4/7/14	14-09-019	3/2/18	18-06-049	Anticipate filing	Tami Thompson	360-236-4044
DOH	Chapter 43.70, 18.130, 18.155, 34.05 RCW	Chapter 246-11 WAC, Model procedural rules for adjudicative proceedings conducted under the authority of a board or commission having disciplinary authority under the Uniform Disciplinary Authority Act, a chapter review, which may include clarification streamlining, and modernization of the rules.	4/7/18	14-09-020	3/2/18	18-06-047	Anticipate filing	Tami Thompson	360-236-4044
DOH	RCW 43.70.280	Chapter 246-12 WAC, Administrative procedures and requirements for credentialed health care providers.	4/20/17	17-10-007				Nancy Elliott	360-236-4878
DOH	RCW 43.70.280	WAC 246-12-xxx Closure of abandoned incomplete healthcare credential applications.	4/28/17	17-10-045				Nancy Elliott	360-236-4878
DOH	RCW 43.70.110, 43.70.250, 43.20B.020	WAC 246-272-3000 Large on-site sewage system fees.			Anticipate filing			Peter Beaton	360-236-4031
DOH	RCW 70.38.135	WAC 246-310-270 Ambulatory surgery facilities and certificate of need methodology.	6/26/15	15-14-084				Jan Sigman	360-236-2956
DOH	RCW 43.70.040, 70.38.135	WAC 246-310-290 Certificate of need, revising need methodology rules for hospice services. a supplemental CR-102 was filed as WSR 18-12-073 in response to information received as part of the public hearing held under WSR 18-01-084 (12/15/17).	5/4/10	10-10-114	6/1/18	18-12-073	Anticipate filing	Jan Sigman	360-236-2953

Authority	RCW/ Session Law	Rule Title	CR-101	CR-101 WSR #	CR-102	CR-102 WSR#	CR-103	Contact	Phone
DOH	RCW 71.12.670, 43.70.040	Chapters 246-322 and 246-324 WAC, private psychiatric, alcoholism, and chemical dependency hospitals. Updating construction standards and merging chapters into chapter.	9/14/16	16-19-037				Jeff Wise	360-236-4987
DOH	Chapter 70.127 RCW	WAC 246-335-015 Definition of authorizing practitioner for in-home services.	Anticipate filing					John Hilger	360-236-2929
DOH	Chapter 201, Laws of 2018	Chapter 246-341 WAC, Behavioral health services administrative requirements.	6/25/18	18-14-019	Anticipate filing			Stephanie Vaughn	360-236-4617
DOH	Chapter 263, Laws of 2017	Chapter 246-337 WAC, Residential treatment facilities, new and amended rules on licensure of pediatric transitional care facilities to implement SSB 5152.	1/2/18	18-02-074	Anticipate filing			John Hilger	360-236-2929
DOH	Chapter 70.335 RCW, RCW 43.70.040	Chapter 246-339 WAC, Blood establishments, revising provisions regarding registration requirements for blood establishments.	1/23/18	18-03-164	Anticipate filing			Susan Walker	253-395-6745
DOH	RCW 43.70.040, 70.170.060	Chapter 246-453 WAC, Hospital charity care.	Anticipate filing					Randy Huyck	360-236-4210
DOH	Chapter 297, Laws of 2017	Chapter 246-470 WAC, Prescription monitoring program (PMP), expanding exchange of PMP data.	7/19/17	17-15-132	3/23/18	18-08-021	Anticipate filing	Gary Garrety	360-236-4802
DOH	RCW 43.70.040, 43.70.080, 43.70.120	Chapter 246-710 WAC, Coordinated children's services, children with special health care needs, updating the rules to current standards, amending to include accessing the department as payer of last resort, and repayment to the department under certain circumstances; and adding new sections to	7/14/17	17-15-067	Anticipate filing			Cori Tarzwell	360-236-3797

Authority	RCW/ Session Law	Rule Title	CR-101	CR-101 WSR #	CR-102	CR-102 WSR#	CR-103	Contact	Phone
		include programs such as neurodevelopmental centers.							
DOH	RCW 43.70.120	WAC 246-790-001 through 246-790-127, special supplemental nutrition program for women, infants and children.	12/19/17	18-01-107	6/6/18	18-12-117	Anticipate filing	Troy Parks	360-236-3610
DOH	RCW 18.06.160	Chapter 246-803 WAC, East Asian medicine practitioners, revising rules consistent with the five year rules review, possible new sections on recordkeeping infection control an [and] expired licenses.	9/21/17	17-20-002				Vicki Brown	360-236-4865
DOH	RCW 18.380.110	Chapter 246-805 WAC, Applied behavior analysts (ABA) new rule sections to address temporary licensure for ABA practitioners.	8/7/17	17-17-020				Brett Lorentson	360-236-4611
DOH	RCW 43.70.650 and 43.70.041	Chapter 246-814 WAC, Access to dental care for children, five year review.	10/16/15	15-21-046	5/29/18	18-12-036	Anticipate filing	Bruce Bronoske	360-236-4843
DOH	RCW 43.70.041, 43.70.280, chapter 18.29 RCW	Chapter 246-815 WAC, Dental hygiene chapter review.	10/6/15	15-20-108	6/1/18	18-12-074	Anticipate filing	Bruce Bronoske	360-236-4843
DOH	RCW 18.205.060	Chapter 246-811 WAC, Chemical dependency professionals and chemical dependency professional trainees, the department is considering amendments regarding chemical dependency professional trainee certification, supervision, approved supervisor requirements, disclosure information, disclosure statements, definitions, and clarifying and technical changes to other requirements, as needed.	5/7/18	18-11-030				Brad Burnham	360-236-4912

Authority	RCW/ Session Law	Rule Title	CR-101	CR-101 WSR #	CR-102	CR-102 WSR#	CR-103	Contact	Phone
DOH	RCW 18.225.040, 18.225.090	Chapter 246-809 WAC, Licensure for mental health coun- selors, marriage and family therapists, and social workers.	5/7/18	18-11-029	Anticipate filing			Brad Burnham	360-236-4912
DOH	Chapter 6, Laws of 2018	Chapter 246-490 WAC, Vital statis- tics, DOH is consid- ering adding a sec- tion(s) to the chap- ter to include requirements for fil- ing acknowledg- ments, denials, and rescissions of par- entage; and infor- mation to identify the correct subject of a record to pro- cess an establish- ment of parentage court order. WAC 246-491-990 Vital records fees, the department is con- sidering amending the section to create a new fee for filing parentage and rescissions, and clarify existing fees.	5/24/18	18-12-020				Katitiza Holthaus	360-236-4311
DOH	RCW 18.108.025, 18.108.085	Chapter 246-830 WAC, Massage practitioners, reopening multiple sections of rule not revised in the previ- ous chapter update and to respond to rules petition.	9/6/17	17-18-110				Megan Brown	360-236-4945
DOH	RCW 18.34.080, 43.70.040, 43.70.250, 43.70.280	WAC 246-824-010, DOH is considering amending the dis- pensing optician rules to add "per- sonal supervision" to the definitions.	3/1/17	17-05-015				Debra Mendoza	360-236-4841
DOH	RCW 18.50.115, 18.50.135	WAC 246-834-060, 246-834-250, 246- 834-400, 246-834- 450, midwives, updating legend drugs and devices to maintain the safety of out-of- hospital births.	10/24/17	17-22-034				Kathy Weed	360-236-4883
DOH	RCW 18.200.050	Chapter 246-850 WAC, Orthotics and prosthetic rules, clarifying rules on licensing, continu- ing education, and	11/28/16	16-24-008				Bruce Bronoske	360-236-4843

Authority	RCW/ Session Law	Rule Title	CR-101	CR-101 WSR #	CR-102	CR-102 WSR#	CR-103	Contact	Phone
		other general updates.							
DOH	RCW 18.250.020	Chapter 246-916 WAC, Athletic trainers, clarifying who is an authorized volunteer.	12/15/17	18-01-076				Bruce Bronoske	360-236-4843
DOH	RCW 18.89.040, 18.89.050	WAC 246-928-xxx, creating a new section of rule to clarify the scope of practice regarding the administration of medications by respiratory therapists.	8/17/10	10-17-099				Brett Lorenston	360-236-4611
DOH	RCW 70.168.050, 70.166.090	WAC 246-976-420, trauma registry, updating the rules to improve data quality align with trauma registry software, and remove unnecessary data elements.	10/6/17	17-21-018	Anticipate filing			Tim Orcutt	360-236-2874
DOH	Chapters 70.168, 18.73 RCW	Chapter 246-976 WAC (minus WAC 246-976-420, 246-976-580, and 246-976-700 currently open) updating EMS and trauma care systems, chapter to align with the national standards and streamline applications.	11/27/17	17-24-013				Catie Holstein	360-236-2830
DOH	RCW 70.168.050, 70.168.060, 70.168.070	WAC 246-976-580 and 246-976-700, trauma designation process and service standards, update.	2/24/17	17-06-044	Anticipate filing			Anthony Bledsoe	360-236-2830
DOH	RCW 18.88B.021	Chapter 246-980 WAC, Home care aides, updating the chapter following review under RCW 43.70.041.	3/30/18	16-08-045	3/20/18	18-07-099	Anticipate filing	Stacey Saunders	360-236-2901
DOH	RCW 70.54.240	WAC 246-102-xxx, implementing a fee structure for cancer registry reporting.	Anticipate filing					Patti Migliore Santiago or Matthew Green	360-236-3645 or 360-236-3309
DOH	RCW 18.29.210, 18.29.130, 43.70.442 as amended by chapter 262, Laws of 2017	WAC 246-815-155 Suicide prevention training for dental hygienists, creating a new section to establish a one-time continuing education requirement for dental hygienists in suicide prevention.	10/2/17	17-20-064	6/6/18	18-12-115	Anticipate filing	Bruce Bronoske	360-236-4843

Authority	RCW/ Session Law	Rule Title	CR-101	CR-101 WSR #	CR-102	CR-102 WSR#	CR-103	Contact	Phone
DOH	RCW 18.19.050 and 18.19.09 [18.19.090]	WAC 246-810-024 Counseling-related degrees that meet the requirements for certified counselor and certified adviser.	Anticipate filing					Brett Lorentson	360-236-4611
DOH	RCW 18.19.050	WAC 246-810- 029(3) Acceptable continuing educa- tion courses for a certified counselor and certified adviser, DOH is proposing rule lan- guage that will increase the amount of allowable dis- tance learning pro- gram hours from twelve to up to twenty hours per reporting period.	2/1/18	18-04-053	Anticipate filing			Brett Lorentson	360-236-4611
DOH	RCW 18.138.070	Chapter 246-822 WAC, Dietitians or nutritionists, DOH is considering rule making to amend or repeal several sec- tions of the dieti- tians and nutrition- ists chapter. Spe- cific sections focus on mandatory reporting, examina- tions, and curricu- lum.	4/27/18	18-10-059	Anticipate filing			Brett Lorentson	360-236-4611
DOH	RCW 18.205.060	Chapter 246-811 WAC, Chemical dependency profes- sionals (CDP) and CDP trainees, DOH is considering amendments to the alternative training requirements for CDP certification. DOH will review possible inclusion of pharmacists as eligible licensees for this certification option and will con- sider any necessary clarification or technical changes.	Anticipate filing					Brad Burnham	360-236-4912
DOH	RCW 47.70.052	WAC 246-454-010 and 246-454-030, definitions and bud- get repeal for hospi- tal reports. DOH is proposing the			Anticipate filing			Randy Huyck	360-236-4210

Authority	RCW/ Session Law	Rule Title	CR-101	CR-101 WSR #	CR-102	CR-102 WSR#	CR-103	Contact	Phone
		repeal of WAC 246-454-030 to eliminate the department's requirement that each hospital submit a financial report related to hospitals' annual budgets and amendment of WAC 246-454-010 to remove the definition of "budget," which is related to the section being repealed.							
DOH	RCW 18.108.085	Chapter 246-831 WAC, Certified reflexologists, DOH is considering clarifying, streamlining, and updating the chapter.	5/2/18	18-10-103	Anticipate filing			Brandon Williams	360-236-3203
DOH	Chapter 18.360 RCW	Chapter 246-827A WAC, Forensic phlebotomists, clarification of fee section reference.			Anticipate filing			Brett Cain	360-236-4766
DOH	RCW 43.70.120, 43.70.700	Chapter 246-780 WAC, Farmers' market nutrition program.	Anticipate filing					Troy Parks	360-236-3610
DOH	ESHB 1047 (chapter 196, Laws of 2018)	Title 246 WAC, DOH is considering creating a new chapter of rules as required by state law to establish administrative standards and a system of regulation for safe and secure collection and disposal of unwanted medicines through a uniform drug "take-back" program.	6/25/18	18-14-020				Kathy Hoffman	360-236-2927
Examining board of psychology	RCW 18.83.090	WAC 246-924-230 Continuing education requirements, the board of psychology will examine the possibility of reducing the number of hours required for continuing education.	Anticipate filing					Stacey Saunders	360-236-2813
Medical quality assurance commission	RCW 43.70.110, 43.70.250, 43.70.280, 18.31.310	Chapter 246-919 WAC, Medical quality assurance commission, opening chapter for updates and revisions to modernize	1/2/18	18-02-079	Anticipate filing			Daidria Underwood	360-236-2727

Authority	RCW/ Session Law	Rule Title	CR-101	CR-101 WSR #	CR-102	CR-102 WSR#	CR-103	Contact	Phone
		rules to align with current law practice.							
Medical quality assurance commission	RCW 43.70.110, 43.70.250, 43.70.280, 18.31.310	Chapter 246-918 WAC, establishing new sections and amending WAC 246-918-800 through 246-918-813, pain management.	8/23/17	17-17-156	7/16/18	18-15-055	Anticipate filing	Daidria Underwood	360-236-2727
Medical quality assurance commission	RCW 18.71.017, 18.71.002, 18.130.050	Chapters 246-919 and 246-918 WAC considering a new technical assistance program to address practitioner deficiency issues. The medical quality assurance commission (commission) is considering creating two new rule sections that will establish a clinical assistance program to resolve practice deficiencies that may not rise to the level of a license sanction or revocation through a plan of education, training, and/or supervision for allopathic physicians and physician assistants. The commission will consider amending other related rules as needed.	2/22/18	18-06-007				Daidria Underwood	360-236-2727
Nursing care quality assurance commission	RCW 18.79.110, 18.79.180, 18.79.380	WAC 246-840-035 Initial licensure for registered nurses, out-of-state nontraditional nursing education program approved by another United States nursing board as defined by WAC 246-840-010(16).	2/23/18	18-06-009	Anticipate filing			Amber Zawislak	360-236-4786 [4785]
Nursing care quality assurance commission	RCW 18.79.110, 18.79.380	WAC 246-840-533 Nursing preceptors.	3/23/18	18-08-018				Amber Zawislak	360-236-4786 [4785]
Nursing care quality assurance commission	RCW 18.79.110, 18.79.400	Chapter 246-840 WAC, establishing new sections on opioid prescribing,	8/22/17	17-17-142	7/2/18	18-14-086	Anticipate filing	Amber Zawislak	360-236-4786 [4785]

Authority	RCW/ Session Law	Rule Title	CR-101	CR-101 WSR #	CR-102	CR-102 WSR#	CR-103	Contact	Phone
		and amending existing pain management rules.							
Nursing care quality assurance commission	RCW 18.79.110	WAC 246-840-111, 246-840-125, 246-840-200 through 246-840-260, nursing continuing competency.	Anticipate filing					Amber Zawislak	360-236-4785
Nursing care quality assurance commission	RCW 18.79.110, 18.79.250, 18.79.260, 18.79.270	WAC 246-840-300, 246-840-700 through 246-840-710, nursing scope of practice.	Anticipate filing					Amber Zawislak	360-236-4785
Pharmacy quality assurance commission	Chapters 18.64, 18.64A, 69.41, 69.43, 69.50, 69.51 RCW	Chapter 246-xxx WAC, revising licensing standards for pharmacies, facilities and professionals under the commission jurisdiction.	12/19/17	18-01-123				Tracy West	360-236-4988
Pharmacy quality assurance commission	Chapters 18.64, 18.64A, 69.41, 69.43, 69.50, 69.51 RCW	Chapter 246-xxx WAC, revising rules on the commission regulatory authority and regulation of the practice of pharmacy.	12/19/17	18-01-124				Tracy West	360-236-4988
Pharmacy quality assurance commission	Chapters 18.64, 18.64A, 69.41, 69.50, 69.51 RCW	Title 246 WAC, revision of rules around operational standards for facilities.	4/16/18	18-09-063				Tracy West	360-236-4988
Pharmacy quality assurance commission	Chapters 18.64, 18.64A, 69.41, 69.60 [69.50], 69.51 RCW	Title 246 WAC, revision of rules around professional standards for pharmacy personnel.	4/16/18	18-09-066				Tracy West	360-236-4988
Pharmacy quality assurance commission	RCW 18.64A.040	WAC 246-901-130 Pharmacist to pharmacy technician ration [ratio].	6/19/17	17-13-097	Anticipate filing			Tracy West	360-236-4988
Podiatric medical board	Chapter 18.22 RCW	Chapter 246-922 WAC, opening the chapter for amendments following review under RCW 43.70.041.	Anticipate filing					Susan Gragg	360-236-4941
Podiatric medical board	RCW 18.22.015, chapter 18.340 RCW	WAC 246-922-xxx Podiatry temporary practice permit— Military spouse.	6/21/17	17-12-027	2/14/18	18-05-047	Anticipate filing	Susan Gragg	360-236-4641 [4941]
Podiatric medical board	RCW 18.22.015	WAC 246-922-010, 246-922-120, 246-922-240, amending three rule sections for necessary housekeeping changes.	6/19/18	17-13-094	2/7/18	18-05-007	Anticipate filing	Susan Gragg	360-236-4641 [4941]

Authority	RCW/ Session Law	Rule Title	CR-101	CR-101 WSR #	CR-102	CR-102 WSR#	CR-103	Contact	Phone
Podiatric medical board	RCW 17.130.050, 18.22.005, 18.22.015	WAC 246-922-230, podiatry prohibited transactions.	6/8/18	18-13-025	Anticipate filing			Susan Gragg	360-236-4641 [4941]
Podiatric medical board	RCW 18.22.015, 43.70.051	WAC 246-922-130, 246-922-140, 246-922-150, 246-922-160, 246-922-170, 246-922-180, 246-922-190, considering repealing outdated and redundant rules, podiatry.	6/19/17	17-13-093	2/23/18	18-06-008	Anticipate filing	Susan Gragg	360-236-4641 [4941]
Podiatric medical board	RCW 18.22.015 and ESHB 1427 (2017)	Chapter 246-922 WAC, establishing new sections for opioid prescribing and amending the pain management rules, WAC 246-922-660 through 246-922-673.	8/22/17	17-17-147	7/16/18	18-15-064	Anticipate filing	Susan Gragg	360-236-4641 [4941]
Veterinary board of governors	RCW 18.240.030	WAC 246-933-340, consumer notice of risks associated with certain drugs, this was withdrawn and a new CR-101 was filed under WSR 18-12-090.	8/23/17	17-17-178	Anticipate filing			Loralei Walker	360-236-4647
Veterinary board of governors	RCW 18.240.050	WAC 246-933-340 through 246-933-480, updating veterinarian continuing education.	3/8/17	17-07-045	Anticipate filing			Loralei Walker	360-236-4647
Veterinary board of governors	RCW 18.92.030	WAC 246-933-010, 246-933-200, 246-933-310, 246-933-340, and new WAC 246-933-xxx, the veterinary board of governors is considering amending four rules sections and adding a new section of rule related to client consultation when providing treatment and drug therapy to animal patients.	6/20/18	18-12-090	Anticipate filing			Loralei Walker	360-236-4647
Veterinary board of governors	RCW 18.240.050	WAC 246-935-270 through 246-935-310, updating veterinarian technician continuing education requirements.	3/8/17	17-07-046				Loralei Walker	360-236-4647
Veterinary board of governors	RCW 18.92.030	WAC 246-937-040, additional options for veterinarian medication clerk to	5/16/17	17-11-061				Loralei Walker	360-236-4647

Authority	RCW/ Session Law	Rule Title	CR-101	CR-101 WSR #	CR-102	CR-102 WSR#	CR-103	Contact	Phone
		meet training requirements.							
SBOH	RCW 28A.210.140 and 43.20.050	WAC 246-105-040, immunization of child care and school children against vaccine-preventable diseases.	3/6/18	18-06-090				Alexandra Montano or Michelle Weatherly	360-236-4106 or 360-236-3483
SBOH	RCW 43.20.050	WAC 246-203-130 Keeping of animals.	8/19/09	09-17-132				Stuart Glasoe	360-236-4111
SBOH	RCW 43.20.050 and 43.20.145	WAC 246-215-09150 Employee restrooms—Toilet facilities.	10/2/17	17-20-065	Anticipate filing			Stuart Glasoe or Peter Beaton	360-236-4111 or 360-236-4031
SBOH	RCW 43.20.050 and 70.90.120	Chapter 246-260 WAC, Water recreation facilities and chapter 246-262 WAC, Recreational water contact facilities.	12/13/16	17-01-048				Jun Naotsuka or Stuart Glasoe	360-236-3073 or 360-236-4111
SBOH	RCW 43.20.050, 70.119A.080, and 70.142.010	Chapter 246-290 WAC, Group A water supplies, poly- and perfluoroalkyl substances (PFAS).	12/15/17	18-01-080				Stuart Glasoe or Theresa Phillips	360-236-4111 or 360-236-3147
SBOH	RCW 70.83.030 and 43.20.050	Chapter 246-650 WAC, Newborn screening.	10/31/17	17-22-104				Alexandra Montano or John Thompson	360-236-4106 or 206-418-5531
SBOH	RCW 43.20.050	Chapter 246-272A WAC, On-site sewage systems.	3/6/18	18-06-082				Stuart Glasoe or Mike Dexel	360-236-4111 or 360-236-3011
SBOH	RCW 43.20.050 and 43.20.145	Chapter 246-215 WAC, Food service, SBOH will consider revising chapter 246-215 WAC to reflect the new 2017 Federal Food and Drug Administration food code standards; address issues that have been raised concerning mobile food unit standards and donated food; incorporate changes relating to SHB 2639, Mobile Food Units - Commissary or Servicing Area Requirements from the 2018 legislative session; and make technical and editorial changes where appropriate.	7/2/18	18-14-085				Stuart Glasoe or Peter Beaton	360-236-4111 or 360-236-4031

Authority	RCW/ Session Law	Rule Title	CR-101	CR-101 WSR #	CR-102	CR-102 WSR#	CR-103	Contact	Phone
SBOH	RCW 70.24.380	WAC 246-100-011 Definitions, 246- 100-207 Human immunodeficiency virus (HIV) test- ing—Ordering— Laboratory screen- ing—Interpreta- tion—Reporting, and 246-100-208 Counseling stan- dard—AIDS coun- seling.			7/2/18	18-14-090	Anticipate filing	Caitlin Lang	360-628-7342
SBOH	RCW 43.20.050	Chapter 246-272A WAC, On-site sew- age systems, drain- field remediation.	6/7/06	06-12-108				Stuart Glasoe or Mike Dixel	360-236-4111 or 360-236- 3011
SBOH and DOH	RCW 43.20.050, 70.104.055, and 43.70.545	Chapter 246-101 WAC, Notifiable conditions.	5/18/18	18-11-089				Alexandra Montano or Sierra Rotakhina	360-236-4106 or 360-236- 4238

KEY

CR: "Code Reviser" on the notice forms created by the office of the code reviser for use by all state agencies.

CR-101: Preproposal statement of inquiry filed under RCW 34.05.310.

CR-102: Proposed rule-making notice filed under RCW 34.05.320 or 34.05.340.

CR-103: Rule-making order permanently adopting a rule, and filed under RCW 34.05.360 and 34.05.380.

RCW: Revised Code of Washington.

WAC: Washington Administrative Code.

WSR: Washington State Register official filing reference number given by the office of the code reviser when a notice is filed.

WSR 18-17-002

**NOTICE OF PUBLIC MEETINGS
GRAIN COMMISSION**

[Filed August 1, 2018, 2:32 p.m.]

The Washington grain commission (WGC) hereby complies with regulations as stated in RCW 42.30.075 and provides pertinent scheduled meeting changes, per the board of directors, for publication in the State Register. The start time change for the September regular meeting is submitted at least twenty days prior to the scheduled meeting date. The location remains the same at the WGC office.

Was previously listed as: Regular - Wednesday, September 26 (8:00 a.m.).

Please change to read: Regular - Wednesday, September 26 (9:30 a.m.).

If you have any questions, please don't hesitate to contact our office.

WSR 18-17-003

**NOTICE OF PUBLIC MEETINGS
RENTON TECHNICAL COLLEGE**

[Filed August 1, 2018, 3:25 p.m.]

REVISED DATE

The regular meeting of the board of trustees of Community College District 27, state of Washington, 3000 N.E. Fourth Street, Renton, WA, scheduled for November 21, 2018, has been rescheduled to November 14, 2018.

Please contact Di Beers at 425-235-2426 if you have any questions.

WSR 18-17-009
AGENDA
MILITARY DEPARTMENT
 [Filed August 2, 2018, 6:29 a.m.]

Semi-Annual Rule-Making Agenda
(July 1 - December 31, 2018)

Listed below is the Washington military department's semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

If you have questions, about the agenda, please contact Cynthia Whaley, Military Department, Rules Coordinator, Building 1, Camp Murray, WA 98430, phone 253-512-8110, email cynthia.whaley@mil.wa.gov.

WAC Citation	Subject Matter	Agency Contact	Current Activity		
			CR-101	CR-102	CR-103
Chapter 118-04 WAC	Updating the rules to the emergency worker program.	Chris Long 253-512-7024, chris.long@mil.wa.gov	To be determined	To be determined	To be determined
Chapter 118-30 WAC	Updating the rules to the local emergency management/services organizations, plans and programs.	Michael Roberson 253-512-7065 michael.roberson@mil.wa.gov	05/17/13	To be determined	To be determined
Chapter 118-40 WAC	Updating the rules to the hazardous chemical emergency response planning and community right-to-know reporting.	Michael Roberson 253-512-7065 michael.roberson@mil.wa.gov	To be determined	To be determined	To be determined

WSR 18-17-020
POLICY STATEMENT
DEPARTMENT OF HEALTH
 [Filed August 3, 2018, 10:17 a.m.]

NOTICE OF ADOPTION OF A POLICY STATEMENT

Title of Policy Statement: Licensing of Virtual Manufacturers [Manufacturers] and Virtual Wholesalers.
 Issuing Entity: Pharmacy quality assurance commission.
 Subject Matter: Licensing of virtual manufacturers and virtual wholesalers in Washington state.
 Effective Date: July 26, 2018.
 Contact Person: Steve Saxe, executive director, 360-236-4946.

WSR 18-17-037
HEALTH CARE AUTHORITY
 [Filed August 7, 2018, 12:57 p.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 18-0032.
 Effective Date: February 1, 2019.
 Description: The health care authority (HCA) intends to submit medicaid SPA 18-0032 to implement certain directives in SSB 5779, signed by the governor on May 5, 2017.

SSB 5779 directs HCA to promote "bidirectional integration," which means integrating behavioral health services into primary care settings and primary care services into behavioral health settings. SPA 18-0032 will assist bidirectional integration by removing state-imposed limitations on the following:

- Professional mental health services:
 - Allow psychologists to provide and bill for services delivered in an inpatient hospital setting
 - Remove the limitation of one psychiatric service per day
 - Remove limitations on the place of service for behavioral health services
- Tobacco cessation services:
 - Allow physicians to provide and bill for services provided in their office, in addition to the current ability to bill for Quitline referrals
 - Clarify in the state plan that these services are available to eligible, nonpregnant medicaid clients
- Health and behavior services:
 - Allow behavioral health providers to provide and bill for health and behavior services to allow a person with a medical diagnosis to have access to counseling to help them make behavior changes that could have a positive impact on their medical condition. Currently only psychologists, physicians, and

advanced registered nurse practitioners may bill for these services (except when billed with substance use disorder or maternity support services modifiers)

Please note that HCA may remove limitations on places of service, provider types, and amounts of service **only** when those limitations are not federally mandated.

At this time, HCA does not [have] sufficient information to estimate what effect SPA 18-0032 could have on providers' aggregate expenses/payments. The rates for the affected services are not being changed. It is currently unknown whether the addition of provider types to furnish the services described above and any accompanying increased client usage will result in increased provider payments.

SPA 18-0032 is in the development process; therefore, a copy is not yet available for review. HCA would appreciate any input or concerns regarding this SPA. To request a copy when it becomes available, you may contact the agency in your county listed in the table or the person named below. To submit comments, please contact the person named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

Contact Rebecca Peters, Clinical Evaluation, P.O. Box 45506, phone 360-725-1194, fax 360-725-1966, email Rebecca.peters@hca.wa.gov.

County Contacts

Adams County

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

Asotin County

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

Benton County

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

Chelan County

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

Clallam County

Port Angeles Home and Community Services Office
235 West 1st Street
Port Angeles, WA 98362

Phone (360) 565-2160
Alt. Phone 1-800-280-9891
TTY (360) 417-5651
Fax (360) 417-1416

Clark County

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

Columbia County

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

Cowlitz County

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

Douglas County

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

Ferry County

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

Franklin County

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

Garfield County

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

Grant County

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

Grays Harbor County

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

Island County

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

Jefferson County

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

King County

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

Kitsap County

Bremerton Home and Community Services Office
4710 Auto Center Boulevard
Bremerton, WA 98312
Phone (360) 473-2299
Alt. Phone 1-800-422-7114
TTY (360) 478-4928
Fax (360) 478-6467

Kittitas County

Ellensburg Home and Community Services Office
100 East Jackson Avenue
Suite 100
Ellensburg, WA 98926
Phone (509) 925-0433
Alt. Phone 1-800-310-4999

Fax (509) 962-7755

Klickitat County

White Salmon Home and Community Services Office
221 North Main Street
White Salmon, WA 98672
Phone (509) 493-6157
Alt. Phone 1-800-504-1180

Lewis County

Chehalis Home and Community Services Office
3451 Galvin Road
Centralia, WA 98531
Phone (360) 807-7150
Alt. Phone 1-800-487-0360
Fax (360) 330-7552

Lincoln County

Lincoln County Health Department
90 Nicholls Street
Davenport, WA 99122
Phone (509) 725-1001

Mason County

Shelton Home and Community Services Office
2505 Olympic Highway North
Suite 440
Shelton, WA 98584
Phone (360) 664-9050
Alt. Phone 1-800-462-4957
Fax (360) 432-2045

Okanogan County

Omak Home and Community Services Office
130 South Main
Omak, WA 98841
Phone (509) 846-2103
Alt. Phone 1-888-437-0529
TTY (509) 826-7389
Fax (509) 826-7439

Pacific County

South Bend Home and Community Services Office
307 East Robert Bush Drive
P.O. Box 87
South Bend, WA 98586
Phone (360) 875-4222
Alt. Phone 1-800-458-3747
Fax (360) 875-0590

Pend Oreille County

Newport Home and Community Services Office
1600 West First Avenue
Newport, WA 99156
Phone (509) 447-6223
Alt. Phone 1-888-437-0516
Fax (509) 447-5256

Pierce County

Tacoma Home and Community Services Office
1949 South State Street
Tacoma, WA 98405
Phone (253) 476-7200
Alt. Phone 1-800-442-5129

TTY (253) 593-5471
Fax (253) 597-4161

San Juan County

San Juan County Health Services
145 Rhone Street
Friday Harbor, WA 98250
Phone (360) 378-4474
Fax (360) 378-7036

Skagit County

Mount Vernon Home and Community Services Office
900 East College Way
Suite 210
Mt. Vernon, WA 98273
Phone (360) 429-2961
Alt. Phone 1-866-608-0836
Fax (360) 416-7401

Skamania County

Stevenson Home and Community Services Office
266 S.W. Second Street
P.O. Box 817
Stevenson, WA 98648
Phone (509) 427-5611
Alt. Phone 1-800-505-4203
Fax (509) 427-4604

Snohomish County

Smokey Point Home and Community Services Office
3906 172nd Street N.E.
Suite 101
Arlington, WA 98223
Phone (360) 651-6800
Alt. Phone 1-800-827-2984
Fax (360) 651-6832

Spokane County

Spokane Home and Community Services Office
1330 North Washington Street
Suite 3000
Spokane, WA 99201
Phone (509) 568-3700
Alt. Phone 1-800-459-0421
TTY (509) 568-3697
Fax (509) 568-3771

Stevens County

Colville Home and Community Services Office
1100 South Main
Colville, WA 99114
Phone (509) 685-5644
Alt. Phone 1-800-437-0516
Fax (509) 684-7430

Thurston County

Tumwater Home and Community Services Office
6639 Capitol Boulevard S.W.
Tumwater, WA 98512
Phone (360) 664-9050
Alt. Phone 1-800-462-4957
TTY (360) 407-1678
Fax (360) 664-9107

Wahkiakum County

Health and Human Services
42 Elochoman Valley Road
Cathlamet, WA 98612
Phone (360) 795-8630
Alt. Phone 1-800-635-5989

Walla Walla County

Walla Walla Home and Community Services Office
206 West Poplar
Walla Walla, WA 99362
Phone (509) 524-4960
Alt. Phone 1-800-310-5678
Fax (509) 527-4142

Whatcom County

Bellingham Home and Community Services Office
600 Lakeway Drive
Bellingham, WA 98225
Phone (360) 756-5750
Alt. Phone 1-800-239-8292
Fax (360) 676-2239

Whitman County

Colfax Home and Community Services Office
418 South Main Street
Suite 3
Colfax, WA 99111
Phone (509) 397-5091
Alt. Phone 1-800-459-0421
Fax (509) 397-4323

Yakima County

Yakima Home and Community Services Office
1002 North 16th Avenue
Yakima, WA 98902
Phone (509) 225-4400
Alt. Phone 1-800-822-2097
Fax (509) 575-2286

WSR 18-17-038**NOTICE OF PUBLIC MEETINGS****COUNTY ROAD****ADMINISTRATION BOARD**

[Filed August 7, 2018, 2:05 p.m.]

MEETING NOTICE: October 25, 2018
County Road Administration Board
2404 Chandler Court S.W.
Suite 240
Olympia, WA 98502
1:00 to 5:00 p.m.
Possible executive session

MEETING NOTICE: October 26, 2018
 County Road Administration Board
 2404 Chandler Court S.W.
 Suite 240
 Olympia, WA 98502
 8:30 a.m. - noon
 Possible executive session

Zorica, Ivana A. Pardon (**expedited review**)
 Velasquez Morales, Jose Pardon (**expedited review**)

Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation, by contacting Karen Pendleton at 360-753-5989.

Hearing and speech impaired persons call 1-800-833-6384.

For questions, please call 360-753-5989.

WSR 18-17-039
CLEMENCY AND PARDONS BOARD

[Filed August 8, 2018, 9:56 a.m.]

Notice of Quarterly Hearings

The Washington state clemency and pardons board hereby gives notice of its quarterly hearings scheduled for **September 13 and 14, 2018, at 9:00 a.m.**, at the location listed by the date of the hearing¹. The following petitions will be considered by the board²:

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

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

September 13, 2018: Department of Corrections South East Regional Business Office, 1415 West Pine Street, Room 5, **Walla Walla, WA 99362.**

Petitioner:	Relief Requested:
Brem, Laura Michelle	Pardon
Angehrn, Frank Albert	Commutation (PA input & vote only) (carried over)
Alexander, Harry Dale	Commutation (PA input & vote only) (carried over)
Alzheimer, Andrea Melisande	Commutation
Bachmeier, Mathias John	Commutation
Steward, Edward Allen	Commutation

September 14, 2018: Coyote Ridge Corrections Center, 1301 Ephrata Avenue, **Connell, WA 99326.**

Petitioner:	Relief Requested:
Robbins, Silas J.	Commutation
Levy, Percy	Commutation
Hall, Jeffery Lynn	Pardon

WSR 18-17-040
NOTICE OF PUBLIC MEETINGS
CENTRAL WASHINGTON UNIVERSITY

[Filed August 8, 2018, 10:46 a.m.]

The university's board of trustees meetings for the next academic year are listed below.

Regular meetings of the Central Washington University board of trustees will be held at 9:00 a.m. in Barge Hall, Room 412, on the Central Washington University Ellensburg campus, except where noted, on the following dates:

- September 28, 2018 (telephonic meeting)
- October 21 and 22, 2018
- February 21 and 22, 2019 (tentatively scheduled at CWU Sammamish)
- May 16 and 17, 2019
- July 25 and 26, 2019 (annual planning retreat)

WSR 18-17-044
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
ASIAN PACIFIC AMERICAN AFFAIRS

[Filed August 8, 2018, 11:40 a.m.]

The Washington state commission on Asian Pacific American affairs will convene a regular meeting on September 29, 2018, at 11:00 a.m. - 3:00 p.m., at Gonzaga [Gonzaga] University School of Law, 721 North Cincinnati Street, Spokane, WA 99202.

If you need further information contact Sam Le, 210 11th Avenue S.W., Suite 301A, Olympia, WA 98504, 360-725-5667, sam.le@capaa.wa.gov, www.capaa.wa.gov.

WSR 18-17-054

AGENDA

DEPARTMENT OF REVENUE

[Filed August 9, 2018, 8:28 a.m.]

**Semi-Annual Rule-Making Agenda
(July 1 - December 31, 2018)**

Following is the department of revenue's (department) semi-annual rule-making agenda for publication in the Washington State Register. This list identifies rules the department is currently working on and rules the department anticipates working on during the next six months.

The department's rule-making agenda is also available on its web site. The information on this site is continually updated as the department files rule-making notices, or as it otherwise adds or deletes rules that it anticipates some action over the next six months. This includes rules that are added or deleted as a result of resource allocation, legislation, court decisions, or changes in rule-making priorities.

Rule Number and Title	Rule Drafter	Preproposal (CR-101)	Proposal (CR-102 or CR-105)	Adoption (CR-103)	Reason for Anticipated Changes
WAC 458-16-266 Homeownership development	Leslie Mullin	Anticipate CR-101 and public meeting in the third quarter of 2018	Anticipate CR-102 and public hearing in the fourth quarter of 2018	Anticipate adoption in the first quarter of 2019	Recognize 2018 legislation
WAC 458-61A-XXX Developmentally disabled persons—Housing—Transfers and improvements	Brenton Madison	Anticipate CR-101 and public meeting in the third quarter of 2018	Anticipate CR-102 and public hearing in the fourth quarter of 2018	Anticipate adoption in the first quarter of 2019	New rule to recognize 2018 legislation
WAC 458-14-127 Reopened boards—Authority	Leslie Mullin	CR-101 filed 12/6/2017 WSR 17-24-126	CR-102 filed 4/3/2018 WSR 18-08-077 Anticipate filing second CR-102 and conducting additional public hearing in the third quarter of 2018	Anticipate adoption in the fourth quarter of 2018	General updates and to recognize 2015 and 2016 legislation
WAC 458-16-210 Nonprofit organizations or associations organized and conducted for nonsectarian purposes	Leslie Mullin	CR-101 filed 11/1/2017 WSR 17-22-127	CR-102 filed 4/26/2018 WSR 18-10-051 Anticipate filing second CR-102 and conducting additional public hearing in the third quarter of 2018	Anticipate adoption in the fourth quarter of 2018	General updates
WAC 458-16-260 Nonprofit child day care centers, libraries, orphanages, homes for sick or infirm, hospitals, outpatient dialysis facilities	Leslie Mullin	CR-101 filed 11/1/2017 WSR 17-22-127	CR-102 filed 4/26/2018 WSR 18-10-051 Anticipate filing second CR-102 and conducting additional public hearing in the third quarter of 2018	Anticipate adoption in the fourth quarter of 2018	General updates
WAC 458-16-XXX Exemption for multipurpose senior citizen centers	Leslie Mullin	Anticipate CR-101 and public meeting in the third quarter of 2018	Anticipate CR-102 and public hearing in the fourth quarter of 2018	Anticipate adoption in the first quarter of 2019	New rule to recognize 2017 legislation
WAC 458-19-045 Levy limit—Removal of limit (lid lift)	Leslie Mullin	N/A - Anticipate CR-105	Anticipate CR-105 in the third quarter of 2018	Anticipate adoption in the fourth quarter of 2018.	Recognize 2018 legislation
WAC 458-19-085 Refunds—Procedures—Applicable limits	Leslie Mullin	Anticipate CR-101 in the third quarter of 2018	Anticipate CR-102 in the fourth quarter of 2018	Anticipate adoption in the first quarter of 2019	Recognize 2017 and 2018 legislation
WAC 458-19-090 Fire protection district formation—Cities and towns	Leslie Mullin	CR-101 filed 3/19/2018 WSR 18-07-072	CR-102 filed 5/22/2018 WSR 18-11-111	Anticipate adoption in the fourth quarter of 2018	Recognize 2017 legislation
WAC 458-19-550 State levy—Apportionment between cities	Leslie Mullin	Anticipate CR-101 in the third quarter of 2018	Anticipate CR-102 in the fourth quarter of 2018	Anticipate adoption in the first quarter of 2019	Recognize 2017 and 2018 legislation

Rule Number and Title	Rule Drafter	Preproposal (CR-101)	Proposal (CR-102 or CR-105)	Adoption (CR-103)	Reason for Anticipated Changes
WAC 458-20-166 Hotels, motels, boarding houses, rooming houses, resorts, hostels, trailer camps, and similar lodging businesses	Tim Danforth	Anticipate CR-101 and public meeting in the fourth quarter of 2018	Anticipate CR-102 and public hearing in the first quarter of 2019	Anticipate adoption in the second quarter of 2019	Recognize 2018 legislation
WAC 458-20-136 Manufacturing, processing for hire, fabricating	Matthew Largent	Anticipate CR-101 and public meeting in the fourth quarter of 2018	Anticipate CR-102 and public hearing in the first quarter of 2019	Anticipate adoption in the second quarter of 2019	General updates
WAC 458-20-13601 Manufacturers and processors for hire—Sales and use tax exemptions for machinery and equipment	Rex Munger	CR-101 filed 4/4/2017 WSR 17-08-077	CR-102 filed 5/19/2017 WSR 17-11-090 Anticipate second CR-102 filing and additional public hearing in the fourth quarter of 2018	Anticipate adoption in the second quarter of 2019	General updates
WAC 458-20-252 Hazardous substance tax	Darius Massoudi	CR-101 filed 4/25/2015 WSR 18-10-038	CR-102 filed 7/13/2018 WSR 18-15-023 public hearing 9/12/2018 at 10:00 a.m.	Anticipate adoption in the fourth quarter of 2018	General updates
WAC 458-20-15503 Digital products	Aaron Deggs	CR-101 filed 2/6/2018 WSR 18-04-093	Anticipate CR-102 and public hearing in the fourth quarter of 2018	Anticipate adoption in the second quarter of 2019	General updates
WAC 458-20-179 Public utility tax	Rex Munger	N/A - Anticipate CR-105	Anticipate CR-105 in the third quarter of 2018	Anticipate adoption in the fourth quarter of 2018	Recognize 2018 legislation
WAC 458-20-18301 Athletic and fitness facilities	Leslie Mullin	Anticipate CR-101 and public meeting in fourth quarter of 2018	Anticipate CR-102 and public hearing in the first quarter of 2019	Anticipate adoption in the second quarter of 2019	New rule to recognize 2015 and 2017 legislation
WAC 458-20-19402 Single factor receipts apportionment—Generally	Wan Chen	CR-101 filed 7/31/2017 WSR 17-16-113 Anticipate second public meeting in the fourth quarter of 2018	Anticipate CR-102 and public hearing in the second quarter of 2019	Anticipate adoption in the third quarter of 2019	General updates
WAC 458-20-210 Sales of tangible personal property for farming—Sales of agricultural products by farmers	Jay Jetter	N/A - Anticipate CR-105	Anticipate CR-105 in the fourth quarter of 2018.	Anticipate adoption in the fourth quarter of 2018	Recognize 2018 legislation
WAC 458-29A-400 Leasehold excise tax exemptions	Jay Jetter	N/A - Anticipate CR-105	Anticipate CR-105 in the fourth quarter of 2018.	Anticipate adoption in the fourth quarter of 2018	Recognize 2018 legislation
WAC 458-20-244 Food and food ingredients	Sam Thompson	N/A - Anticipate CR-105	Anticipate CR-105 in the fourth quarter of 2018.	Anticipate adoption in the first quarter of 2019	Recognize 2017 legislation
WAC 458-20-263 Exemptions from retail sales and use taxes for qualifying electric generating and thermal heat producing systems using renewable energy sources	Jay Jetter	N/A - Anticipate CR-105	Anticipate CR-105 in the fourth quarter of 2018	Anticipate adoption in the first quarter of 2019	Recognize 2017 and 2018 legislation
WAC 458-20-273 Renewable energy system cost recovery	Jay Jetter	N/A - Anticipate CR-105	Anticipate CR-105 in the fourth quarter of 2018	Anticipate adoption in the first quarter of 2019	Recognize 2017 and 2018 legislation
WAC 458-20-279 Clean alternative fuel vehicles and high gas mileage vehicles	Rex Munger	Anticipate CR-101 and public meeting in the fourth quarter of 2018	Anticipate CR-102 and public hearing in the first quarter of 2019	Anticipate adoption in the second quarter of 2019	Recognize 2015 and 2016 legislation

Rule Number and Title	Rule Drafter	Preproposal (CR-101)	Proposal (CR-102 or CR-105)	Adoption (CR-103)	Reason for Anticipated Changes
WAC 458-20-XXX Market-place fairness collecting and reporting	Adam Wolfson	CR-101 filed 1/18/2018 WSR 18-03-126	Anticipate CR-102 and public hearing in the fourth quarter of 2018	Anticipate adoption in the first quarter of 2019	New rule to recognize 2017 legislation
WAC 458-57-135 Washington estate tax return to be filed—Penalty for late filing—Interest on late payments—Waiver or cancellation of penalty—Application of payment	Sam Thompson	Anticipate CR-101 and public meeting in the fourth quarter of 2018	Anticipate CR-102 in the first quarter of 2019	Anticipate adoption in the second quarter of 2019	Recognize 2017 legislation and general updates
WAC 458-12-055 Taxable situs—Real property	Leslie Mullin	N/A - Anticipate CR-105	CR-105 filed 7/12/2018 WSR 18-15-022	Anticipate adoption in the fourth quarter of 2018	Recognize 2018 legislation
WAC 458-16A-140 Emergency medical service levy	Leslie Mullin	N/A - Anticipate CR-105	Anticipate CR-105 in the third quarter of 2018	Anticipate adoption in the fourth quarter of 2018	Recognize 2018 legislation
WAC 458-12-360 Notice of change in value of real property	Leslie Mullin	N/A - Anticipate CR-105	Anticipate CR-105 in the third quarter of 2018	Anticipate adoption in the fourth quarter of 2018	Recognize 2017 legislation
WAC 458-61A-XXX Low income housing	Rex Munger	N/A - Anticipate CR-105	Anticipate CR-105 in the third quarter of 2018	Anticipate adoption in the fourth quarter of 2018	Recognize 2018 legislation
WAC 458-20-260 Oil spill response and administration tax	Rex Munger	N/A - Anticipate CR-105	CR-105 filed 7/18/2018 WSR 18-15-082	Anticipate adoption in the fourth quarter of 2018	Recognize 2018 legislation
WAC 458-16A-130 Senior citizen, disabled person, and one hundred percent disabled veteran exemption—Qualifications for exemption	Leslie Mullin	N/A - Anticipate CR-105	Anticipate CR-105 in the third quarter of 2018	Anticipate adoption in the fourth quarter of 2018	Recognize 2011 legislation
WAC 458-16A-140 Senior citizen, disabled person, and one hundred percent disabled veteran exemption—Exemption described—Exemption granted—Exemption denied—Freezing property values	Leslie Mullin	N/A - Anticipate CR-105	Anticipate CR-105 in the third quarter of 2018	Anticipate adoption in the fourth quarter of 2018	Recognize 2018 legislation
WAC 458-14-056 Petitions—Time limits—Waiver of filing deadline for good cause	Leslie Mullin	N/A - Anticipate CR-105	Anticipate CR-105 in the third quarter of 2018	Anticipate adoption in the fourth quarter of 2018	Recognize 2018 legislation
WAC 458-14-066 Requests for valuation information—Duty to exchange documentary information—Time limits	Leslie Mullin	N/A - Anticipate CR-105	Anticipate CR-105 in the third quarter of 2018	Anticipate adoption in the fourth quarter of 2018	Recognize 2018 legislation
WAC 458-14-076 Hearings on petitions—Withdrawal	Leslie Mullin	N/A - Anticipate CR-105	Anticipate CR-105 in the third quarter of 2018	Anticipate adoption in the fourth quarter of 2018	Recognize 2018 legislation
WAC 458-40-610 Timber excise tax—Definitions	Brenton Madison	Anticipate filing second CR-101 and public meeting in third quarter 2018	Anticipate CR-102 and public hearing in the fourth quarter of 2018	Will adopt rule effective January 1, 2019	General updates
WAC 458-40-640 Timber excise tax—Stumpage value area (map)	Brenton Madison	Anticipate filing second CR-101 and public meeting in third quarter 2018	Anticipate CR-102 and public hearing in the fourth quarter of 2018	Will adopt rule effective January 1, 2019	General updates

Rule Number and Title	Rule Drafter	Preproposal (CR-101)	Proposal (CR-102 or CR-105)	Adoption (CR-103)	Reason for Anticipated Changes
WAC 458-40-680 Volume harvested—Approved scaling and grading methods—Sample scaling—Conversions	Brenton Madison	Anticipate filing second CR-101 and public meeting in third quarter 2018	Anticipate CR-102 and public hearing in the fourth quarter of 2018	Will adopt rule effective January 1, 2019	General updates

Rules Requiring Periodic Updates

Rule Number and Title	Rule Drafter	Preproposal (CR-101)	Proposal (CR-102 or CR-105)	Adoption (CR-103)	Reason for Anticipated Changes
WAC 458-40-660 Timber excise tax—Stumpage value tables—Stumpage value adjustments	Brenton Madison	Anticipate CR-101 and public meeting in third quarter 2018	Anticipate CR-102 and public hearing in the fourth quarter of 2018	Will adopt rule effective January 1, 2019	Semi-annual updates that are effective January 1 and July 1 of each year
WAC 458-40-540 Timber excise tax—Forest land values	Brenton Madison	Anticipate CR-101 and public meeting in third quarter 2018	Anticipate CR-102 and public hearing in the fourth quarter of 2018	Will adopt rule effective January 1, 2019	Annual updates that are effective January 1 of each year

WSR 18-17-067

**NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY**

[Filed August 9, 2018, 10:16 p.m.]

Following is the schedule of regular meetings for the Washington State University, Associated Students of Washington State University Tri-Cities general senate meetings for 2018:

Date	Time	Location
August 15, 2018	8:00-9:00 a.m.	Student Union Building 120N
August 22, 2018	8:00-9:00 a.m.	Student Union Building 120N
August 29, 2018	8:00-9:00 a.m.	Student Union Building 120N
September 5, 2018	8:00-9:00 a.m.	Student Union Building 120N
September 12, 2018	8:00-9:00 a.m.	Student Union Building 120N
September 19, 2018	8:00-9:00 a.m.	Student Union Building 120N
September 26, 2018	8:00-9:00 a.m.	Student Union Building 120N
October 3, 2018	8:00-9:00 a.m.	Student Union Building 120N
October 10, 2018	8:00-9:00 a.m.	Student Union Building 120N
October 17, 2018	8:00-9:00 a.m.	Student Union Building 120N
October 24, 2018	8:00-9:00 a.m.	Student Union Building 120N
October 31, 2018	8:00-9:00 a.m.	Student Union Building 120N

Date	Time	Location
November 7, 2018	8:00-9:00 a.m.	Student Union Building 120N
November 14, 2018	8:00-9:00 a.m.	Student Union Building 120N
November 28, 2018	8:00-9:00 a.m.	Student Union Building 120N
December 5, 2018	8:00-9:00 a.m.	Student Union Building 120N

If you need further information contact Zachary Harper, 2710 Crimson Way, 509-372-7127, zachary.harper@wsu.edu.

WSR 18-17-068

**NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE**

[Filed August 10, 2018, 8:18 a.m.]

Following are the 2018-2019 regular meetings of the board of trustees of South Puget Sound Community College, District 24:

Tuesday, September 11, 2018	2:30 p.m.
Tuesday, October 9, 2018	2:30 p.m.
Tuesday, November 13, 2018	2:30 p.m.
Tuesday, December 11, 2018	2:30 p.m.
Tuesday, January 8, 2019	2:30 p.m.
Tuesday, February 12, 2019	2:30 p.m.
Tuesday, March 12, 2019	2:30 p.m.
Tuesday, April 9, 2019	2:30 p.m.

Tuesday, May 14, 2019 2:30 p.m.
 Tuesday, June 11, 2019 2:30 p.m.

If you have any questions, please contact Diana Toledo at 360-596-5206.

WSR 18-17-069
NOTICE OF PUBLIC MEETINGS
BIG BEND
COMMUNITY COLLEGE
 [Filed August 10, 2018, 9:17 a.m.]

The board of trustees for Big Bend Community College, District No. 18, has rescheduled the meeting from Thursday, October 4, 2018, at 1:30 p.m. to Monday, October 15, 2018, beginning at 10:00 a.m.

WSR 18-17-075
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
 (School Employees Benefits Board)
 [Filed August 13, 2018, 8:07 a.m.]

2019 Meeting Schedule

The school employees benefits board meetings will be held at the Health Care Authority, Sue Crystal Center, Rooms A and B, 626 8th Avenue S.E., Olympia, WA 98501.

January 24, 2019 9:00 a.m. - 5:00 p.m.
 March 7, 2019 9:00 a.m. - 5:00 p.m.
 April 10, 2019 1:00 p.m. - 5:00 p.m.
 May 16, 2019 9:00 a.m. - 5:00 p.m.
 June 12, 2019 9:00 a.m. - 5:00 p.m.
 July 18, 2019 9:00 a.m. - 5:00 p.m.
 July 25, 2019 9:00 a.m. - 5:00 p.m.
 August 1, 2019 9:00 a.m. - 5:00 p.m.
 August 22, 2019 9:00 a.m. - 5:00 p.m.

If you are a person with a disability and need a special accommodation, please contact Connie Bergener at 360-725-0856.

WSR 18-17-076
NOTICE OF PUBLIC MEETINGS
HEALTH CARE AUTHORITY
 (Public Employees Benefits Board)
 [Filed August 13, 2018, 8:07 a.m.]

2019 Meeting Schedule

The public employees benefits board meetings will be held at the Health Care Authority, Sue Crystal Center, Rooms

A and B, 626 8th Avenue S.E., Olympia, WA 98501. The meetings begin at 1:30 p.m., unless otherwise noted below.

January 31, 2019 9:00 a.m. - 5:00 p.m.
 (board retreat)
 March 20, 2019
 April 24, 2019
 May 21, 2019
 June 5, 2019
 June 19, 2019
 July 10, 2019
 July 17, 2019
 July 24, 2019

If you are a person with a disability and need a special accommodation, please contact Connie Bergener at 360-725-0856.

WSR 18-17-082
NOTICE OF PUBLIC MEETINGS
EVERETT COMMUNITY COLLEGE
 [Filed August 13, 2018, 4:56 p.m.]

The Everett Community College board of trustees will hold a board only retreat on Tuesday, September 11, 2018, 5-8 p.m., at the Inn at Port Gardner. No action will be taken.

WSR 18-17-084
PUBLIC RECORDS OFFICER
WASHINGTON STATE
SCHOOL DIRECTORS' ASSOCIATION
 [Filed August 14, 2018, 8:35 a.m.]

Pursuant to RCW 42.56.580, the public records officer for the Washington State School Directors' Association is Josh Collette, 221 College Street N.E., Olympia, WA 98516, phone 360-252-3012, fax 360-252-3022, email J.Collette@wssda.org.

Tim Garchow
 Executive Director

WSR 18-17-090
NOTICE OF PUBLIC MEETINGS
DAIRY PRODUCTS COMMISSION
 [Filed August 14, 2018, 12:00 p.m.]

2018 Meeting Schedule Revision

September 18, 2018 Regular Commission Meeting 1:00 p.m.
 Novelty Hill Winery
 14710 Woodinville
 Redmond Road N.E.
 Woodinville, WA 98072

November 13, 2018 Cancelled
 December 9, 2018 Regular Commission Meeting 8:30 a.m.
 Great Wolf Lodge
 20500 Old Highway 99 S.W.
 Centralia, WA 98531

October 22, 2019 9 a.m. to 1 p.m. John A. Cherberg Building
 Conference Room ABC
 Olympia, Washington

The meeting location, agenda and other information will be available seven business days prior to each meeting at <https://www.atg.wa.gov/sunshine-committee>. The public is welcome to visit this web site to join the sunshine committee listserv to receive notices about when agendas are posted to the web site.

Please feel free to contact Elaine Ganga, phone 360-753-9672, email elaineg@atg.wa.gov, with any questions.

WSR 18-17-106
NOTICE OF PUBLIC MEETINGS
CLARK COLLEGE
 [Filed August 15, 2018, 4:40 p.m.]

AMENDED NOTICE

Pursuant to RCW 42.30.075, this is the board of trustees meeting schedule for Clark College for the year 2018.

The board of trustees of Clark College will hold its general meetings on the fourth Wednesday of the month at 5:00 p.m. except as otherwise noted (March, June, November, and December will be held off schedule). All meetings are held at Clark College in the Ellis Dunn Community Room GH1 213 in Gaiser Hall.

Meeting Dates/Times	Changes
August 24, 2018 Special meeting	In accordance with the Open Public Meetings Act, Clark College announces that its board of trustees will hold a special meeting to hear presentations about accreditation, the bachelors in applied science approval process, a guided pathways update, and conduct a board self-evaluation. They will also convene an executive session to evaluate the performance of the president. The meeting will be held from 9:00 a.m. - 3:00 p.m. in Room 430 at the Columbia Tech Center Campus, 18700 S.E. Mill Plain Boulevard, Vancouver. No final action will be taken.

WSR 18-17-110
NOTICE OF PUBLIC MEETINGS
ATTORNEY GENERAL'S OFFICE
 (Public Records Exemptions Accountability)
 [Filed August 16, 2018, 2:46 p.m.]

The 2019 regular meeting schedule for the public records exemptions accountability committee (sunshine committee) is as follows:

February 26, 2019 9 a.m. to 1 p.m. John A. Cherberg Building
 Conference Room ABC
 Olympia, Washington
 May 14, 2019 9 a.m. to 1 p.m. John A. Cherberg Building
 Conference Room ABC
 Olympia, Washington
 August 20, 2019 9 a.m. to 1 p.m. John A. Cherberg Building
 Conference Room ABC
 Olympia, Washington

WSR 18-17-138
NOTICE OF PUBLIC MEETINGS
PARKS AND RECREATION
COMMISSION
 [Filed August 20, 2018, 11:55 a.m.]

As required by RCW 42.30.075, Open Public Meetings Act, the following schedule is submitted for publishing in the Washington State Register. The agency is still in the process of finding physical locations to hold the commission meetings. Please contact Becki Ellison, executive assistant to the director and commission, 360-902-8502 or becki.ellison@parks.wa.gov to obtain the address.

The Washington state parks and recreation commission has adopted the following 2019 regular meeting schedule and locations.

Date(s)	Meeting Location
January 23, 24	Tacoma area
March 20, 21	Olympia Work Session: Tolmie State Park 7730 61st Avenue N.E. Olympia, WA 98506 Commission Meeting: ELUHO Hearing Room 1111 Israel Road S.W. Olympia, WA 98504
May 15, 16	Klickitat Klickitat Community Center 92 Main Street Klickitat, WA 98628
July 17, 18	Anacortes/Burlington area
September 18, 19	Tri-Cities
November 20, 21	Wenatchee
December 4, 5	Hotel Interurban 223 Andover Park East Tukwila, WA 98188 8 a.m. December 4 to noon December 5 No requested actions/reports/awards/etc

Regular meetings run from 9 a.m. to 5 p.m. and include an opportunity for public comment. The December meeting is specifically for planning 2020 agenda. Staff will not present to the commission any requested actions or reports.

The commission typically meets in a work session from 9 a.m. to 5:00 p.m. the day prior to the regular meeting in the same location or at a location near the regular meeting location. Work sessions are educational sessions on park operations and issues that eventually may go before the commission.

The commission may also tour area sites or parks the day before or following the regular meeting. No public comment and/or formal action are taken at work sessions and tours. The commission chair may call special meetings at any time; all special meetings are announced in advance.

The public is welcome to attend all state park and recreation commission meetings. Meeting sites will be barrier free to the greatest extent feasible. The commission will provide Braille or taped agenda items for the visually impaired and interpreters for those with hearing impairments if a request is received at the appropriate address shown above at least ten working days in advance of the scheduled meeting date.

Agendas are posted on the agency web site at least one week in advance of meetings, and commission action posted, <http://parks.state.wa.us>.

WSR 18-17-139

**NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY**

[Filed August 20, 2018, 1:36 p.m.]

Following is the schedule of regular meetings for the Washington State University, associated students of Washington State University Tri-Cities finance committee meetings for 2018:

Date	Time	Location
August 22, 2018	9:00-10:00 a.m.	Student Union Building 120N
August 29, 2018	9:00-10:00 a.m.	Student Union Building 120N
September 5, 2018	9:00-10:00 a.m.	Student Union Building 120N
September 12, 2018	9:00-10:00 a.m.	Student Union Building 120N
September 19, 2018	9:00-10:00 a.m.	Student Union Building 120N
September 26, 2018	9:00-10:00 a.m.	Student Union Building 120N
October 3, 2018	9:00-10:00 a.m.	Student Union Building 120N
October 10, 2018	9:00-10:00 a.m.	Student Union Building 120N
October 17, 2018	9:00-10:00 a.m.	Student Union Building 120N
October 24, 2018	9:00-10:00 a.m.	Student Union Building 120N

Date	Time	Location
October 31, 2018	9:00-10:00 a.m.	Student Union Building 120N
November 7, 2018	9:00-10:00 a.m.	Student Union Building 120N
November 14, 2018	9:00-10:00 a.m.	Student Union Building 120N
November 28, 2018	9:00-10:00 a.m.	Student Union Building 120N
December 5, 2018	9:00-10:00 a.m.	Student Union Building 120N

If you need further information contact Zachary Harper, 2710 Crimson Way, 509-372-7127, zachary.harper@wsu.edu.

WSR 18-17-158

ATTORNEY GENERAL'S OFFICE

[Filed August 21, 2018, 12:33 p.m.]

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

The Washington attorney general routinely publishes notice of an opportunity to comment for opinion requests that we receive from the heads of state agencies, state legislators, and county prosecuting attorneys if we anticipate publishing a formal opinion in response to the request. We do so in order to provide members of the public with a chance to provide any legal analysis that they would like us to consider as we develop our opinion. In preparing any comments, please be aware that our opinion will provide our considered legal analysis of the question presented, and therefore comments that address the interpretation of the law are more helpful than comments that express an opinion as to what the law should be.

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 September 12, 2018. This is not the due date by which comments must be received, and we will consider any comments we receive before we complete our opinion. 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 email to OpinionComments@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 email, you may visit the attorney general's web site at <http://www.atg.wa.gov/ago%E2%80%99>

Opinions 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. 18-08-01
Request by Representative Tina Orwall

QUESTION(S):

1. If a city adopts by reference the state statutes defining misdemeanor crimes instead of enacting its own municipal code, does that act unconstitutionally delegate the city's legislative authority?

2. Is the Washington State Patrol obligated or authorized to accept and test DNA samples taken from individuals convicted of municipal misdemeanors that are equivalent to the state law misdemeanors listed in RCW 43.43.754 (1)(a), but are adopted in the form of independent municipal ordinances?

3. Do municipal offenses constitute prior offenses for purposes of felony prosecution (a) in all cases, (b) only if adopted by "incorporation by reference," or (c) in no cases?

4. Can a municipal sex offense that is equivalent to misdemeanor sex offenses under state statute can be treated as a sex offense for purposes of RCW 9A.44.130 (1)(a) either (a) in all cases, (b) only if adopted by "incorporation by reference," or (c) in no cases?

5. Should convictions for equivalent crimes, whether state, separately-codified municipal, or "incorporated by reference," be identified the same way or differently on criminal histories?

WSR 18-17-161
NOTICE OF PUBLIC MEETINGS
YAKIMA VALLEY COLLEGE

[Filed August 21, 2018, 2:45 p.m.]

Following is the schedule of regular meetings for Yakima Valley College (YVC) for 2018-2019:

Date	Time	Location
2018		
July 12, 2018	4:30 p.m.	King Room HUB Yakima Campus CANCELLED
August 9, 2018	4:30 p.m.	King Room HUB Yakima Campus CANCELLED
September 13, 2018	4:30 p.m.	King Room HUB Yakima Campus
October 11, 2018	4:30 p.m.	King Room HUB Yakima Campus

Date	Time	Location
November 5, 2018	4:30 p.m.	King Room HUB Yakima Campus DATE Change
December 13, 2018	4:30 p.m.	King Room HUB Yakima Campus CANCELLED
2019		
January 10, 2019	4:30 p.m.	King Room HUB Yakima Campus
February 6, 2019	4:30 p.m.	King Room HUB Yakima Campus
March 14, 2019	4:30 p.m.	King Room HUB Yakima Campus
April 11, 2019	4:30 p.m.	Library Meeting Room Grandview Campus
May 9, 2019	4:30 p.m.	King Room HUB Yakima Campus
June 13, 2019	4:30 p.m.	King Room HUB Yakima Campus
July 11, 2019	4:30 p.m.	King Room HUB Yakima Campus CANCELLED
August 8, 2019	4:30 p.m.	King Room HUB Yakima Campus CANCELLED
September 12, 2019	4:30 p.m.	King Room HUB Yakima Campus
October 10, 2019	4:30 p.m.	King Room HUB Yakima Campus
November 6, 2019	4:30 p.m.	King Room HUB Yakima Campus
December 12, 2019	4:30 p.m.	King Room HUB Yakima Campus CANCELLED

The Yakima Campus is located at South 16th Avenue and Nob Hill Boulevard in the city of Yakima, Washington. The Grandview Campus is at 500 West Main Street in Grandview, Washington.

If you need further information, contact the President's Office, YVC, P.O. Box 22520, Yakima, WA 98907, 509-574-4635.

WSR 18-17-162
INTERPRETIVE AND POLICY STATEMENT
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed August 21, 2018, 2:47 p.m.]

Under RCW 34.05.230, following is one policy and interpretive statement amended by the department of labor and industries field services and public safety division.

If you have any questions or need additional information, please contact Maggie Leland, rules coordinator at 360-902-4504.

Title: Policy 07-16-104A - *Renewal Extension for Temporary Elevator Mechanic License (Category 09)*.

Date Issued: January 1, 2015, updated July 1, 2018.

Description: This policy, originally adopted in January 2015 and last amended in July 2017, extends the renewal of temporary elevator mechanic licenses (category 09) up to six licenses in six consecutive months due to an abnormally high rate of construction. Applicants and elevator contractors must meet the licensing requirements specified in policy to qualify for renewal extension for a temporary elevator mechanic license. This renewal extension remains in effect from July 1, 2018, to December 31, 2018, or until rescinded, modified, or withdrawn by the director or his or her designee.

Contact Dotty Stanlaske, Elevator Chief, P.O. Box 44480, Olympia, WA 98504-4480, 360-902-6456, Dotty.Stanlaske@Lni.wa.gov.

Maggie A. Leland
Rules Coordinator