

WSR 20-14-001
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 20-112—Filed June 17, 2020, 12:18 p.m., effective June 20, 2020]

Effective Date of Rule: June 20, 2020.

Purpose: This rule is needed to open recreational shrimp fisheries in Marine Area 4 East of the Bonilla-Tatoosh Line, effective June 20, 2020. Typically, these fisheries open in May each year. Due to the COVID-19 situation, all recreational fisheries have been closed in Marine Area 4 since March 25, 2020. This rule is consistent with the Governor's Proclamation amendment 20-25.2 for partial reopening of outdoor recreational activities and Clallam County entering Phase 2 of the governor's reopening plan on June 1. Marine Area 4 fisheries are scheduled to reopen per permanent rules beginning June 20, 2020, per WSR 20-13-068. This rule is also consistent with 2020 State/Tribal Shrimp Harvest Management Plan.

Citation of Rules Affected by this Order: Repealing WAC 220-330-07000W; and amending WAC 220-330-070.

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

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

Reasons for this Finding: This rule is needed to reopen recreational shrimp opportunities in Marine Area 4 East of the Bonilla-Tatoosh Line, effective June 20, 2020, pursuant to the Governor's Proclamation amendment 20-25.2, issued April 27, 2020, indicating that recreational activities including fishing may resume, when and where permitted. In addition, these openings have been coordinated with local and state health officials.

The governor's proclamation amendment also includes requirements to exclude gatherings with people who are not members of the same household and maintain social distancing for the continued protection of public health and safety. The fishery openings considered that requirement as a basis for the decision to reopen fisheries, but do not incorporate those social distance elements within the regulations themselves. While not imposed in the Washington department of fish and wildlife's (WDFW) fishery rules, they are and remain, a requirement of the governor's proclamation. Failure to abide by those social distance requirements could result in increased health risks requiring future fishery closures.

This regulation is needed to ensure an orderly fishery, manage the fishery within court-ordered sharing requirements, and meet conservation objectives. Harvestable amounts of spot shrimp are available, but recreational shares will only support a limited number of open days in the Marine Areas listed in this section. In addition, this emergency regulation opens the Marine Area 4 East of the Bonilla-Tatoosh Line, 5, 6 and 7 seasons one hour before sunrise to one hour after sunset, which is the default daily start time and times for those areas. Marine Area 13 will remain closed for spot shrimp for conservation reasons.

Additionally, it is WDFW's understanding that the Makah tribal reservation, which includes the port of Neah Bay, remains closed to nontribal members. Therefore, while Marine Area 4, both east and west of the Bonilla-Tatoosh Line, is reopening under this emergency rule, anglers will need to access Area 4 from Marine Areas 3 or 5.

There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: June 17, 2020.

Kelly Susewind
Director

NEW SECTION

WAC 220-330-07000X Shrimp—Areas and seasons.

Effective June 20, 2020 until further notice or until this rule expires on October 15, 2020, the provisions of WAC 220-330-070 regarding Puget Sound recreational shrimp seasons, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 4 (east of the Bonilla-Tatoosh line), 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, 13 and the Discovery Bay Shrimp District, except as provided for in this section:

(1) Marine Area 4: Open June 20 until further notice for all shrimp species.

(2) Marine Area 5: Open immediately until further notice for all shrimp species.

(3) Marine Area 7 South: Open June 26, 28, and 30 for all shrimp species.

(4) Marine Area 7 East:

(a) Open June 26, 28, and 30 for all shrimp species.

(b) Open July 1 until further notice to harvest of all shrimp species except spot shrimp, with a 200-foot maximum fishing depth restriction. All spot shrimp caught from July 1 onward must be immediately returned to the water unharmed. It is unlawful to set or pull shrimp gear in waters greater than 200 feet deep.

(5) Marine Areas 6 (excluding the Discovery Bay Shrimp District) and 7 West: Effective immediately until further notice, open Thursdays through Sunday each week for all shrimp species until quota is attained.

(6) Marine Areas 8-1 and 8-2: Open immediately until further notice to harvest of all shrimp species except spot shrimp, with a 150-foot maximum fishing depth restriction. All spot shrimp caught from June 16 onward must be imme-

diately returned to the water unharmed. It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

(7) Marine Area 9: Open immediately until further notice to harvest of all shrimp species except spot shrimp with a 150-foot maximum fishing depth restriction. All spot shrimp must be immediately returned to the water unharmed. It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

(8) Marine Area 11: Open immediately until further notice to harvest of all shrimp species except spot shrimp, with a 150-foot maximum fishing depth restriction. All spot shrimp must be immediately returned to the water unharmed. It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

(9) Marine Area 12: Open June 26, 28 and July 15, 28 from 9:00 a.m. through 1:00 p.m. for all shrimp.

(10) Discovery Bay Shrimp District: Open June 28 from 7:00 a.m. through 3:00 p.m. for all shrimp.

(11) Marine Area 13: Open immediately until further notice to harvest of all species except spot shrimp with a 200-foot maximum fishing depth restriction. All spot shrimp caught must be returned to the water unharmed. It is unlawful to set or pull shrimp gear in waters greater than 200 feet deep.

REPEALER

The following section of Washington Administrative Code is repealed effective June 20, 2020:

WAC 220-330-07000W Shrimp—Areas and seasons. (20-86)

WSR 20-14-002
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 20-113—Filed June 17, 2020, 12:21 p.m., effective June 18, 2020]

Effective Date of Rule: June 18, 2020.

Purpose: The purpose of this rule is to return salmon and steelhead rules for the Wind River and Drano Lake to permanent rules. This rule also carries forward emergency rules previously put in place regarding salmon seasons for Cispus River, Cowlitz [Cowlitz] Falls Reservoir, Cowlitz River, and Kalama River.

Citation of Rules Affected by this Order: Repealing WAC 220-312-03000P and 220-312-03000Q; and amending WAC 220-312-030.

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

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

Reasons for this Finding: This rule is needed to repeal closures to salmon and steelhead seasons for Wind River and Drano Lake and return them to permanent rules. The Wash-

ington department of fish and wildlife closed the Wind River and Drano Lake to salmon and steelhead angling beginning June 1, 2020, to provide additional broodstock for hatcheries in the Columbia and Snake River basins that can utilize "Carson stock" spring Chinook in their programs. Fishery comanagers have indicated that the broodstock collection needs for these programs have been met at Carson and Little White Salmon National Fish Hatcheries, therefore continued the closure of Wind River and Drano Lake salmon and steelhead fisheries is no longer needed. There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: June 17, 2020.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-03000Q Freshwater exceptions to statewide rules—Southwest. Effective June 18 through June 19, 2020, the provisions of WAC 220-312-030 regarding salmon seasons for Cispus River, Cowlitz Falls Reservoir, Cowlitz River, and Kalama River shall be modified as described below. All other provisions of WAC 220-312-030 not addressed herein remain in effect unless otherwise amended by emergency rule:

- 1) **Cispus River (Lewis Co.):** Chinook salmon: closed.
- 2) **Cowlitz Falls Reservoir (Lake Scanewa) (Lewis Co.):** Chinook salmon: closed.
- 3) **Cowlitz River (Cowlitz Co.):** Chinook salmon: closed.
- 4) **Kalama River (Cowlitz Co.):** From the mouth upstream to 1000 feet below the fishway at the upper salmon hatchery:

Salmon: Daily limit 6; up to 1 may be an adult. Release all salmon other than hatchery Chinook and hatchery coho.

REPEALER

The following section of the Washington Administrative Code is repealed effective June 18, 2020:

WAC 220-312-03000P Southwest—Freshwater exceptions to statewide rules. (20-108)

The following section of the Washington Administrative Code is repealed effective June 20, 2020:

WAC 220-312-03000Q Southwest—Freshwater exceptions to statewide rules. (20-113)

WSR 20-14-018
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed June 22, 2020, 2:12 p.m., effective June 22, 2020, 2:12 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amending WAC 388-14A-3205 to implement Sections 1 and 2 of SHB 2302 (chapter 227, Laws of 2020) regarding income calculation. Relevant provisions of SHB 2302 take effect on June 11, 2020. These provisions change the definition of full-time earnings to thirty-two hours a week for imputation purposes and clarify certain criteria for income calculation.

Citation of Rules Affected by this Order: WAC 388-14A-3205.

Statutory Authority for Adoption: RCW 26.09.105, 26.18.170, 26.19.011, 26.19.071, 26.23.050, 26.23.110, 34.05.020, 34.05.060, 34.05.220, 74.08.090, 74.20A.055, 74.20A.056.

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

Reasons for this Finding: The legislature enacted SHB 2302 during the 2020 legislative session. Several provisions, including amendments to RCW 26.19.011 and 26.19.071, have a June 11, 2020, effective date. Emergency rule making is necessary to effectuate these statutory changes. There is insufficient time between enactment of this legislation and the effective date to implement without emergency rules.

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

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

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

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

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

Date Adopted: June 17, 2020.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 11-12-006, filed 5/19/11, effective 6/19/11)

WAC 388-14A-3205 How does DCS calculate my income? (1) The division of child support (DCS) calculates a parent's income using the best available information. If a parent is voluntarily unemployed or underemployed, either DCS or the administrative law judge (ALJ), or both may impute income to that parent. In the absence of records of a parent's actual earnings, either DCS ((and/or)) or the administrative law judge (ALJ), or both may impute a parent's income under RCW 26.19.071(6) in the following order of priority:

- (a) Full-time earnings at the current rate of pay;
- (b) Full-time earnings at the historical rate of pay based on reliable information, such as employment security department data;
- (c) Full-time earnings at a past rate of pay where information is incomplete or sporadic;
- (d) ~~((Full-time))~~ Earnings of thirty-two hours per week at minimum wage in the jurisdiction where the parent resides if the parent ((has a recent history of minimum wage earnings,)) is on or recently coming off ((public assistance, disability lifeline benefits)) temporary assistance for needy families or recently coming off aged, blind, or disabled assistance benefits, pregnant women assistance benefits, essential needs and housing support, supplemental security income, or disability, has recently been released from incarceration, or is a ((high school student or)) recent high school graduate. Imputation at thirty-two hours per week under this subsection is a rebuttable presumption; ((or))

(e) Full-time earnings at minimum wage in the jurisdiction where the parent resides if the parent has a recent history of minimum wage earnings, has never been employed and has no earnings history, or has no significant earnings history; or

(f) Median net monthly income of year-round full-time workers as derived from the United States bureau of census, current population reports.

(2) When a parent is currently enrolled in high school full-time, either DCS or the ALJ, or both may consider the totality of the circumstances of both parents when determining whether each parent is voluntarily unemployed or voluntarily underemployed. If the parent who is enrolled in high school is determined to be voluntarily unemployed or voluntarily underemployed, either DCS or the ALJ, or both may impute earnings of twenty hours per week at minimum wage in the jurisdiction where the parent resides. Imputation of earnings at twenty hours per week under this subsection is a rebuttable presumption.

(3) DCS and the ALJ impute ~~((full-time))~~ earnings of thirty-two hours per week at the minimum wage to a TANF recipient in the absence of actual income information. You may rebut the imputation of income if you are excused from being required to work while receiving TANF, because:

- (a) You are either engaged in other qualifying WorkFirst activities which do not generate income, such as job search; or

(b) You are excused or exempt from being required to work in order to receive TANF, because of other barriers such as family violence or mental health issues.

WSR 20-14-020
EMERGENCY RULES
DEPARTMENT OF LICENSING

[Filed June 22, 2020, 3:19 p.m., effective June 22, 2020, 3:19 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This temporary emergency rule allows employees of collection agencies to work remotely, and does not alter any requirements of the Collection Agency Act in regards to collection activity. It defines what is considered "remote work" and clarifies definitions for employees and licensees so they may work from a location other than the branch office. It includes outlining security, data storage and employee requirements for working from a remote location. A formal permanent rule-making process will follow the adoption of this temporary rule.

Citation of Rules Affected by this Order: New WAC 308-29-085; and amending WAC 308-29-010.

Statutory Authority for Adoption: RCW 19.16.351.

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

Reasons for this Finding: As per the governor's proclamations to keep Washington residents safe and healthy during the COVID-19 pandemic and consistent with other business and professions in this state that are able to perform work from home this emergency rule is proposed with the intent to offer licensees the ability to take precautions deemed necessary to avoid the risk of exposure and support the return of commerce in all business sectors.

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

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

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

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

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

Date Adopted: June 22, 2020.

Damon Monroe
Rules Coordinator

AMENDATORY SECTION (Amending WSR 01-11-132, filed 5/22/01, effective 6/22/01)

WAC 308-29-010 Definitions. (1) Words and terms used in these rules have the same meaning as each has under chapter 19.16 RCW unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(2) "Remote work" is the practice of working from home or other alternative location through the use of technology which allows the employee to access normal work material (email, telephone, electronic documents, etc.). Remote work may be scheduled or on an ad hoc basis.

(3) "Branch office" is any location physically separated from the principal place of business of a licensee where the licensee conducts any activity meeting the criteria of a collection agency or out-of-state collection agency as defined in RCW 19.16.100.

~~((3))~~ An employee of a licensee shall not be deemed a "collection agency" or a "branch office" as defined in RCW 19.16.100 (5)(a) and the employee need not have a license to perform collection activities on behalf of the collection agency, whether working in the collection agency office, or working remotely.

(4) "Repossession services" conducted by any person shall not be deemed a collection agency as defined in RCW 19.16.100, unless such person is repossessing or is attempting to repossess property for a third party and is authorized to accept cash or any other thing of value from the debtor in lieu of actual repossession.

~~((4))~~ (5) "Managing employee" is an individual who has the general power to exercise judgment and discretion in acting on behalf of the licensee on an overall or partial basis and who does not act in an inferior capacity under close supervision or direction of a superior authority (as distinguished from a nonmanaging employee who is told what to do and has no discretion about what he or she can and cannot do and who is responsible to an immediate superior).

NEW SECTION

WAC 308-29-085 Remote work requirements. Collection agencies that allow remote working must ensure that the following requirements are met:

(1) If the collection agency allows remote working, a record of which employees have been assigned to working remotely must be maintained and kept current.

(2) Remote working employees must comply with all applicable laws and regulations as outlined in chapters 19.16 and 18.235 RCW and chapter 308-29 WAC.

(3) Collection agencies and their employees must have a written IT security policy that outlines the security protocols in place safeguarding the company and customer data, information and electronic and physical records, to protect them against unauthorized or accidental access, use, modification, duplication, destruction or disclosure. Physical records must be stored and maintained at the business location and may not be stored at the remote working location.

(4) The IT security policy requirements must include provisions for the remote working employee to access the collection agency's secure system from any out-of-office

device the employee uses through the use of a virtual private network "VPN" or other system that requires passwords, frequent password changes, identification authentication authorization, multifactor authentication, data encryption, and/or account lockout implementation. The collection agency is responsible to maintain any updates or other requirements in order to keep information and devices secure.

(5) Collection agencies must record and monitor all calls initiated or received by their employees while employees are working remotely and must maintain copies of these recordings and make them available for inspection upon request.

(6) All calls must comply with RCW 19.16.250 (13)(c), (18), and (19).

(7) Neither the employee nor the collection agency shall conduct any activity that would indicate or tend to indicate the employee is performing collection agency business from an unlicensed location. Such acts include, but are not limited to:

(a) Advertising in any form, including business cards and social media, an unlicensed address or personal telephone or facsimile number associated to the unlicensed location;

(b) Meeting consumers at, or having consumers come, to an unlicensed location;

(c) Holding out in any manner, directly or indirectly, by the employee or collection agency, an address that would suggest or convey to a consumer that the location is a licensed collection agency or branch, including receiving official mail directly, or permanently storing books or records at the remote location.

WSR 20-14-026

EMERGENCY RULES DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed June 23, 2020, 12:57 p.m., effective June 23, 2020, 12:57 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The department is amending the rules listed below to ensure nursing homes are not significantly impeded from admitting and caring for residents during the COVID-19 outbreak. These amendments will align state nursing home rules with federal rules that were suspended or amended to help facilitate care during the COVID-19 pandemic.

(1) The federal rules related to quality assurance activities were amended to narrow the scope of the quality assurance program to reviewing and taking action on adverse events and infection control. Current state rules require the nursing facility to identify issues that may adversely affect residents, including resident input from grievances. The amendment to WAC 388-97-1760 continues to require quality assurance activities, but mandatory review in quality assurance would be limited to adverse events and infection control.

(2) The federal rules suspended fire drills to reduce grouping of staff and residents that might increase the likeli-

hood of transmitting COVID-19. Current state rules require periodic fire drills. The amendment to WAC 388-97-1740 removes the requirement to have fire drills, but continues to require staff training on the fire plan.

(3) The federal rules requiring a window in each resident room were waived to permit use of space not normally used for resident care to be utilized as a resident room. Current state rules require each resident room have a transparent glass window located on an exterior wall, with additional size and location requirements for new construction. The amendment to WAC 388-97-2400 removes the requirement to have a window in each resident room.

Citation of Rules Affected by this Order: Amending WAC 388-97-1740, 388-97-1760, and 388-97-2400.

Statutory Authority for Adoption: RCW 74.42.620, 18.51.070.

Other Authority: None.

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

Reasons for this Finding: The threat of COVID-19 to our most vulnerable populations is significant, especially for those receiving long-term care services in their homes and congregate settings, such as long-term care facilities.

Fire drills (WAC 388-97-1740): Recent federal waivers suspended the requirement for nursing facilities to conduct fire drills. The majority of the rules around fire drills are in the federal Life Safety Code, and under the jurisdiction of the office of the state fire marshal. Nursing home rules also contain language requiring periodic drills. Amendment of WAC 388-97-1740 will remove the requirement for conducting periodic fire drills, but does not remove the requirement to have an emergency plan that includes fire procedures and staff training on that plan.

Quality assessment and assurance (WAC 388-97-1760): Current nursing home rules require facilities to maintain a process for quality assurance that seeks out and incorporates input from resident and family groups, and individual residents. The rule also requires review of grievances and expressed concerns. Amendment of WAC 388-97-1760 requires facilities to seek out and incorporate resident and resident representative input, but removes the reference to resident or family groups, as those groups are not currently permitted to meet. The amendment also sets a standard that, at a minimum, requires review of adverse events and infection control. These changes permit facilities to focus quality assurance efforts on issues that will assist them in managing COVID-19, and will align the state rule with federal waivers related to quality assurance.

Windows in resident rooms (WAC 388-97-2400): Current state nursing home rules require each resident room have a transparent glass window on an exterior wall. Federal rules also require a resident sleeping room to have a window. The federal rules were recently waived to accommodate facilities wanting to increase room capacity, and need to utilize spaces not normally used as a resident room as a resident room. Amendment of WAC 388-97-2400 removes the

requirement to have a window in each resident room to align the state rule with the recently waived federal rule. This will provide nursing facilities with additional flexibility in redesigning their space to accommodate additional residents.

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

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

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

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

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

Date Adopted: June 19, 2020.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 08-20-062, filed 9/24/08, effective 11/1/08)

WAC 388-97-1740 Disaster and emergency preparedness. (1) The nursing home must develop and implement detailed written plans and procedures to meet potential emergencies and disasters. At a minimum the nursing home must ensure these plans provide for:

- (a) Fire or smoke;
- (b) Severe weather;
- (c) Loss of power;
- (d) Earthquake;
- (e) Explosion;
- (f) Missing resident, elopement;
- (g) Loss of normal water supply;
- (h) Bomb threats;
- (i) Armed individuals;
- (j) Gas leak, or loss of service; and
- (k) Loss of heat supply.

(2) The nursing home must train all employees in emergency procedures when they begin work in the nursing home, and periodically review emergency procedures with existing staff~~(, and carry out unannounced staff drills using those procedures)~~.

(3) The nursing home must ensure emergency plans:

- (a) Are developed and maintained with the assistance of qualified fire, safety, and other appropriate experts as necessary;
- (b) Are reviewed annually; and
- (c) Include evacuation routes prominently posted on each unit.

AMENDATORY SECTION (Amending WSR 08-20-062, filed 9/24/08, effective 11/1/08)

WAC 388-97-1760 Quality assessment and assurance. (1) The nursing home must maintain a process for quality assessment and assurance. The department may not require disclosure of the records of the quality assessment and assurance committee except in so far as such disclosure is related to ensuring compliance with the requirements of this section.

(2) The nursing home must ensure the quality assessment and assurance process:

(a) Seeks out and incorporates input from the ~~((resident and family councils, if any, or individual))~~ residents and ~~((support groups))~~ resident representatives; and

(b) At a minimum, reviews ~~((expressed concerns and grievances))~~ adverse events and infection control.

AMENDATORY SECTION (Amending WSR 08-20-062, filed 9/24/08, effective 11/1/08)

WAC 388-97-2400 Resident rooms. (1) The nursing home must ensure that each resident bedroom:

(a) Has direct access to a hall or corridor; and

(b) ~~((Is located on an exterior wall with a transparent glass window; and~~

~~((e)))~~ Is located to prevent through traffic.

(2) In a new building or addition, unless otherwise necessary for infection control, each resident bedroom must:

(a) Have an exterior transparent glass window:

(i) With an area equal to at least one-tenth of the bedroom usable floor area;

(ii) Located twenty-four feet or more from another building or the opposite wall of a court, or ten feet or more away from a property line, except on street sides;

(iii) Located eight feet or more from any exterior walkway, paved surface, or driveway; and

(iv) With a sill three feet or less above the floor.

(b) Be located on a floor level at or above grade level except for earth berms. "Grade" means the level of ground adjacent to the building floor level measured at the required exterior window. The ground must be level or slope downward for a distance of at least ten feet from the wall of the building. From there the ground may slope upward to the maximum sill height of the required window at a rate of one foot vertical for two feet horizontal.

WSR 20-14-027

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 20-114—Filed June 23, 2020, 1:09 p.m., effective July 1, 2020]

Effective Date of Rule: July 1, 2020.

Purpose: The purpose of this rule is to close recreational steelhead fisheries in the Snake River, beginning July 1, 2020, as a matter of conservation due to concerns of low forecasted returns.

Citation of Rules Affected by this Order: Amending WAC 220-312-050.

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

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

Reasons for this Finding: This emergency rule is needed to close steelhead seasons in the Snake River, effective July 1, 2020.

The 2020 Columbia River forecasted return for upriver steelhead is ninety-five thousand five hundred (eighty-five thousand nine hundred A-index and nine thousand six hundred B-index).

Similar to the last couple of years, steelhead returns are predicted to be low in 2020. Previous closures have been focused on B-index steelhead, but in 2020, there is also an extremely low forecast for A-index steelhead. Preseason concerns for both A-index and B-index groups of fish (wild and hatchery origin) have led Washington department of fish and wildlife (WDFW) to close this fishery until further notice.

WDFW will continue to monitor steelhead returns and will make decisions in late summer or early fall on how to proceed with Snake River steelhead fisheries as fish begin to return through the lower Columbia River.

There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: June 23, 2020.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-05000C Freshwater exceptions to statewide rules—Eastside. Effective July 1, 2020 and until further notice or until this rule expires on October 21, 2020 the following provisions of WAC 220-312-050 regarding steelhead seasons for the Snake River shall be as described below. All other provisions of WAC 220-312-050 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

Snake River (Franklin/Walla Walla Counties):

From the Burbank to Pasco railroad bridge at Snake River mile 1.25 to the Oregon/Idaho border:

Steelhead: Closed to fishing for or retaining.

WSR 20-14-028 EMERGENCY RULES DEPARTMENT OF RETIREMENT SYSTEMS

[Filed June 23, 2020, 1:16 p.m., effective June 23, 2020, 1:16 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: To comply with state and federal laws related to the shared work program and state agencies' ability to qualify for participation in this federal program.

Citation of Rules Affected by this Order: New WAC 415-02-170 Will a furlough or temporary layoff from my public employment affect my retirement benefit?

Statutory Authority for Adoption: RCW 41.50.050.

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

Reasons for this Finding: In accordance with Governor Inslee's Directive 20-08 regarding furloughs and general wage increases, the department of retirement systems must engage in emergency rule making to comply with requirements in the shared work compensation plan program and RCW 50.60.030.

This rule is necessary to comply with state and federal laws related to the shared work program and state agencies' ability to qualify for participation in this federal program. This rule is necessary for the general welfare of the state and for the receipt of federal funds.

The governor has directed agencies to take action no later than June 28, 2020, therefore observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

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

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

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

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

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

New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 23, 2020.

Tracy Guerin
Director

NEW SECTION

WAC 415-02-170 Will a furlough or temporary lay-off from my public employment affect my retirement benefit? If your employer participates in the shared work program during the period of time you were furloughed or temporarily laid off, you will receive the same retirement benefit as if your hours had not been reduced. Participation in the shared work program under chapter 50.60 RCW will not impact, in any manner, the retirement benefits of any member of a plan administered by the department of retirement systems. This does not apply to members whose employer does not participate in the shared work program.

WSR 20-14-030

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 24, 2020, 11:11 a.m., effective June 27, 2020]

Effective Date of Rule: June 27, 2020.

Purpose: The department is creating new WAC 388-437-0010 pandemic EBT benefits, to implement pandemic EBT benefits as provided under H.R. 6201, The Families First Coronavirus Response Act. The United States Department of Agriculture (USDA) Food and Nutrition Service has approved Washington state's plan to provide pandemic EBT benefits to households with school age children participating in the free or reduced-price meal program whose schools have been closed for at least five consecutive days due to the public health emergency declaration related to the coronavirus (COVID-19) pandemic.

Citation of Rules Affected by this Order: New WAC 388-437-0010.

Statutory Authority for Adoption: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, 74.08A.120.

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

Reasons for this Finding: Under the Families First Coronavirus Response Act, Title I, Sec 1101, the USDA may approve state plans to provide emergency Supplemental Nutrition Assistance Program benefits to households with children who would otherwise receive free or reduced-price school meals if their schools were not closed due to the COVID-19 public health emergency. The child's school must be closed for at least five consecutive days for the household

to be eligible for benefits. States may provide the benefits using the electronic benefit transfer system.

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

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

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

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

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

Date Adopted: June 24, 2020.

Katherine I. Vasquez
Rules Coordinator

NEW SECTION

WAC 388-437-0010 Pandemic EBT benefits. Pandemic EBT benefits are available to households of children whose schools were closed for at least five consecutive days during the emergency designation and who would normally receive free or reduced price meals under the Richard B. Russell National School Lunch Act if not for school closures due to the COVID-19 pandemic.

(1) Household allotments will be no less than the value of school meals at the free rate over the course of five school days for each eligible school age child in the household.

(a) A school age child is defined as household members between the ages of five and eighteen as of October 1, 2019; or

(b) Household members between the ages of eighteen and twenty-one attending high school.

(2) Pandemic EBT benefits will only be issued in months a child met eligibility requirements for free or reduced price lunches.

WSR 20-14-031

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 20-115—Filed June 24, 2020, 11:15 a.m., effective July 1, 2020]

Effective Date of Rule: July 1, 2020.

Purpose: The purpose of this rule is to adjust Puget Sound recreational salmon fishing seasons in Catch Record Card Areas 7, 8-1, 9, 10, and 11 to be consistent with the seasons developed during the 2020 North of Falcon (NOF) process.

Citation of Rules Affected by this Order: Repealing WAC 220-340-12000E; and amending WAC 220-340-120.

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

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

Reasons for this Finding: This rule opens the Puget Sound recreational salmon fishing seasons, effective July 1, 2020, as developed and agreed to with the tribal comanagers during the 2020-2021 NOF process concluding in mid-April.

While the state's permanent rules were adopted on June 22, 2020, they do not go into effect until after these fisheries are scheduled to open. To maintain the general public welfare of pursuing these valuable opportunities, while remaining consistent with NOF conservation objectives, this emergency rule is needed to bridge the gap between the opening date of July 1, 2020, and the date the state's permanent rule becomes effective.

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

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

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

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

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

Date Adopted: June 24, 2020.

Kelly Susewind
Director

NEW SECTION

WAC 220-313-06000S Puget Sound salmon—Saltwater seasons and daily limits. Effective July 1 through July 31, 2020, the following provisions of WAC 220-313-060 regarding salmon seasons for the Marine Areas 7, 8-1, 9, 10, and 11 shall be modified as described below. All other provisions of WAC 220-313-060 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

(1) **Catch Record Card Area 7:** July 1 through July 31, 2020: Daily limit 2, of which up to 1 may be a Chinook. Release chum and wild Chinook.

(2) **Catch Record Card Area 8-1:** July 1 through July 31, 2020: Closed.

(3) **Catch Record Card Area 9:** July 16 through July 31, 2020: Daily limit 2, of which up to 1 may be a Chinook. Release chum, wild coho, and wild Chinook.

(4) **Catch Record Card Area 10:**

(a) July 1 through July 15, 2020: Daily limit 2. Release Chinook and chum.

(b) July 16 through July 31, 2020: Daily limit 2, of which up to 1 may be a Chinook. Release chum and wild Chinook.

(c) East Elliot Bay: Waters of Elliott Bay between a line from Duwamish Head to Pier 91 up to the mouth of the Duwamish River including Harbor Island (Duwamish Waterways): July 29 through July 31, 2020: Daily limit 2. Release chum.

(5) **Catch Record Card Area 11:** July 1 through July 31, 2020: Daily limit 2, of which up to 1 may be a Chinook. Release wild Chinook.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective August 1, 2020:

WAC 220-313-06000S Puget Sound salmon—Saltwater seasons and daily limits.

WSR 20-14-034

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 20-119—Filed June 24, 2020, 1:53 p.m., effective July 1, 2020]

Effective Date of Rule: July 1, 2020.

Purpose: The purpose of this rule is to amend commercial troll seasons in Marine Areas 1-4 in state waters in a manner consistent with federal salmon fishing regulations adopted by the National Marine Fisheries Service in response to actions taken by the Pacific Fishery Management Council (PFMC) to set annual salmon fishery harvest specifications and management measures; this action is intended to achieve regulatory consistency in federal and state waters for the ocean recreational salmon fishery, which operates in both areas.

Citation of Rules Affected by this Order: Repealing WAC 220-354-30000V; and amending WAC 220-354-300.

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

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

Reasons for this Finding: A harvestable quota of salmon is available for the troll fleet. This regulation is necessary to both meet conservation limits and to provide fishing opportunity and its corresponding economic benefit.

The ocean commercial troll seasons are developed and considered through the annual Pacific Fishery Management Council (PFMC) process, which coincides with the North of Falcon salmon season setting process and is managed under

the Pacific Coast Salmon Fishery Management Plan (FMP). By managing this fishery under the FMP, it is required to be consistent with National Standard Guidelines, which ensure conservation objectives are achieved as well as long-term fishery sustainability, and that the social and economic needs of fishing communities are taken into account.

Because the ocean commercial troll fishery occurs in Pacific Ocean waters across multiple jurisdictions (states of Washington and Oregon, tribal, and federal), developing and considering ocean commercial troll seasons through PFMC ensures that fishing regulations are developed in a comprehensive, coordinated manner. Having consistent regulations in state and federal waters also promotes compliance with and enforcement of fishing regulations.

While these regulations are being adopted through an emergency rule, the seasons described in these rules were developed and considered through an extensive open public process, which began in late December 2019. The process includes multiple opportunities for public engagement—throughout the course of a three-month process, the public may: Submit written comments, provide testimony at the March and/or April PFMC meetings, attend public hearings held in each West Coast state, or provide comment through representation on the PFMC's Salmon Advisory Subpanel.

Following the April PFMC meeting, which is when these seasons were adopted, PFMC formally transmits these regulations to the National Marine Fisheries Service (NMFS) for consistency determination. Given that the NMFS final rule that opened this fishery was published on May 8, 2020, there was insufficient time for Washington department of fish and wildlife to adopt consistent regulations through the permanent rule-making process.

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

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

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

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

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

Date Adopted: June 24, 2020.

Kelly Susewind
Director

NEW SECTION

WAC 220-354-30000W Coastal salmon troll seasons—Commercial. Notwithstanding the provisions of WAC 220-354-300, effective July 1 until further notice, it is unlawful to fish for salmon with troll gear or to land salmon taken with troll gear into a Washington port except during the seasons provided below:

(1) Salmon Management and Catch Reporting Areas 1, 2, 3, and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude open:

July 1 through September 30, 2020.

(2) Landing and possession limit of 10 coho per vessel per landing week, defined as Thursday through Wednesday.

(3) The Cape Flattery and Columbia River Control Zones are closed. The Mandatory Yelloweye Rockfish Conservation Area is closed. The Grays Harbor Control Zone is closed beginning August 10.

(4) All retained coho must be marked with a healed adipose fin clip.

(5) No chum retention north of Cape Alava, WA in August and September.

(6) Minimum size for Chinook salmon is 28 inches in length. Minimum size for coho salmon is 16 inches in length. No minimum size for pink, sockeye or chum salmon.

(7) Lawful troll gear is restricted to all legal troll gear with single point, single shank barbless hooks.

(8) Fishers must land and deliver their catch within 24 hours of any closure of a fishery provided for in this section. Vessels in possession of salmon north of the Queets River may not cross the Queets River line without first notifying WDFW by phone at (360) 249-1215 or by email at Wendy.Beeghley@dfw.wa.gov with Area fished, total Chinook, coho, and halibut catch aboard, and destination. Vessels in possession of salmon south of the Queets River may not cross the Queets River line without first notifying WDFW by phone at (360) 249-1215 or by email at Wendy.Beeghley@dfw.wa.gov with Area fished, total Chinook, coho, and halibut catch aboard, and destination. Vessels fishing, or in possession of salmon north of Leadbetter Point must land and deliver all species of fish in a Washington port and must possess a Washington troll and/or salmon delivery license. For delivery to Washington ports east of the Sekiu River, vessels must notify WDFW at (360) 249-1215 or by email at Wendy.Beeghley@dfw.wa.gov prior to crossing the Bonilla-Tatoosh line with area fished, total Chinook, coho, and halibut catch aboard, and destination with approximate time of delivery. For delivery to Washington ports south of Leadbetter Point, vessels must notify WDFW at (360) 249-1215 or by email at Wendy.Beeghley@dfw.wa.gov prior to crossing the Leadbetter Point line with area fished, total Chinook, coho, and halibut catch aboard, and destination with approximate time of delivery. Vessels may not land fish east of the Port Angeles or east of the Megler-Astoria bridge. During any single trip, only one side of the Leadbetter Point line may be fished. Vessels fishing or in possession of salmon south of Leadbetter Point must land and deliver their fish within the area and south of Leadbetter Point.

(9) The Cape Flattery Control Zone is defined as the area from Cape Flattery (48°23'00" N latitude) to the northern boundary of the U.S. Exclusive Economic Zone, and the area from Cape Flattery south to Cape Alava, 48°10'00" N latitude, and east of 125°05'00" W longitude.

(10) The Columbia Control Zone is defined as an area at the Columbia River mouth, bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N. Lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09" N. lat., 124°06'16" W. long.); on

the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat., 124°03'07" W. long., to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°15'48" N. lat., 124°05'20" W. long.), and then along the north jetty to the point of intersection with the Buoy #10 line; and, on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

(11) The Mandatory Yelloweye Rockfish Conservation Area is defined as the area in Washington Marine Catch Area 3 from 48°00.00' N latitude; 125°14.00' W longitude to 48°02.00' N latitude; 125°14.00' W longitude to 48°02.00' N latitude; 125°16.50' W longitude to 48°00.00' N latitude; 125°16.50' W longitude and connecting back to 48°00.00' N latitude; 125°14.00' W longitude.

(12) It is unlawful to fish in Salmon Management and Catch Reporting Areas 1, 2, 3 or 4 with fish on board taken south of Cape Falcon, Oregon and all fish taken from Salmon Management and Catch Reporting Areas 1, 2, 3, and 4 must be landed before fishing south of Cape Falcon, Oregon.

(13) It is unlawful for wholesale dealers and trollers retailing their fish to fail to report their landing by 10:00 a.m. the day following landing. Ticket information can be telephoned in by calling 1-866-791-1279, faxing the information to (360) 902-2949, or e-mailing to trollfishtickets@dfw.wa.gov. Report the dealer name, the dealer license number, the purchasing location, the date of purchase, the fish ticket numbers, the gear used, the catch area, the species, the total number for each species, and the total weight for each species, including halibut.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective July 1, 2020:

WAC 220-354-30000V Coastal salmon troll seasons—
Commercial.

WSR 20-14-041 EMERGENCY RULES DEPARTMENT OF ECOLOGY

[Filed June 25, 2020, 11:09 a.m., effective June 25, 2020, 11:09 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Ecology is adopting the fourth emergency rule, chapter 173-443 WAC, Hydrofluorocarbons (HFCs), to establish requirements to reduce greenhouse gases in Washington by moving to the phased use of less damaging HFCs or acceptable substitutes.

The emergency rule requires manufacturers, importers, and distributors to notify ecology about their products and equipment containing HFCs and other substitutes. The initial

deadline was December 31, 2019. More notifications are due when new restrictions apply between 2020 and 2024.

We changed the restriction deadline for vending machines from January 1, 2020, to January 1, 2022, in the first emergency rule. We continue to adopt the 2022 date because we determined that the new date reduces the overall risk to human health and the environment. It also reflects the earliest date that a lower risk substitute is potentially available as allowed by RCW 70.235.080 (3)(a).

The emergency rule will be in effect for up to one hundred twenty days starting June 25, 2020, replacing the one adopted on March 16, 2020. There are no rule changes from the previous emergency rules.

Ecology adopted the following emergency rules:

- First emergency rule: July 30, 2019 (WSR 19-16-059).
- Second emergency rule: November 21, 2019 (WSR 19-24-005).
- Third emergency rule: March 16, 2020 (WSR 20-07-076).

Ecology began a rule-making process for the permanent adoption of the rule when we filed the first emergency rule. We will continue to adopt an emergency rule until the permanent rule takes effect by December 2020.

Please visit our website for information and to participate in the rule-making process <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC173-443>.

Citation of Rules Affected by this Order: New chapter 173-443 WAC, Hydrofluorocarbons (HFCs).

Statutory Authority for Adoption: Chapter 284, Laws of 2019 (ESSHB [E2SHB] 1112); and chapter 70.235 RCW, Limiting greenhouse gas emissions.

Other Authority: Not applicable.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Chapter 284, Laws of 2019 (ESSHB [E2SHB] 1112) was signed into law on May 7, 2019. The law amends chapter 70.235 RCW. It establishes a deadline of December 31, 2019, for manufacturers, importers, and distributors of products and equipment containing HFCs to submit an initial report to ecology. It also sets restriction deadlines for specific end-use categories. This rule establishes the method to notify ecology by the deadlines.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 7, Amended 0, Repealed 0.

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

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

New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 25, 2020.

Laura Watson
Director

Chapter 173-443 WAC

HYDROFLUOROCARBONS (HFCs)

NEW SECTION

WAC 173-443-010 Policy and purpose. (1) It is the policy of the department of ecology (ecology) under the authority vested in it by chapter 43.21A RCW to provide for the systematic control of air pollution from air contaminant sources and for the proper development of the state's natural resources.

(2) As authorized by chapter 284, Laws of 2019 (E2SHB 1112, Hydrofluorocarbon greenhouse gas emissions), it is the purpose of this chapter to establish the requirements for the transition to the use of less damaging hydrofluorocarbons or suitable substitutes in various applications in Washington in a manner similar to regulations adopted by the Environmental Protection Agency, and that have been subsequently adopted or will be adopted in other states.

NEW SECTION

WAC 173-443-020 Definitions. "Manufacturer" means the same as defined in chapter 284, Laws of 2019: Any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces any product that contains or uses hydrofluorocarbons or is an importer or domestic distributor of such a product.

"Product class" means the same as end-use, as defined in Subpart G of 40 C.F.R. Part 82, as it read on January 3, 2017: Processes or classes of specific applications within major industrial sectors where a substitute is used to replace an ozone-depleting substance.

NEW SECTION

WAC 173-443-030 Manufacturer notification. (1) The manufacturer of products that contain or use hydrofluorocarbons or other restricted substitutes under chapter 284, Laws of 2019, or a trade organization on behalf of its member manufacturers, must report to the department consistent with WAC 173-443-040 and 173-443-050.

(2) It is only necessary for one person or entity to report with respect to a particular product that contains or uses hydrofluorocarbons or other restricted substitutes under chapter 284, Laws of 2019.

(3) In the event of a failure by at least one person to provide a complete, accurate and timely report for a product within a product class, ecology will require information from manufacturers associated with a product in the following order of precedence:

(a) The person or entity that had the product manufactured, unless it has no presence in the United States.

(b) The person or entity that marketed the product under its name or trademark, unless it has no presence in the United States.

(c) The first person or entity, whether an importer or a distributor, that owned the product in the United States.

(d) This hierarchy in no way limits the liability of any manufacturer as defined in subsection (2) of this section associated with a product from enforcement under chapter 284, Laws of 2019, or rules promulgated thereunder.

NEW SECTION

WAC 173-443-040 Initial notification. (1) By December 31, 2019, each manufacturer or its representative must provide ecology an initial status notification of the status of products within each product class using hydrofluorocarbons or other substitutes covered under chapter 284, Laws of 2019. This must include all covered products that the manufacturer offers for sale, leases, rents, or installs in Washington. All manufacturers must notify ecology by completing and submitting ecology's notification form. The current version of the form may be obtained at ecology's web site.

(2) Using a form provided by ecology, this initial status notification must include:

(a) Contact information on the manufacturer.

(b) The name of the party authorized to represent the manufacturer for purposes of providing initial status notifications and status updates.

(c) All product classes that are applicable to the manufacturer.

(d) Which hydrofluorocarbons or other substitutes are being used by products within each product class applicable to the manufacturer.

(e) Signature and certification by the authorized representative for the manufacturer.

NEW SECTION

WAC 173-443-050 Status update notification. Within one hundred twenty days after the date of a restriction put in place by chapter 284, Laws of 2019, each manufacturer affected by the restriction or its representative must provide ecology with an updated status notification using ecology's form. This notification must include:

(1) Whether the manufacturer has ceased the use of hydrofluorocarbons or substitutes restricted under chapter 284, Laws of 2019 within each product class.

(2) What, if any, hydrofluorocarbons or other restricted substitutes remain in use.

(3) Updated responses on all information requested in the initial status notification under WAC 173-443-040.

NEW SECTION

WAC 173-443-060 Restriction modification. The product class restriction for new and existing vending machines is modified to January 1, 2022, based on ecology's determination, in accordance with RCW 70.235.--- (3)(a) (section 3 (3)(a), chapter 284, Laws of 2019).

NEW SECTION

WAC 173-443-070 Severability. If any provision of the rule or its application to any covered party, person, or circumstance is held invalid, the remainder of the rule or application of the provision to other covered parties, persons, or circumstances is not affected.

WSR 20-14-043
EMERGENCY RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed June 25, 2020, 2:40 p.m., effective June 25, 2020, 2:40 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This WAC language allows preparation program providers to review a candidate's work and learning experiences, and waive required clinical practice and/or coursework if the program determines the candidate has the knowledge and skills to be otherwise gained from the required clinical practice or coursework.

Citation of Rules Affected by this Order: New WAC 181-78A-027.

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

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

Reasons for this Finding: Changes in educational settings due to current public health concerns mean that some educator candidates are unable to complete clinical practice and coursework in traditional settings. This filing allows preparation programs to review a candidate's previous field experience and coursework to determine if the candidate has the requisite knowledge and skills.

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

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

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

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

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

Date Adopted: June 25, 2020.

Maren Johnson
Rules Coordinator

NEW SECTION

WAC 181-78A-027 Waiver of clinical practice and course work by a preparation program provider. (1) Based on review of current educational settings, and review of a candidate's previous course work, field experiences, work experiences, and alternative learning experiences, an educator preparation program provider may waive or reduce in length the required clinical practice, and/or waive required course work, if based on the review the provider determines that the candidate has the knowledge and skills to be otherwise gained from the required clinical practice or course work.

(2) Under this section, educator preparation program providers may waive or reduce in length the required clinical practice and/or course work through June 30, 2021.

WSR 20-14-044
EMERGENCY RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed June 25, 2020, 2:41 p.m., effective June 25, 2020, 2:41 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This section of WAC would allow for emergency certificates for teacher preparation program candidates who have not completed assessment requirements, but have completed all other program completion requirements. These emergency certificates would be valid for one year.

Citation of Rules Affected by this Order: New WAC 181-79A-228.

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

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

Reasons for this Finding: Testing centers have now closed for an extended period of time due to health concerns. If testing centers are closed, the basic skills and content knowledge assessments are not available. In addition, schools have closed for an extended period of time. Candidates are challenged to complete the performance assessment if schools are not in session.

This new section of WAC would allow emergency certificates for candidates who have not completed assessment requirements. Emergency certificates allow candidates to serve in their educator role while they complete the requirements.

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

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

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

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

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

Date Adopted: June 25, 2020.

Maren Johnson
Rules Coordinator

NEW SECTION

WAC 181-79A-228 Emergency teacher certificates.

Emergency teacher certificates, valid for one year, may be issued by the superintendent of public instruction under the following conditions:

(1) A teacher preparation program approved by the professional educator standards board has recommended the candidate as having met all requirements for program completion with the exception of one or more of the following:

(a) The performance assessment as described in WAC 181-78A-232 and 181-78A-300;

(b) The content knowledge assessment as described in WAC 181-78A-300 (2)(b); and

(c) The basic skills assessment as described in WAC 181-78A-232 and 181-78A-300.

(2) During the validity period of the certificate, preparation program providers are required to inform, advise, and support applicants on assessment requirements as described in WAC 181-78A-231(3).

(3) Teacher preparation programs may recommend candidates for an emergency certificate under this section through June 30, 2021.

(4) One additional one-year emergency certificate may be issued upon recommendation by the preparation program provider. Teacher preparation programs may recommend candidates for this additional one-year emergency certificate through December 31, 2021.

WSR 20-14-058

EMERGENCY RULES

DEPARTMENT OF

FISH AND WILDLIFE

[Order 20-121—Filed June 26, 2020, 11:25 a.m., effective June 26, 2020, 11:25 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this rule is to repeal the previously scheduled opening on June 28, 2020, for all shrimp species in the Discovery Bay Shrimp District.

Citation of Rules Affected by this Order: Repealing WAC 220-330-07000X and 220-330-07000Y; and amending WAC 220-330-070.

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

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

Reasons for this Finding: This regulation is needed to ensure an orderly fishery, manage the fishery within court-ordered sharing requirements, and meet conservation objectives. Harvestable amounts of spot shrimp are available, but recreational shares will only support a limited number of open days in the marine areas listed in this section. In addition, this emergency regulation opens the Marine Area 4 (east of the Bonilla-Tatoosh line), 5, 6 and 7 seasons one hour before sunrise to one hour after sunset, which is the default daily start time and stop time for those areas. By repealing the previous emergency rule (WSR 20-14-001) regarding Puget Sound recreational shrimp seasons this rule also closes the Discovery Bay Shrimp District portion of Marine Area 6 to harvest of all shrimp species because the annual spot shrimp quota for this area has been attained. Marine Area 13 will remain closed for spot shrimp for conservation reasons. This rule is consistent with 2020 State/Tribal Shrimp harvest Management Plan. There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: June 26, 2020.

Kelly Susewind

Director

NEW SECTION

WAC 220-330-07000Y Shrimp—Areas and seasons.

Notwithstanding the provisions of WAC 220-330-070, effective immediately until further notice, or until this rule expires on October 16, 2020, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 4 (east of the Bonilla-Tatoosh line), 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, 13 and the Discovery Bay Shrimp District portion of Marine Area 6, except as provided for in this section. All other provisions of WAC 220-330-070 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

(1) Marine Area 4 (east of the Bonilla-Tatoosh line): Open immediately each day until further notice for all shrimp species.

(2) Marine Area 5: Open immediately each day until further notice for all shrimp species.

(3) Marine Area 7 South: Open June 26, 28, and 30 for all shrimp species.

(4) Marine Area 7 East:

(a) Open June 26, 28, and 30 for all shrimp species.

(b) Open July 1 until further notice to harvest of all shrimp species except spot shrimp, with a 200-foot maximum fishing depth restriction. All spot shrimp caught from July 1 onward must be immediately returned to the water unharmed. It is unlawful to set or pull shrimp gear in waters greater than 200 feet deep.

(5) Marine Areas 6 (excluding the Discovery Bay Shrimp District) and 7 West: Effective immediately until further notice, open Thursdays through Sunday each week for all shrimp species until quota is attained.

(6) Marine Areas 8-1 and 8-2: Open immediately until further notice to harvest of all shrimp species except spot shrimp, with a 150-foot maximum fishing depth restriction. All spot shrimp must be immediately returned to the water unharmed. It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

(7) Marine Area 9: Open immediately until further notice to harvest of all shrimp species except spot shrimp with a 150-foot maximum fishing depth restriction. All spot shrimp must be immediately returned to the water unharmed. It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

(8) Marine Area 11: Open immediately until further notice to harvest of all shrimp species except spot shrimp, with a 150-foot maximum fishing depth restriction. All spot shrimp must be immediately returned to the water unharmed. It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

(9) Marine Area 12: Open June 26, 28, and July 15, 28 from 9:00 a.m. through 1:00 p.m. for all shrimp.

(10) Marine Area 13: Open immediately until further notice to harvest of all species except spot shrimp with a 200-foot maximum fishing depth restriction. All spot shrimp must be returned to the water unharmed. It is unlawful to set or pull shrimp gear in waters greater than 200 feet deep.

REPEALER

The following section of Washington Administrative Code is repealed, effective immediately:

WAC 220-330-07000X Shrimp—Areas and seasons. (20-112)

The following section of Washington Administrative Code is repealed, effective October 16, 2020:

WAC 220-330-07000Y Shrimp—Areas and seasons. (20-121)

WSR 20-14-060 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 20-118—Filed June 26, 2020, 12:52 p.m., effective June 26, 2020, 12:52 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Opens the Puget Sound recreational crab season.

Citation of Rules Affected by this Order: Repealing WAC 220-330-04000M; and amending WAC 220-330-040.

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

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

Reasons for this Finding: This emergency rule is needed to open the recreational crab harvest in the marine areas listed to achieve the 50/50 harvest defined by the federal court order. Recreational crab fisheries will open at 12:01 a.m. on the first day instead of 7:00 a.m. in each of the marine areas as stipulated by the permanent rule. Marine Area 12 south of a line projected due east from Ayock Point and Marine Area 13 will be closed. There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: June 26, 2019 [2020].

Kelly Susewind
Director

NEW SECTION

WAC 220-330-04000M Crab—Areas and seasons—Personal use. Notwithstanding the provisions of WAC 220-330-040, effective immediately through September 28, 2020, it is unlawful to fish for crab for personal use in Puget Sound in all waters of Marine Areas, 4 east of the Bonilla-Tatoosh line, 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12 and 13, except as provided herein:

(1) Marine Areas 4 east of the Bonilla-Tatoosh line, 5, 6, 8-1, 8-2, and 9: Effective 12:01 a.m. July 2, 2020 through

11:59 p.m. September 7, 2020, it is permissible to fish for crab for personal use on Thursdays, Fridays, Saturdays, Sundays and Mondays.

(2) Marine Area 10: Effective 12:01 a.m. July 12, 2020, through 11:59 p.m. September 7, 2020, it is permissible to fish for crab for personal use on Sundays and Mondays.

(3) Marine Area 11: Effective 12:01 a.m. July 12, 2020, through 11:59 p.m. September 7, 2020, it is permissible to fish for crab for personal use on Sundays and Mondays.

(4) The portion of Marine Area 12 north of a line projected due east from Ayock Point: Effective 12:01 a.m. July 2, 2020, through 11:59 p.m. September 7, 2020, it is permissible to fish for crab for personal use on Thursdays, Fridays, Saturdays, Sundays and Mondays.

(5) The portion of Marine Area 12 south of a line projected due east from Ayock Point: Closed until further notice.

(6) Those waters of Marine Area 7 south and west of a line projected from Village Point, Lummi Island, through the navigation buoy just east of Matia Island, thence to the buoy at Clements Reef, thence to the easternmost point of Patos Island, thence running along the northern shore of Patos Island to the westernmost point of Patos Island, thence true west to the international boundary and south of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island: Effective 12:01 a.m. July 16, 2020, through 11:59 p.m. September 28, 2020, it is permissible to fish for crab for personal use on Thursdays, Fridays, Saturdays, Sundays and Mondays.

(7) Those waters of Marine Area 7 north and east of a line projected from Village Point, Lummi Island through the navigation buoy just east of Matia Island thence to the buoy at Clements Reef thence to the easternmost point of Patos Island, running along the northern shoreline of Patos Island and from the westernmost point of Patos Island true west to the international boundary and north of a line that extends from Point Francis on Portage Island, through the marker just north of Inati Bay on Lummi Island to Lummi Island: Effective 12:01 a.m. August 13, 2020, through 11:59 p.m. September 28, 2020, it is permissible to fish for crab for personal use on Thursdays, Fridays, Saturdays, Sundays and Mondays.

(8) Marine Area 13: Closed until further notice.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective September 29, 2020:

WAC 220-330-04000M Crab—Areas and seasons—Personal use.

WSR 20-14-061 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 20-120—Filed June 26, 2020, 12:59 p.m., effective July 5, 2020]

Effective Date of Rule: July 5, 2020.

Purpose: The purpose of this rule is to set coastal commercial crab fishery weekly landing limits and define weekly periods.

Citation of Rules Affected by this Order: Repealing WAC 220-340-42000B; and amending WAC 220-340-420.

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

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

Reasons for this Finding: The weekly landing limit and period is necessary to mitigate handling mortality from sorting soft-shelled crab and provide for an orderly fishery. There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: June 26, 2020.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-42000B Commercial crab fishery—Unlawful acts. Effective July 5, 2020 through September 15, 2020, the following provisions of WAC 220-340-420 regarding coastal commercial crab landing periods shall be as described below. All other provisions of WAC 220-340-420 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

(1) Effective 12:01 a.m. July 5 through September 15, 2020, it is unlawful for any person licensed to fish under a Dungeness crab-coastal fishery license to possess or land crab in excess of 2,500 pounds taken during each of the following coastal crab accounting periods:

- July 5 - July 11, 2020
- July 12 - July 18, 2020

- July 19 - July 25, 2020
- July 26 - August 1, 2020
- August 2 - August 8, 2020
- August 9 - August 15, 2020
- August 16 - August 22, 2020
- August 23 - August 29, 2020
- August 30 - September 5, 2020
- September 6 - September 12, 2020
- September 13 - September 15, 2020

(2) Any crab taken prior to July 5, 2020, and not landed before 11:59 p.m. July 4, 2020, become part of the July 5 through July 11, 2020 accounting period catch.

(3) It is unlawful for any person taking crab under subsection (1) of this section to fish for crab during any accounting period while having on board any crab taken in a different accounting period.

(4) All other provisions of the permanent rule remain in effect.

REPEALER

The following section of the Washington Administrative Code is repealed effective September 16, 2020:

WAC 220-340-42000B Commercial crab fishery—Unlawful acts.

WSR 20-14-065

EMERGENCY RULES

DEPARTMENT OF HEALTH

(Nursing Care Quality Assurance Commission)

[Filed June 26, 2020, 1:48 p.m., effective June 26, 2020, 1:48 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: WAC 246-840-010, 246-840-125, 246-840-210, 246-840-240, 246-840-361, 246-840-365, 246-840-367, 246-840-533, 246-840-534, 246-840-840, 246-840-930, and 246-841-405, licensed practical nurse (LPN), registered nurse (RN), and advanced registered nurse practitioner (ARNP) specific credential and license requirements.

The nursing care quality assurance commission (commission) is adopting emergency rules in response to the coronavirus disease (COVID-19). This emergency rule supersedes similar emergency rules filed on April 24, 2020, as WSR 20-10-014. This emergency rule retains the amendments adopted as WSR 20-10-014 and in addition, waives the requirements for an ARNP to submit evidence of completing continuing education in order to return to active status when holding an inactive license, or when returning to active status from expired status.

The rules in chapter 246-840 WAC are the licensing requirements for LPNs, RNs, and ARNPs. The emergency rules amend training program options, delegation requirements, and removing additional continuing education hours for specific ARNP credentials.

Citation of Rules Affected by this Order: Repealing WAC 246-840-210, 246-840-240 and 246-840-361; and amending WAC 246-840-010, 246-840-125, 246-840-365,

246-840-367, 246-840-533, 246-840-534, 246-840-840, 246-840-930, and 246-841-405.

Statutory Authority for Adoption: RCW 18.79.010, 18.79.050, 18.79.110, 18.79.260, and 18.79.340.

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

Reasons for this Finding: The immediate amendment of these rules is necessary for the preservation of public health, safety, and general welfare. Essential functions including increasing and maintaining the availability of health care professionals must continue while taking necessary measures to help treat and prevent the spread of COVID-19. The amendments remove specific barriers that nurses face to providing care in response to COVID-19. Waiving the requirement for continuing education removes a barrier for nurses with a retired active license and will allow them to immediately begin working. Waiving the restriction that ARNPs with an inactive or expired license must complete clinical practice hours and the newly amended continuing education requirements removes barriers to rejoining the health care workforce. Allowing LPN students to practice as nursing technicians addresses the demand for more healthcare professionals in the workforce. Amending language to add clarification to the preceptor rules and simulation rules eliminates current obstacles in nursing education to address the demand for more healthcare professionals. Amending the requirements for nurse delegation to waive requirements and streamline the process will remove barriers for nurses to complete high demand duties. More health care professionals will [be] available to respond to current demands because of these changes. Observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to protecting immediate public interests.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 9, Repealed 3.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 9, Repealed 3.

Date Adopted: June 26, 2020.

Paula Meyer, RN, MSN, FRE
Executive Director

AMENDATORY SECTION (Amending WSR 16-08-042, filed 3/30/16, effective 4/30/16)

WAC 246-840-010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advanced clinical practice" means practicing at an advanced level of nursing in a clinical setting performing direct patient care.

(2) "Advanced nursing practice" means the delivery of nursing care at an advanced level of independent nursing practice that maximizes the use of graduate educational preparation, and in-depth nursing knowledge and expertise in such roles as autonomous clinical practitioner, professional and clinical leader, expert practitioner, and researcher.

(3) "Advanced registered nurse practitioner (ARNP)" is a registered nurse (RN) as defined in RCW 18.79.050, 18.79.240, 18.79.250, and 18.79.400 who has obtained formal graduate education and national specialty certification through a commission approved certifying body in one or more of the designations described in WAC 246-840-302, and who is licensed as an ARNP as described in WAC 246-840-300. The designations include the following:

- (a) Nurse practitioner (NP);
- (b) Certified nurse midwife (CNM);
- (c) Certified registered nurse anesthetist (CRNA); and
- (d) Clinical nurse specialist (CNS).

(4) "Associate degree registered nursing education program" means a nursing education program which, upon successful completion of course work, that includes general education and core nursing courses that provide a sound theoretical base combining clinical experiences with theory, nursing principles, critical thinking, and interactive skills, awards an associate degree in nursing (ADN) to prepare its graduates for initial licensure and entry level practice as an RN.

(5) "Bachelor of science degree registered nursing education program" means a nursing education program which, upon successful completion of course work taught in an associate degree nursing education program, as defined in subsection (28) of this section, plus additional courses physical and social sciences, nursing research, public and community health, nursing management, care coordination, and the humanities, awards a bachelor of science in nursing (BSN) degree, to prepare its graduates for a broader scope of practice, enhances professional development, and provides the nurse with an understanding of the cultural, political, economic, and social issues that affect patients and influence health care delivery.

(6) "Certifying body" means a nongovernmental agency using predetermined standards of nursing practice to validate an individual nurse's qualifications, knowledge, and practice in a defined functional or clinical area of nursing.

(7) "Client advocate" means a licensed nurse who actively supports client's rights and choices, including the client's right to receive safe, high quality care, and who facilitates the client's ability to exercise those rights and choices by providing the client with adequate information about their care and options.

(8) "Commission" means the Washington state nursing care quality assurance commission.

(9) "Competency" means demonstrated knowledge, skill and ability in the practice of nursing.

(10) "Conditional approval" is the approval given a nursing education program that has not met the requirements of the law and the rules of the commission. Conditions are specified that must be met within a designated time to rectify the deficiency.

(11) "Dedicated education unit" means a clinical learning experience within a health care facility, as part of the curriculum of a nursing education program.

(12) "Delegation" means the licensed nurse transfers the performance of selected nursing tasks to competent individuals in selected situations. The nurse delegating the task is responsible and accountable for the nursing care of the client. The nurse delegating the task supervises the performance of the unlicensed person. Nurses must follow the delegation process following the RCW 18.79.260. Delegation in community and in-home care settings is defined by WAC 246-840-910 through 246-840-970.

(13) "Distance education" or "distance learning" means instruction offered by any means where the student and faculty are in separate physical locations. Teaching methods may be synchronous, where the teacher and student communicate at the same time, or asynchronous, where the student and teacher communicate at different times, and shall facilitate and evaluate learning in compliance with nursing education rules.

(14) "Full approval" of a nursing education program is the approval signifying that a nursing program meets the requirements of the law and the rules of the commission.

(15) "Good cause" as used in WAC 246-840-860 for extension of a nurse technician registration means that the nurse technician has had undue hardship such as difficulty scheduling the examination through no fault of their own; receipt of the examination results after thirty days after the nurse technician's date of graduation; or an unexpected family crisis which caused him or her to delay sitting for the examination. Failure of the examination is not "good cause."

(16) "Good standing" as applied to a nursing technician, means the nursing technician is enrolled in a registered nursing program approved by the commission and is successfully meeting all program requirements.

(17) "Health care professional" means the same as "health care provider" as defined in RCW 70.02.010(18).

(18) "Home state" is defined as where the nursing education program has legal domicile.

(19) "Host state" is defined as the state jurisdiction outside the home state where a student participates in clinical experiences or didactic courses.

(20) "Immediately available" as applied to nursing technicians, means that an RN who has agreed to act as supervisor is on the premises and is within audible range and available for immediate response as needed which may include the use of two-way communication devices which allow conversation between the nursing technician and an RN who has agreed to act as supervisor.

(a) In a hospital setting, the RN who has agreed to act as supervisor is on the same patient care unit as the nursing technician and the patient has been assessed by the RN prior to the delegation of duties to the nursing technician.

(b) In a nursing home or clinic setting, an RN who has agreed to act as supervisor is in the same building and on the same floor as the nursing technician and the patient has been assessed by the RN prior to the delegation of duties to the nursing technician.

(21) "Initial approval" of nursing education program is the approval status conferred by the commission to a new nursing program based on its proposal prior to the graduation of its first class.

(22) "Licensed practical nurse (LPN)" is a nurse licensed as defined in RCW 18.79.030(3), with a scope of practice defined in RCW 18.79.020 and 18.79.060.

(23) "Limited educational authorization" is an authorization to perform clinical training when enrolled as a student through a commission approved refresher course. This authorization does not permit practice for employment.

(24) "Minimum standards of competency" means the knowledge, skills, and abilities that are expected of the beginning practitioner.

(25) "National nursing education accreditation body" means an independent nonprofit entity, approved by the United States Department of Education as a body that evaluates and approves the quality of nursing education programs within the United States and territories.

(26) "Nontraditional program of nursing" means a school that has a curriculum which does not include a faculty supervised teaching and learning component in clinical settings.

(27) "Nursing education program administrator" is an individual who has the authority and responsibility for the administration of the nursing education program.

(28) "Nursing education program" means a division or department within a state supported educational institution or other institution of higher learning, charged with the responsibility of preparing nursing students and nurses to qualify for initial licensing or higher levels of nursing practice.

(29) "Nursing faculty" means an individual employed by a nursing education program who is responsible for developing, implementing, evaluating, updating, and teaching nursing education program curricula.

(30) "Nursing technician" means a nursing student preparing for RN or LPN licensure who meets the qualifications for licensure under RCW 18.79.340 who is employed in a hospital licensed under chapter 70.41 RCW or a nursing home licensed under chapter 18.51 RCW, or clinic. The nursing student must be in a nursing educational program in the United States or its territories that is approved by the National Council Licensure Examination-RN or National Council Licensure Examination-PN. Approved nursing education programs do not include nontraditional schools as defined in subsection ((27)) (26) of this section.

(31) "Philosophy" means the beliefs and principles upon which a nursing education program curriculum is based.

(32) "Practical nursing education program" means a nursing education program which, upon successful completion of course work that includes core nursing course to provide a sound theoretical base combining clinical experiences with nursing principles, critical thinking, and interactive skills for entry level practical nursing, awards a certificate that the graduate is prepared for interdependent practice to

prepare a practical nurse for interdependent practice as an LPN.

(33) "Registered nurse" or "RN" is a licensed nurse as defined in RCW 18.79.030(1), 18.79.040, 18.79.240, and 18.79.260.

(34) "Supervision" of licensed or unlicensed nursing personnel means the provision of guidance and evaluation for the accomplishment of a nursing task or activity with the initial direction of the task or activity; periodic inspection of the actual act of accomplishing the task or activity; and the authority to require corrective action.

(a) "Direct supervision" means the licensed RN who provides guidance to nursing personnel and evaluation of nursing tasks is on the premises, is quickly and easily available, and has assessed the patient prior to the delegation of the duties.

(b) "Immediate supervision" means the licensed RN who provides guidance to nursing personnel and evaluation of nursing tasks is on the premises, is within audible and visual range of the patient, and has assessed the patient prior to the delegation of duties.

(c) "Indirect supervision" means the licensed RN who provides guidance to nursing personnel and evaluation of nursing tasks is not on the premises but has given either written or oral instructions for the care and treatment of the patient and the patient has been assessed by the registered nurse prior to the delegation of duties.

(35) "Traditional nursing education program" means a program that has a curriculum which includes a faculty supervised teaching and learning component in clinical settings.

AMENDATORY SECTION (Amending WSR 16-04-097, filed 2/1/16, effective 3/3/16)

WAC 246-840-125 Retired active credential. (1) A registered or licensed practical nurse may place their credential in "retired active" status by meeting the requirements of this section.

(2) A registered or licensed practical nurse who holds a retired active credential may only practice in intermittent or emergent circumstances.

(a) Intermittent means the registered or licensed practical nurse will practice no more than ninety days a year.

(b) Emergent means the registered or licensed practical nurse will practice only in emergency circumstances such as earthquakes, floods, times of declared war, or other states of emergency.

(3) To obtain a retired active credential a registered or a licensed practical nurse must:

(a) Meet the requirements in WAC 246-12-120.

(b) Pay the appropriate fee in WAC 246-840-990.

(4) To renew a retired active credential the registered nurse or licensed practical nurse must:

(a) Meet the requirements in WAC 246-12-130. The retired active credential fee is in WAC 246-840-990.

(b) ~~((Have completed forty five hours of continuing nursing education every three years in compliance with WAC 246-840-220 (2)(b). Education may include CPR and first aid.~~

~~(e) Demonstrate they have practiced at least ninety-six hours every three years. Practice may be paid or volunteer, but must require nursing knowledge or a nursing license.~~

~~(d)) Renew their retired active credential every year on their birthday.~~

(5) To return to active status the registered or licensed practical nurse must((:

~~(a))~~ meet the requirements in WAC 246-12-140. The active renewal fee is in WAC 246-840-990.

~~((b) Meet the continuing competency requirements in WAC 246-840-230 (5)(d).~~

~~(6) A registered or licensed practical nurse who holds a retired active credential is subject to a continuing competency audit as outlined in WAC 246-840-220, 246-840-230, and 246-840-240-))~~

AMENDATORY SECTION (Amending WSR 19-08-031, filed 3/27/19, effective 4/27/19)

WAC 246-840-365 Inactive and reactivating an ARNP license. To apply for an inactive ARNP license, an ARNP shall comply with WAC 246-12-090 or 246-12-540, if military related.

(1) An ARNP may apply for an inactive license if he or she holds an active Washington state ARNP license without sanctions or restrictions.

(2) To return to active status the ARNP:

(a) Shall meet the requirements identified in chapter 246-12 WAC, Part 4;

(b) Must hold an active RN license under chapter 18.79 RCW without sanctions or restrictions;

(c) Shall submit the fee as identified under WAC 246-840-990; and

(d) Shall submit evidence of current certification by the commission approved certifying body identified in WAC 246-840-302(1)((:

~~(e) Shall submit evidence of thirty contact hours of continuing education for each designation within the past two years; and~~

~~(f) Shall submit evidence of two hundred fifty hours of advanced clinical practice for each designation within the last two years.~~

~~(3) An ARNP applicant who does not have the required practice requirements, shall complete two hundred fifty hours of supervised advanced clinical practice for every two years the applicant may have been out of practice, not to exceed one thousand hours.~~

~~(4) The ARNP applicant needing to complete supervised advanced clinical practice shall obtain an ARNP interim permit consistent with the requirements for supervised practice defined in WAC 246-840-340 (4) and (5)).~~

~~((5))~~ (3) To regain prescriptive authority after inactive status, the applicant must meet the prescriptive authority requirements identified in WAC 246-840-410.

AMENDATORY SECTION (Amending WSR 19-08-031, filed 3/27/19, effective 4/27/19)

WAC 246-840-367 Expired license. When an ARNP license is not renewed, it is placed in expired status and the nurse must not practice as an ARNP.

(1) To return to active status when the license has been expired for less than two years, the nurse shall:

(a) Meet the requirements of chapter 246-12 WAC, Part 2;

(b) Meet ARNP renewal requirements identified in WAC 246-840-360; and

(c) Meet the prescriptive authority requirements identified in WAC 246-840-450, if renewing prescriptive authority.

~~(2) ((Applicants who do not meet the required advanced clinical practice requirements must complete two hundred fifty hours of supervised advanced clinical practice for every two years the applicant may have been out of practice, not to exceed one thousand hours.~~

~~(3) The ARNP applicant needing to complete supervised advanced clinical practice shall obtain an ARNP interim permit consistent with the requirements for supervised practice defined in WAC 246-840-340 (4) and (5).~~

~~(4))~~ If the ARNP license has expired for two years or more, the applicant shall:

(a) Meet the requirements of chapter 246-12 WAC, Part 2;

(b) Submit evidence of current certification by the commission approved certifying body identified in WAC 246-840-302(3);

~~(c) ((Submit evidence of thirty contact hours of continuing education for each designation within the prior two years;~~

~~(d))~~ Submit evidence of two hundred fifty hours of advanced clinical practice completed within the prior two years; and

~~((e))~~ (d) Submit evidence of an additional thirty contact hours in pharmacology if requesting prescriptive authority, which may be granted once the ARNP license is returned to active status.

~~((5))~~ (3) If the applicant does not meet the required advanced clinical practice hours, the applicant shall obtain an ARNP interim permit consistent with the requirements for supervised advanced clinical practice as defined in WAC 246-840-340 (4) and (5).

AMENDATORY SECTION (Amending WSR 19-08-026, filed 3/27/19, effective 4/27/19)

WAC 246-840-533 Nursing preceptors, interdisciplinary preceptors, and proctors in clinical or practice settings for nursing students located in Washington state.

(1) Nursing preceptors, interdisciplinary preceptors, and proctors may be used to enhance clinical or practice learning experiences after a student has received instruction and orientation from program faculty who confirm the student is adequately prepared for the clinical or practice experience. For the purpose of this section:

(a) A nursing preceptor means a practicing licensed nurse who provides personal instruction, training, and supervision to any nursing student, and meets all requirements of subsection (4) of this section.

(b) An interdisciplinary preceptor means a practicing health care provider who is not a licensed nurse, but provides personal instruction, training, and supervision to any nursing

student, and meets all requirements of subsection (5) of this section.

(c) A proctor means an individual who holds an active credential in one of the professions identified in RCW 18.130.040 who monitors students during an examination, skill, or practice delivery, and meets all requirements of subsection (6) of this section.

(2) Nursing education faculty are responsible for the overall supervision and evaluation of the student and must confer with each primary nursing and interdisciplinary preceptor, and student at least once during each phase of the student learning experience:

- (a) Beginning;
- (b) Midpoint; and
- (c) End.

(3) A nursing preceptor or an interdisciplinary preceptor shall not precept more than two students at any one time.

(4) A nursing preceptor may be used in nursing education programs when the nursing preceptor:

- (a) Has an active, unencumbered nursing license at or above the level for which the student is preparing;
- (b) Has at least one year of clinical or practice experience as a licensed nurse at or above the level for which the student is preparing;
- (c) Is oriented to the written course and student learning objectives prior to beginning the preceptorship;
- (d) Is oriented to the written role expectations of faculty, preceptor, and student prior to beginning the preceptorship; and

(e) Is not a member of the student's immediate family, as defined in RCW 42.17A.005(27); or have a financial, business, or professional relationship that is in conflict with the proper discharge of the preceptor's duties to impartially supervise and evaluate the nurse.

(5) An interdisciplinary preceptor may be used in nursing education programs when the interdisciplinary preceptor:

- (a) Has an active, unencumbered license in the area of practice appropriate to the nursing education faculty planned student learning objectives;
- (b) Has the educational preparation and at least one year of clinical or practice experience appropriate to the nursing education faculty planned student learning objectives;
- (c) Is oriented to the written course and student learning objectives prior to beginning the preceptorship;
- (d) Is oriented to the written role expectations of faculty, preceptor, and student prior to beginning the preceptorship; and

(e) Is not a member of the student's immediate family, as defined in RCW 42.17A.005(27); or have a financial, business, or professional relationship that is in conflict with the proper discharge of the preceptor's duties to impartially supervise and evaluate the nurse.

(6) A proctor who monitors, teaches, and supervises students during the performance of a task or skill must:

- (a) Have the educational and experiential preparation for the task or skill being proctored;
- (b) Have an active, unencumbered credential in one of the professions identified in RCW 18.130.040;
- (c) Only be used on rare, short-term occasions to proctor students when a faculty member has determined that it is safe

for a student to receive direct supervision from the proctor for the performance of a particular task or skill that is within the scope of practice for the nursing student; and

(d) Is not a member of the student's immediate family, as defined in RCW 42.17A.005(27); or have a financial, business, or professional relationship that is in conflict with the proper discharge of the preceptor's duties to impartially supervise and evaluate the nurse.

(7) A practice/academic partnerships model may be used to permit practice hours as a nursing technician, as defined in WAC 246-840-010(30), to be credited toward direct care nursing program clinical hours, and academic credit. Use of this model must include:

(a) A nursing preceptor or nursing supervisor who has experience and educational preparation appropriate to the faculty-planned student learning experience. The nursing preceptor or nursing supervisor must be responsible for ensuring the requirements of WAC 246-840-880 are met;

(b) Nursing program faculty that work with health care facility representatives to align clinical skills and competencies with the nursing student-employee work role/responsibilities;

(c) Nursing student-employees with faculty-planned clinical practice experiences that enable the student to attain new knowledge, develop clinical reasoning/judgment abilities, and demonstrate achievement of clinical objectives and final learning outcomes of the nursing program if the nursing student-employee is in the final nursing course;

(d) The nursing student-employee use of reflection on the development or achievement of clinical objectives and final learning outcomes as designed by nursing education faculty;

(e) Nursing education faculty responsible for the overall supervision and evaluation of the nursing student-employee on a weekly basis;

(f) Evaluation by nursing education faculty to include documentation of the nursing student-employee achievement of clinical objectives and final learning outcomes and competencies of the nursing program; and

(g) Nursing technicians be enrolled in a commission-approved nursing program and be in good standing to receive academic credit.

AMENDATORY SECTION (Amending WSR 16-17-082, filed 8/17/16, effective 9/17/16)

WAC 246-840-534 Use of simulation for clinical experiences in LPN, RN, or RN to BSN nursing education programs located in Washington state. (1) An LPN, RN, or RN to BSN nursing education program may use simulation as a substitute for traditional clinical experiences, after approval by the commission, not to exceed fifty percent of its clinical hours (~~(for a particular course)~~) across the curriculum required for the program type.

(a) Simulation as used in this section means a technique to replace or amplify real experiences with guided experiences evoking or replicating substantial aspects of the real world in a fully interactive manner.

(b) The nursing education program shall have an organizing framework providing adequate fiscal, human, techno-

logical, and material resources to support the simulation activities.

(c) Simulation activities must be managed by an individual who is academically and experientially qualified and who demonstrates currency and competency in the use of simulation while managing the simulation program.

(d) The nursing education program shall have a budget sustaining simulation activities and training of the faculty.

(e) The nursing education program shall have appropriate facilities, educational and technological resources and equipment to meet the intended objectives of the simulation.

(f) All faculty involved in simulations, both didactic and clinical, shall have training in the use of simulation and shall engage in ongoing professional development in the use of simulation.

(g) Faculty to student ratios in the simulation lab must be in the same ratio as identified in WAC 246-840-532 for clinical learning experiences.

(2) Faculty shall organize clinical and practice experiences based on the educational preparation and skill level of the student.

(3) Qualified simulation faculty must supervise and evaluate student clinical and practice experiences.

(a) The nursing education program shall demonstrate that simulation activities are linked to programmatic outcomes.

(b) The nursing education program shall have written policies and procedures on the following:

(i) Short-term and long-term plans for integrating simulation into the curriculum;

(ii) An identified method of debriefing each simulated activity; and

(iii) A plan for orienting faculty to simulation.

(c) Debriefing as used in this section means an activity following a simulation experience that is led by a facilitator, encourages reflective thinking, and provides feedback regarding the participant's performance.

(d) The nursing education program shall develop criteria to evaluate simulation activities.

(e) Students shall evaluate the simulation experience on an ongoing basis.

(f) The program shall include information about use of simulation in its annual report to the commission.

(4) The ratio of simulation hours to clinical experience hours will be calculated as follows:

(a) One clock hour of simulation may be considered equivalent up to two clock hours of clinical experience if the following conditions are met:

(i) The program holds full approval status by the commission, and is nationally accredited;

(ii) The program has received commission approval to conduct simulation, and is in alignment with the provisions of this section;

(iii) The program will collect evaluation data on simulation outcomes with tools provided by the commission.

(b) One clock hour of simulation may be considered equivalent to one clock hour of clinical experience if one or more of the following conditions are present:

(i) The program's approval status is conditional;

(ii) The program is not nationally accredited; unless the program is in pre-accreditation status, and the commission has specifically granted approval for a one-to-two ratio;

(iii) The program has not previously received commission approval to conduct simulation;

(iv) The program is not in alignment with the provisions of this section;

(v) The program is on a current plan of correction, unless the commission has specifically granted approval for a one-to-two ratio.

AMENDATORY SECTION (Amending WSR 13-15-064, filed 7/15/13, effective 8/15/13)

WAC 246-840-840 Nursing technician. The purpose of the nursing technician credential is to provide additional work related opportunities for students enrolled in an LPN, ADN or BSN program, within the limits of their education, to gain valuable judgment and knowledge through expanded work opportunities.

(1) The nursing technician is as defined in WAC 246-840-010(~~((48))~~) (30).

(2) The nursing technician shall have knowledge and understanding of the laws and rules regulating the nursing technician and shall function within the legal scope of their authorization under chapter 18.79 RCW and shall be responsible and accountable for the specific nursing functions which they can safely perform as verified by their nursing program.

(3) The nursing technician shall work directly for the hospital, clinic or nursing home and may not be employed in these facilities through a temporary agency.

AMENDATORY SECTION (Amending WSR 13-15-063, filed 7/15/13, effective 8/15/13)

WAC 246-840-930 Criteria for delegation. (1) Before delegating a nursing task, the registered nurse delegator decides the task is appropriate to delegate based on the elements of the nursing process: ASSESS, PLAN, IMPLEMENT, EVALUATE.

ASSESS

(2) The setting allows delegation because it is a community-based care setting as defined by RCW 18.79.260 (3)(e)(i) or an in-home care setting as defined by RCW 18.79.260 (3)(e)(ii).

(3) Assess the patient's nursing care needs and determine the patient's condition is stable and predictable. A patient may be stable and predictable with an order for sliding scale insulin or terminal condition.

(4) Determine the task to be delegated is within the delegating nurse's area of responsibility.

(5) Determine the task to be delegated can be properly and safely performed by the nursing assistant or home care aide. The registered nurse delegator assesses the potential risk of harm for the individual patient.

(6) Analyze the complexity of the nursing task and determine the required training or additional training needed by the nursing assistant or home care aide to competently accomplish the task. The registered nurse delegator identifies

and facilitates any additional training of the nursing assistant or home care aide needed prior to delegation. The registered nurse delegator ensures the task to be delegated can be properly and safely performed by the nursing assistant or home care aide.

(7) Assess the level of interaction required. Consider language or cultural diversity affecting communication or the ability to accomplish the task and to facilitate the interaction.

(8) Verify that the nursing assistant or home care aide:

(a) Is currently registered or certified as a nursing assistant or home care aide in Washington state without restriction;

(b) Has completed ~~((both))~~ the ~~((basic caregiver training and))~~ core delegation training before performing any delegated task;

(c) Has a certificate of completion issued by the department of social and health services indicating completion of the required core nurse delegation training;

(d) Has a certificate of completion issued by the department of social and health services indicating completion of diabetes training when providing insulin injections to a diabetic client; and

(e) Is willing and able to perform the task in the absence of direct or immediate nurse supervision and accept responsibility for their actions.

(9) Assess the ability of the nursing assistant or home care aide to competently perform the delegated nursing task in the absence of direct or immediate nurse supervision.

(10) If the registered nurse delegator determines delegation is appropriate, the nurse:

(a) Discusses the delegation process with the patient or authorized representative, including the level of training of the nursing assistant or home care aide delivering care.

(b) Obtains written or verbal consent ~~((The patient, or authorized representative, must give written consent to the delegation process under chapter 7.70 RCW. Documented verbal consent of patient or authorized representative may be acceptable if written consent is obtained within thirty days;))~~ under chapter 7.70 RCW, which must be documented in the patient record. Electronic consent is an acceptable format. ~~((Written))~~ Consent is only necessary at the initial use of the nurse delegation process for each patient and is not necessary for task additions or changes or if a different nurse, nursing assistant, or home care aide will be participating in the process.

PLAN

(11) Document in the patient's record the rationale for delegating or not delegating nursing tasks.

(12) Provide specific, written delegation instructions to the nursing assistant or home care aide with a copy maintained in the patient's record that includes:

(a) The rationale for delegating the nursing task;

(b) The delegated nursing task is specific to one patient and is not transferable to another patient;

(c) The delegated nursing task is specific to one nursing assistant or one home care aide and is not transferable to another nursing assistant or home care aide;

(d) The nature of the condition requiring treatment and purpose of the delegated nursing task;

(e) A clear description of the procedure or steps to follow to perform the task;

(f) The predictable outcomes of the nursing task and how to effectively deal with them;

(g) The risks of the treatment;

(h) The interactions of prescribed medications;

(i) How to observe and report side effects, complications, or unexpected outcomes and appropriate actions to deal with them, including specific parameters for notifying the registered nurse delegator, health care provider, or emergency services;

(j) The action to take in situations where medications and/or treatments and/or procedures are altered by health care provider orders, including:

(i) How to notify the registered nurse delegator of the change;

(ii) The process the registered nurse delegator uses to obtain verification from the health care provider of the change in the medical order; and

(iii) The process to notify the nursing assistant or home care aide of whether administration of the medication or performance of the procedure and/or treatment is delegated or not;

(k) How to document the task in the patient's record;

(l) Document teaching done and a return demonstration, or other method for verification of competency; and

(m) Supervision shall occur at least every ~~((ninety))~~ one hundred twenty days. With delegation of insulin injections, ~~((the supervision occurs at least weekly for the first four weeks, and may be more frequent))~~ after initial training on the task that the registered nurse considers appropriate, the registered nurse will assess the competence of the nursing assistant and determine further supervision needs as appropriate.

(13) The administration of medications may be delegated at the discretion of the registered nurse delegator, including insulin injections. Any other injection (intramuscular, intradermal, subcutaneous, intraosseous, intravenous, or otherwise) is prohibited. The registered nurse delegator provides to the nursing assistant or home care aide written directions specific to an individual patient.

IMPLEMENT

(14) Delegation requires the registered nurse delegator teach the nursing assistant or home care aide how to perform the task, including return demonstration or other method of verification of competency as determined by the registered nurse delegator.

(15) The registered nurse delegator is accountable and responsible for the delegated nursing task. The registered nurse delegator monitors the performance of the task(s) to assure compliance with established standards of practice, policies and procedures and appropriate documentation of the task(s).

EVALUATE

(16) The registered nurse delegator evaluates the patient's responses to the delegated nursing care and to any modification of the nursing components of the patient's plan of care.

(17) The registered nurse delegator supervises and evaluates the performance of the nursing assistant or home care aide, including direct observation or other method of verification of competency of the nursing assistant or home care aide. The registered nurse delegator reevaluates the patient's condition, the care provided to the patient, the capability of the nursing assistant or home care aide, the outcome of the task, and any problems.

(18) The registered nurse delegator ensures safe and effective services are provided. Reevaluation and documentation occurs at least every ~~((ninety))~~ one hundred twenty days. Frequency of supervision is at the discretion of the registered nurse delegator and may be more often based upon nursing assessment.

(19) The registered nurse must supervise and evaluate the performance of the nursing assistant or home care aide with delegated insulin injection authority ~~((at least weekly for the first four weeks. After the first four weeks the supervision shall occur at least every ninety))~~ as needed, but at least once every one hundred twenty days.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-840-210 Continuing competency definitions.

WAC 246-840-240 Extension.

WAC 246-840-361 Continuing education for ARNP license renewal.

AMENDATORY SECTION (Amending WSR 09-06-006, filed 2/18/09, effective 3/21/09)

WAC 246-841-405 Nursing assistant delegation. Provision for delegation of certain tasks.

(1) Nursing assistants perform tasks delegated by a registered nurse for patients in community-based care settings or in-home care settings each as defined in RCW 18.79.260 (3)(e).

(2) Before performing any delegated task:

(a) Nursing assistants-registered must show the certificate of completion of ~~((both the basic caregiver training and))~~ core delegation training from the department of social and health services to the registered nurse delegator.

(b) Nursing assistants-certified must show the certificate of completion of the core delegation training from the department of social and health services to the registered nurse delegator.

(c) All nursing assistants must comply with all applicable requirements of the nursing care quality assurance commission in WAC 246-840-910 through 246-840-970.

(d) All nursing assistants, registered and certified, who may be completing insulin injections must give a certificate of completion of diabetic training from the department of social and health services to the registered nurse delegator.

(e) All nursing assistants must meet any additional training requirements identified by the nursing care quality assurance commission. Any exceptions to additional training requirements must comply with RCW 18.79.260 (3)(e)(v).

(3) Delegated nursing care tasks described in this section are:

(a) Only for the specific patient receiving delegation;

(b) Only with the patient's consent; and

(c) In compliance with all applicable requirements in WAC 246-840-910 through 246-840-970.

(4) A nursing assistant may consent or refuse to consent to perform a delegated nursing care task. The nursing assistant is responsible for their own actions with the decision to consent or refuse to consent and the performance of the delegated nursing care task.

(5) Nursing assistants shall not accept delegation of, or perform, the following nursing care tasks:

(a) Administration of medication by injection, with the exception of insulin injections;

(b) Sterile procedures;

(c) Central line maintenance;

(d) Acts that require nursing judgment.

WSR 20-14-066

EMERGENCY RULES

DEPARTMENT OF HEALTH

[Filed June 26, 2020, 2:13 p.m., effective June 26, 2020, 2:13 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: WAC 246-841-420, 246-841-470, 246-841-490, 246-841-510 and 246-841-555, amending and repealing specific training requirements for nursing assistant certified (NAC) and nursing assistant registered (NAR) in response to the coronavirus disease (COVID-19) pandemic.

The nursing care quality assurance commission (commission) is adopting emergency rules in response to COVID-19. These rules apply to specific training requirements for NAC and NAR. The amendments will allow the commission to survey online classes approved by the commission, assist with demonstration of skills in a lab prior to clinical training, allow program directors to award clinical hours for NAR work, and provide instructions for documenting these work hours. More health care professionals will become available to respond to current demands because of these changes.

Citation of Rules Affected by this Order: Amending WAC 246-841-420, 246-841-470, 246-841-490, 246-841-510, and 246-841-555.

Statutory Authority for Adoption: RCW 18.88A.060.

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

Reasons for this Finding: The immediate amendment of these existing rules is necessary for the preservation of public health, safety, and general welfare. Essential functions including increasing the availability of health care professionals must continue while taking necessary measures to help treat and prevent the spread of COVID-19. The state of emergency in Washington state due to the COVID-19 pandemic has led to a demand for more healthcare professionals, especially qualified nursing assistants. COVID-19 has cre-

ated barriers for nursing assistant training. Amendments are necessary to allow program directors to award clinical hours for NAR work and provide instruction regarding work paths to remove training barriers. By awarding clinical practice hours for NAR work it allows additional opportunity for NAC students to obtain their clinical practice hours. COVID-19 has also impacted nursing assistant training by delaying access to clinical training due to restrictions on in-person training opportunities. Training programs historically are held in person, with the opportunity for the commission to specifically conduct an on-site survey. In response to COVID-19, classrooms have adapted to online training. An amendment to the language to allow surveys for an online classroom setting is essential to ensure that appropriate training is being provided. All of these actions will result in increasing the quantity of professionals able to respond to current demands. Observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to protecting immediate public interests.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 5, Repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 5, Repealed 0.

Date Adopted: June 26, 2020.

Paula Meyer, RN, MSN, FRE
Executive Director

AMENDATORY SECTION (Amending WSR 08-06-100, filed 3/5/08, effective 4/5/08)

WAC 246-841-420 Requirements for approval of nursing assistant-certified training programs. To qualify as a nursing assistant-certified training program, an institution or facility must:

(1) Submit a completed application packet provided by the department of health. The packet will include forms and instructions to submit the following:

- (a) Program objectives.
- (b) Curriculum content outline.
- (c) Qualifications of program director and additional instructional staff.

(d) Contractual agreements related to providing this training. For any program that uses another facility to provide clinical training, this includes an affiliation agreement between the training program and the facility. The affiliation agreement must describe how the program will provide clinical experience in the facility. The agreement must specify

the rights and responsibilities of both parties, students and clients or residents.

- (e) Sample lesson plan for one unit.
- (f) Skills checklist.
- (g) Description of classroom facilities.
- (h) Declaration of compliance with administrative guidelines signed by the program director.

(i) Verification that the program director has completed a course on adult instruction as required by WAC 246-841-470(3) or has one year of experience in the past three years teaching adults. Acceptable experience does not include in-service education or patient teaching. A program director working exclusively in a postsecondary educational setting is exempt from this requirement.

(j) Verification that the nursing assistant-certified training program or school is approved to operate in the state of Washington by:

- (i) The state board for community and technical colleges;
- (ii) The superintendent of public instruction; or
- (iii) The workforce training and education coordinating board.

(2) Agree to on-site survey of the training program((;)) or online survey of the approved online classes as requested by the commission. This on-site will be coordinated with other on-site review requirements when possible.

(3) Participate in the renewal process every two years. Failure to renew results in automatic withdrawal of approval of the program.

(4) Comply with any changes in training standards and guidelines in order to maintain approved status.

(5) Notify the commission and any other approving agency of any changes in overall curriculum plan or major curriculum content changes prior to implementation.

(6) Notify the commission and any other approving agency of changes in program director or instructors.

AMENDATORY SECTION (Amending WSR 08-06-100, filed 3/5/08, effective 4/5/08)

WAC 246-841-470 Program directors and instructors in approved nursing assistant-certified training programs. (1) The program director must hold a current license in good standing as a registered nurse (RN) in the state of Washington.

(2) The commission may deny or withdraw a program director's approval if there is or has been any action taken against the director's health care license or any license held by the director which allows him or her to work with vulnerable populations.

(3) The program director must complete a training course on adult instruction or have demonstrated that he or she has one year experience teaching adults.

(a) Acceptable experience does not include in-service education or patient teaching.

(b) The training course on adult instruction must provide instruction in:

- (i) Understanding the adult learner.
- (ii) Techniques for teaching adults.
- (iii) Classroom methods for teaching adults.
- (iv) Audio visual techniques for teaching adults.

(c) A program director working exclusively in a postsecondary educational setting is exempt from this requirement.

(4) The program director will have a minimum of three years of experience as an RN, of which at least one year will be in direct patient care.

(5) The program director must meet the requirements for additional staff under subsection (7)(b) of this section if the program director will also be acting as an instructor.

(6) Program director responsibilities:

(a) Develop and implement a curriculum which meets as a minimum the requirements of WAC 246-841-490. The program director is responsible for all classroom and clinical training content and instruction.

(b) Assure compliance with and assume responsibility for meeting the requirements of WAC 246-841-490 through 246-841-510.

(c) Assure that all student clinical experience is directly supervised. Direct supervision means that an approved program director or instructor is observing students performing tasks. The program director may also award clinical hours' credit for nursing assistant-registered (NAR) work completed under the supervision of a licensed nurse in a care facility with competency demonstrated and documented in accordance with the commission procedure and form "Nursing Assistant-Registered (NAR) Verification of Clinical Hours and Competency," available at www.doh.wa.gov or by request to the commission.

(d) Assure that the clinical instructor has no concurrent duties during the time he or she is instructing students.

(e) Create and maintain an environment conducive to teaching and learning.

(f) Select and supervise all other instructors involved in the course, including clinical instructors and guest lecturers.

(g) Assure that students are not asked to, nor allowed to, perform any clinical skill with patients or clients until first demonstrating the skill satisfactorily to an instructor in a practice setting or provide students with instruction regarding the NAR work pathway and how to demonstrate competency and have competency documented under the supervision of a licensed nurse in a care facility in accordance with commission procedure and form "Nursing Assistant-Registered (NAR) Verification of Clinical Hours and Competency," available at www.doh.wa.gov or by request to the commission.

(h) Assure evaluation of knowledge and skills of students before verifying completion of the course.

(i) Assure that students receive a verification of completion when requirements of the course have been satisfactorily met.

(7) The program director may select instructional staff to assist in the teaching of the course.

(a) Instructional staff must teach in their area of expertise.

(b) Instructional staff must have a minimum of one year experience within the past three years in caring for the elderly or chronically ill of any age or both.

(c) All instructional staff must hold a current Washington state license to practice as a registered or licensed practical nurse. The commission may deny or withdraw an instructor's approval if there is or has been any action taken against

a health care license or any license held by the applicant which allows him or her to work with vulnerable populations.

(d) Instructional staff may assist the program director in development of curricula, teaching modalities, and evaluation. The instructor will be under the supervision of the program director at all times.

(e) A guest lecturer, or individual with expertise in a specific course unit may be used in the classroom setting for teaching without commission approval, following the program director's review of the currency of content. The guest lecturer, where applicable, must hold a license, certificate or registration in good standing in their field of expertise.

AMENDATORY SECTION (Amending WSR 08-06-100, filed 3/5/08, effective 4/5/08)

WAC 246-841-490 Core curriculum in approved nursing assistant-certified training programs. (1) The curriculum must be competency based. It must be composed of learning objectives and activities that will lead to knowledge and skills required for the graduate to demonstrate mastery of the core competencies as provided in WAC 246-841-400.

(2) The program director will determine the amount of time required in the curriculum to achieve the objectives. The time designated may vary with characteristics of the learners and teaching or learning variables. There must be a minimum of eighty-five hours total, with a minimum of thirty-five hours of classroom training and a minimum of fifty hours of clinical training.

(a) Of the thirty-five hours of classroom training, a minimum of seven hours must be in AIDS education as required by chapter 246-12 WAC, Part 8.

(b) Of the fifty hours of clinical training, at least forty clinical hours must be in the practice setting.

(c) Training to orient the student to the health care facility and facility policies and procedures are not to be included in the minimum hours above.

(3) Each unit of the core curriculum will have:

(a) Behavioral objectives, which are statements of specific observable actions and behaviors that the learner is to perform or exhibit.

(b) An outline of information the learner will need to know in order to meet the objectives.

(c) Learning activities such as lecture, discussion, readings, film, or clinical practice designed to enable the student to achieve the stated objectives.

(4) Clinical teaching in a competency area is closely correlated with classroom teaching to integrate knowledge with manual skills.

(a) Students must wear name tags clearly identifying them as students when interacting with patients, clients or residents, and families.

(b) An identified instructor(s) will supervise clinical teaching or learning at all times. At no time will the ratio of students to instructor exceed ten students to one instructor in the clinical setting. The program director may also award clinical hours' credit for NAR work completed under the supervision of a licensed nurse in a care facility with competency demonstrated and documented in accordance with commission procedure and form "Nursing Assistant-Regis-

tered (NAR) Verification of Clinical Hours and Competency," available at www.doh.wa.gov or by request to the commission.

(5) The curriculum must include evaluation processes to assess mastery of competencies. Students cannot perform any clinical skill on clients or residents until first demonstrating the skill satisfactorily to an instructor in the practice setting or provide students with instruction regarding the NAR work pathway and how to demonstrate and have competency documented under the supervision of a licensed nurse in a care facility in accordance with commission procedure and form "Nursing Assistant-Registered (NAR) Verification of Clinical Hours and Competency," available at www.doh.wa.gov or by request to the commission.

AMENDATORY SECTION (Amending WSR 08-06-100, filed 3/5/08, effective 4/5/08)

WAC 246-841-510 Administrative procedures for approved nursing assistant-certified training programs.

(1) The program must establish and maintain a file for each student enrolled. The file must include:

- (a) Dates attended.
- (b) Test results.
- (c) A skills evaluation checklist with dates of skills testing and signature of instructor. If the program grants clinical hours' credit for students working as nursing assistants-registered, the student file must also include a fully completed commission-approved student form "Nursing Assistant-Registered (NAR) Verification of Clinical Hours and Competency," available at www.doh.wa.gov or by request to the commission.

(d) Documentation of successful completion of the course, or documentation of the course outcome.

(2) Each student file must be maintained by the program for a period of five years, and copies of documents made available to students who request them.

(3) Verification of successful completion of the course of training will be provided to the commission on forms provided by the commission.

(4) For those programs based in a health care facility: Verification of program completion and the application for state testing will not be withheld from a student who has successfully met the requirements of the program. Successful completion will be determined by the training program director separately from other employer issues.

AMENDATORY SECTION (Amending WSR 11-16-042, filed 7/27/11, effective 8/27/11)

WAC 246-841-555 Responsibilities of the program director in alternative programs. The program director of an alternative program is responsible for:

- (1) Development and use of a curriculum which:
 - (a) Meets the requirements of WAC 246-841-545; or
 - (b) Meets the requirements of WAC 246-841-550.
- (2) Ensuring compliance with the requirements of WAC 246-841-500 and 246-841-510.
- (3) Verifying home care aides-certified have a valid certification before admission to the alternative program.

(4) Verifying medical assistants-certified have certification before admission to the alternative program.

(5) Direct supervision of all students during clinical experience. Direct supervision means an approved program director or instructor observes students performing tasks. The program director may also award clinical hours' credit for nursing assistant-registered (NAR) work completed under the supervision of a licensed nurse in a care facility with competency demonstrated and documented in accordance with commission procedure and form "Nursing Assistant-Registered (NAR) Verification of Clinical Hours and Competency," available at www.doh.wa.gov or by request to the commission.

(6) Ensuring the clinical instructor has no concurrent duties during the time he or she is instructing students.

(7) Maintaining an environment acceptable to teaching and learning.

(8) Supervising all instructors involved in the course. This includes clinical instructors and guest lecturers.

(9) Ensuring students are not asked to, or allowed to perform any clinical skill with patients or clients until the students have demonstrated the skill satisfactorily to an instructor in a practice setting or provide students with instruction regarding the NAR work pathway and how to demonstrate competency and have competency documented under the supervision of a licensed nurse in a care facility in accordance with commission procedure and form "Nursing Assistant-Registered (NAR) Verification of Clinical Hours and Competency," available at www.doh.wa.gov or by request to the commission.

(10) Evaluating knowledge and skills of students before verifying completion of the course.

(11) Providing students a verification of completion when requirements of the course have been satisfied.

(12) Providing adequate time for students to complete the objectives of the course. The time may vary with skills of the learners and teaching or learning variables.

(13) Establishing an evaluation process to assess mastery of competencies.

WSR 20-14-068

EMERGENCY RULES

DEPARTMENT OF REVENUE

[Filed June 26, 2020, 4:52 p.m., effective July 1, 2020]

Effective Date of Rule: July 1, 2020.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: According to RCW 19.02.075, the department of revenue must establish the amount of handling fees by rule, as authorized under RCW 19.02.030. During the 2020 legislative session, SSB 6632 passed and changed the amount of these handling fees. The legislation becomes effective on July 1, 2020.

Purpose: WAC 458-02-200 is the rule that provides information about business license application handling fees, renewal application handling fees, and late filing delinquency fees as described in chapter 19.02 RCW. During the 2020 legislative session, SSB 6632 passed and changed the maximum amount of handling fees that may be charged by the

department to process business license applications and business license renewal applications. Because the department will be changing these fees effective July 1, 2020, the information must be included in the rule so the public is aware of the change. Language was also added to this rule to address ESB 5402, which also passed during the 2020 legislative session. This legislation allows the department to waive or cancel the business license delinquency fee if the licensee failed to renew timely and it was due to an undisputable [indisputable] error or failure by the department. The department will continue with the expedited rule-making process to make this rule permanent.

Citation of Rules Affected by this Order: Amending WAC 458-02-200 Business licensing service—Applications, licenses, renewals—Fees—Posting.

Statutory Authority for Adoption: RCW 19.02.030(3).

Other Authority: RCW 34.05.350.

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

Reasons for this Finding: Taxpayers rely on WAC 458-02-200 to determine the fees they will be charged when submitting or renewing a business license. Effective July 1, 2020, the department will be adjusting these fees and must publish the updated fee amounts in rule.

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

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

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

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

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

Date Adopted: June 26, 2020.

Atif Aziz
Rules Coordinator

AMENDATORY SECTION (Amending WSR 14-08-010, filed 3/20/14, effective 4/20/14)

WAC 458-02-200 Business licensing service—Applications, licenses, renewals—Fees(~~—Posting~~). (1) **Introduction.** This rule provides information about business license application handling fees, renewal application handling fees, and late filing delinquency fees as described in chapter 19.02 RCW. Information about ~~((the))~~ individual licenses ~~((that))~~ may be obtained from the business licensing service (BLS) of the department of revenue ~~((the))~~ depart-

ment) and is available online at(~~(http://bls.dor.wa.gov)~~) dor.wa.gov.

(2) **Definitions.** The definitions in RCW 19.02.020 apply to this rule.

(3) **What fee do I need to pay when applying for or renewing a license?** The fee payable is the total amount of all individual license fees, business license application handling fees, renewal application handling fees, late filing delinquency fees, other penalty fees, ~~((and handling fees;))~~ and the method of payment may ~~((include))~~ result in additional ~~((fees charged to cover))~~ charges for credit or debit card processing. ~~((Licensing))~~ Individual license fees vary depending on the license(s) for which you are applying or renewing.

~~((3))~~ (4) **What does the department do with the fees?** The department will distribute the fees received for individual licenses to the respective regulatory agencies. The application and renewal handling fees and the late filing delinquency fees support the operation of the BLS. Credit or debit card payment processing fees are charged and retained by a third-party payment processor.

~~((4))~~ (5) **When do I get my business license?** ~~((The))~~ A business license will not be issued until the total fee payable is collected and all required information has been submitted. Some individual licenses require review and approval by the regulating authorities, and the business license will not be issued until the regulating authorities have approved them.

~~((5))~~ (6) **Can I get a refund?** The business license application handling fee and renewal application handling fees collected under RCW 19.02.075 are not refundable. The late filing delinquency fee under RCW 19.02.085 may not be waived or refunded unless the department determines that the licensee failed to renew a license by the business license expiration date due to an undisputable error or failure by the department that caused the late filing. When a license is denied or when an applicant withdraws an application, a refund of any other refundable portion of the total payment will be made in accordance with the applicable licensing laws.

~~((6))~~ (7) **What are the ~~((handling))~~ fees?** The business license application handling fee, renewal application handling fee, late renewal filing delinquency fee, and individual license fee amounts are as follows:

Type of ((handling)) fee:	Fee amount:
Business license application ((filing)) <u>handling fee to open the first business location of a new business, or to reopen a closed business:</u>	\$(49.00) 90.00
<u>Business license application handling fee for an existing business adding a new business location or requesting a city's license endorsement for a nonresident business:</u>	\$0
<u>Business license application handling fee for any other purpose(s):</u>	\$19.00
Business license renewal application ((filing)) <u>handling fee:</u>	\$(41.00) 10.00

Type of ((handling)) fee:	Fee amount:
Late renewal filing delinquency fee:	Up to \$150.00 per business location. See subsection <u>(9)(b)</u> of this rule.
Individual license fee:	Varies depending on type of license.

~~((7))~~ **(8) What should I do with my business license?**

The business license must be displayed in a conspicuous place at the business location for which the license is issued.

~~((8))~~ **(9) Do I need to renew my business license?**

(a) The various licenses endorsed and displayed on the business license may each have a requirement to be renewed periodically. The department ~~((with))~~ may prorate the terms of individual licenses ~~((issuance))~~ and associated fees as ~~((appropriate))~~ needed so that all requested licenses ~~((are renewed))~~ on the account are due for renewal at the same time.

(b) Licenses requiring renewal must be renewed by the expiration date or the department will assess a delinquency fee ~~((The))~~, as required by RCW 19.02.085. The delinquency fee is the lesser of one hundred fifty dollars or fifty percent of a base comprised of the licensee's renewal fee minus corporate licensing taxes, corporation annual report fee, and any interest fees or penalties charged for late taxes or corporate renewals. The delinquency fee must be paid by the licensee before a business license is renewed. Other regulatory agencies may also assess delinquency fees and/or penalties for late renewal, and may cancel the individual licenses for non-renewal. Reissuance of individual licenses canceled for non-renewal may require the filing of a new business license application.

WSR 20-14-075
EMERGENCY RULES
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed June 29, 2020, 12:57 p.m., effective July 1, 2020]

Effective Date of Rule: July 1, 2020.

Purpose: Working connections child care (WCCC) provides child care subsidies for families who meet prescribed income thresholds and who are engaged in work or certain work activities. WAC 110-15-0023 changes the homeless grace period from four to twelve months. The homeless grace period affords families experiencing homelessness as verified by the department extra time to meet program requirements, including providing verification of participation in work or approved work activities. WAC 110-15-0200 and 110-15-0205 increase rates for licensed and certified child care centers and family home child cares, respectively.

Citation of Rules Affected by this Order: Amending WAC 110-15-0023 Homeless grace period (HGP), 110-15-

0200 Daily child care rates—Licensed or certified child care centers and DCYF contracted seasonal day camps, and 110-15-0205 Daily child care rates—Licensed or certified family home child care providers.

Statutory Authority for Adoption: RCW 43.216.055 and 43.216.065.

Other Authority: 42 U.S.C. 9858 et seq.; 45 C.F.R. Part 98.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Section 2, chapter 279, Laws of 2020, directs the department to extend the homeless grace period to twelve months, effective July 1, 2020. Section 225(4), chapter 357, Laws of 2020, directs the department to bring subsidy rates closer to market rate effective July 1, 2020.

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

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

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

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

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

Date Adopted: June 29, 2020.

Brenda Villarreal
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0023 Homeless grace period (HGP). ~~((Families experiencing homelessness will be eligible for HGP and will have a certification period of twelve months:~~

~~((a) When homelessness is verified within thirty days of the date of application or reapplication;~~

~~((b) When the family has not received HGP in the twelve calendar months prior to the month of application or reapplication; and~~

~~((c) When the family meets all eligibility requirements under WAC 170-290-0005 and 170-290-0030, except)) A homeless grace period (HGP) is established as described in this section.~~

(2) DCYF may grant a consumer experiencing homelessness a twelve-month grace period to submit the documentation described in this subsection. The children of the consumer experiencing homelessness may receive WCCC services during the HGP. Within twelve months of the child being authorized in the WCCC program, the consumer must submit to DCYF:

(i) Documentation verifying participation ((or participating)) in an approved ((activities in WAC 170-290-0040, 170-290-0045, 170-290-0050, or 170-290-0055; or

(ii) Providing required third-party verification of employment within thirty days of receipt of an application or reapplication; or

(iii) Having an outstanding copayment or not having a payment plan for the outstanding copayment.

(2) Families eligible for HGP will have a period of four months to provide:

(a) Verification of participation in approved activities in WAC 170-290-0040, 170-290-0045, 170-290-0050, or 170-290-0055;

(b) Required third-party verification of employment; and

(c) Verification of payment or payment plan arrangements for an outstanding copayment.

(3) Families must report changes as required in WAC 170-290-0031 and will remain eligible for HGP through the end of the fourth month, if their homeless status changes.

(4) If received in months one through four, the verification required in subsection (3) of this section will not need reverification for care to continue during months five through twelve.

(5) The four-month period begins on the first date of eligibility, which is the date of application or reapplication and the first month may be a partial month. The four-month period ends on the last day of the fourth month.

(6) Termination of HGP will occur on the last day of the fourth month if the family does not:

(a) Verify they have entered an approved activity;

(b) Provide the required third-party verification of employment;

(c) Pay or make payment arrangements of an outstanding copayment.

(7) DSHS will approve HGP for families using WCCC for the fourteen-day wait period (WAC 170-290-0055). If the family has verified their homeless status but not entered the approved activity by the fourteenth day:

(a) HGP is approved the first day following the end of the fourteen-day wait period instead of terminating WCCC;

(b) The copayment is waived effective the first day of the month following the last day of the fourteen-day wait period; and

(c) The copayment is waived for the remainder of the four-month period, even if it is less than four months.

(d) When homelessness is verified and HGP approved, an overpayment will not be established for the fourteen-day wait period.

(8) DSHS will approve HGP for families using WCCC for the sixty days of self-attestation of new employment (WAC 170-290-0012). If the family has verified their homeless status but not provided the required employment verification by the sixtieth day:

(a) HGP is approved the first day following the end of the sixty days of self-attestation period instead of terminating WCCC;

(b) The copayment is waived effective the first day of the month following the last day of the sixty days of self-attestation period; and

(c) The copayment is waived for the remainder of the HGP, even if it is less than four months.

(d) An overpayment is not established for the sixty days of self-attestations if homelessness is verified and HGP is approved.

(9)(a) HGP copayments will be determined at initial eligibility determination and be waived for the first four months. A copayment is required for months five through month twelve.

(b) If the copayment exceeds fifteen dollars, the family will not be eligible for the fifteen dollars copayment during the first two months of paying a required copayment.

(10) Families will be approved for full-time care during the four months of HGP and the remainder of the eligibility period. Full-time care means:

(a) Twenty-three full day units when the child needs five or more hours of care per day;

(b) Thirty half day units when the child needs less than five hours of care per day;

(c) Thirty half day units during the months of September through June when the child is school-aged; or

(d) Forty-six half day units during the months of July and August when the child is school-aged.

(11)(a) Only licensed, certified or DEL-contracted providers shall be authorized to provide child care during the four months of HGP. Payment to the provider will be either the provider rate or state rate, whichever is less.

(b) In-home/relative providers shall not be authorized to provide child care for families during the HGP, regardless of changes reported.

(c) Families may choose in-home/relative providers to provide care during months five through twelve, under WAC 170-290-0125, 170-290-0130 and 170-290-0190.

(d) The four months of HGP are nontransferable; families may not change the four months of HGP, even when care was not provided;) activity as described in WAC 110-15-0040, 110-15-0045, or 110-15-0050;

(ii) Third-party verification of employment; and

(iii) Verification that any outstanding copayment owed by the consumer has been paid or written verification of a payment plan agreed to by the child care provider who is owed the outstanding copayment.

(3) A consumer is eligible for HGP if the consumer:

(a) Is experiencing, and DCYF verifies, homelessness at the time of the consumer's application for benefits;

(b) Has not been approved for HGP within the previous twelve months; and

(c) Except for the requirements described in subsection (1) of this section, meets all eligibility requirements described in this chapter.

(4) Consumers approved by DCYF for HGP are eligible to receive:

(a) A twelve-month certification period;

(b) A copayment waiver; and

(c) An authorization for full-time care as described in WAC 110-15-0190.

(5) Authorizations for HGP eligible consumers may only be authorized for licensed care, certified care, or DCYF contracted provider care.

(6) Consumers authorized care under HGP must provide required verification when reapplying at the end of their certification as described in WAC 110-15-0109.

(7) Consumers approved under HGP are not subject to overpayment unless the consumer obtained benefits by failing to report accurate information that resulted in an error in determining the consumer's eligibility for HGP.

AMENDATORY SECTION (Amending WSR 19-12-058, filed 5/31/19, effective 7/1/19)

WAC 110-15-0200 Daily child care rates—Licensed or certified child care centers and DCYF contracted seasonal day camps. (1) **Base rate.** DCYF pays the lesser of the following to a licensed or certified child care center or DCYF contracted seasonal day camp:

- (a) The provider's private pay rate for that child; or
- (b) The maximum child care subsidy daily rate for that child as listed in the following table, effective July 1, 2020:

		Infants (One month - 11 mos.)	Toddlers (12 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kin- dergarten or school)
Region 1	Full-Day	\$(35.29) 36.27	\$(32.44) 34.32	\$(30.53) 31.64	\$(29.41) 30.00
	Half-Day	\$(17.65) 18.14	\$(16.22) 17.16	\$(15.27) 15.82	\$(14.71) 15.00
Spokane County	Full-Day	\$(45.45) 49.45	\$(38.77) 42.32	\$(35.69) 38.32	\$(27.90) 27.91
	Half-Day	\$(22.73) 24.73	\$(19.39) 21.16	\$(17.85) 19.16	\$13.95
Region 2	Full-Day	\$(39.44) 44.14	\$(31.67) 34.32	\$(30.56) 32.82	\$(23.84) 23.86
	Half-Day	\$(19.72) 22.07	\$(15.84) 17.16	\$(15.28) 16.41	\$(11.92) 11.93
Region 3	Full-Day	\$(58.64) 66.86	\$(49.47) 55.41	\$(42.59) 48.59	\$(31.82) 34.77
	Half-Day	\$(29.32) 33.43	\$(24.74) 27.70	\$(21.30) 24.30	\$(15.94) 17.39
Region 4	Full-Day	\$(71.76) 84.32	\$(60.14) 69.09	\$(55.57) 63.73	\$(33.41) 39.23
	Half-Day	\$(35.88) 42.16	\$(30.07) 34.55	\$(27.79) 31.86	\$(16.71) 19.61
Region 5	Full-Day	\$(48.86) 56.55	\$(42.51) 46.77	\$(37.88) 41.91	\$(26.12) 28.18
	Half-Day	\$(24.43) 28.27	\$(21.26) 23.39	\$(18.94) 20.95	\$(13.06) 14.09
Region 6	Full-Day	\$(46.39) 50.36	\$(40.82) 44.59	\$(35.56) 40.18	\$(28.01) 29.41
	Half-Day	\$(23.20) 25.18	\$(20.41) 22.30	\$(17.78) 20.09	\$(14.01) 14.70

- (i) Centers in Clark County are paid Region 3 rates.
- (ii) Centers in Benton, Walla Walla, and Whitman counties are paid Region 6 rates.

(2) ~~((The child care center WAC 110-300A-0010 and 110-300A-0050))~~ WAC 110-300-0005 and 110-300-0356 allow ~~((s))~~ providers to care for children from ~~((one month))~~ birth up to and including the end of their eligibility period after their thirteenth birthday.

(3) The provider must obtain a child-specific and time-limited exception from ~~((their child care licensor))~~ DCYF to provide care for a child outside the age listed on the center's license.

(4) If ~~((the))~~ a provider ~~((has))~~ is granted an exception to care for a child who ~~((has exceeded the child's thirteenth birthday,))~~ is thirteen years old or older at application or reapplication:

(a) The payment rate is the same as subsection (1) of this section, and the five through twelve year age range column is used for comparison ~~((WAC 110-300A-0010 and 110-300A-0050 are superseded by WAC 110-300-0005 and 110-300-0356, respectively, effective August 1, 2019.~~

(3) If the center provider cares for a child who is thirteen or older, the provider must have a child-specific and time-limited exception ~~((;))~~; and

(b) The child must meet the special needs requirement ~~((according to))~~ as described in WAC 110-15-0220 ~~((when thirteen or older at application or reapplication)).~~

AMENDATORY SECTION (Amending WSR 20-08-077, filed 3/26/20, effective 4/26/20)

WAC 110-15-0205 Daily child care rates—Licensed or certified family home child care providers. (1) **Base rate.** DCYF pays the lesser of the following to a licensed or certified family home child care provider:

- (a) The provider's private pay rate for that child; or
- (b) The maximum child care subsidy daily rate for that child as listed in the following table effective July 1, ~~((2019))~~ 2020:

		Infants (Birth - 11 mos.)	Enhanced Toddlers (12 - 17 mos.)	Toddlers (18 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)
Region 1	Full-Day	\$(31.25) <u>34.32</u>	\$(31.25) <u>34.32</u>	\$(26.79) <u>29.41</u>	\$(25.89) <u>29.41</u>	\$(22.32) <u>27.45</u>
	Half-Day	\$(15.63) <u>17.16</u>	\$(15.63) <u>17.16</u>	\$(13.39) <u>14.70</u>	\$(12.95) <u>14.70</u>	\$(11.16) <u>13.73</u>
Spokane County	Full-Day	\$(32.59) <u>39.23</u>	\$(32.59) <u>39.23</u>	\$(27.68) <u>32.36</u>	\$(26.79) <u>31.18</u>	\$(26.79) <u>29.41</u>
	Half-Day	\$(16.29) <u>19.61</u>	\$(16.29) <u>19.61</u>	\$(13.84) <u>16.18</u>	\$(13.39) <u>15.59</u>	\$(13.39) <u>14.70</u>
Region 2	Full-Day	\$(32.14) <u>38.23</u>	\$(32.14) <u>38.23</u>	\$(29.46) <u>34.32</u>	\$(26.79) <u>30.86</u>	\$(25.00) <u>29.41</u>
	Half-Day	\$(16.07) <u>19.11</u>	\$(16.07) <u>19.11</u>	\$(14.73) <u>17.16</u>	\$(13.39) <u>15.43</u>	\$(12.50) <u>14.70</u>
Region 3	Full-Day	\$(42.86) <u>49.00</u>	\$(42.86) <u>49.00</u>	\$(37.50) <u>44.14</u>	\$(36.25) <u>39.27</u>	\$(29.38) <u>34.32</u>
	Half-Day	\$(21.43) <u>24.50</u>	\$(21.43) <u>24.50</u>	\$(18.75) <u>22.07</u>	\$(18.13) <u>19.64</u>	\$(14.69) <u>17.16</u>
Region 4	Full-Day	\$(54.37) <u>58.82</u>	\$(54.37) <u>58.82</u>	\$(48.70) <u>55.68</u>	\$(41.07) <u>49.00</u>	\$(32.31) <u>34.32</u>
	Half-Day	\$(27.19) <u>29.41</u>	\$(27.19) <u>29.41</u>	\$(24.35) <u>27.84</u>	\$(20.54) <u>24.50</u>	\$(16.16) <u>17.16</u>
Region 5	Full-Day	\$(37.07) <u>44.14</u>	\$(37.07) <u>44.14</u>	\$(34.90) <u>39.23</u>	\$(31.25) <u>34.32</u>	\$(26.79) <u>31.36</u>
	Half-Day	\$(18.54) <u>22.07</u>	\$(18.54) <u>22.07</u>	\$(17.45) <u>19.61</u>	\$(15.63) <u>17.16</u>	\$(13.39) <u>15.68</u>
Region 6	Full-Day	\$(33.93) <u>37.86</u>	\$(33.93) <u>37.86</u>	\$(31.25) <u>34.32</u>	\$(28.41) <u>31.36</u>	\$(25.89) <u>28.95</u>
	Half-Day	\$(16.96) <u>18.93</u>	\$(16.96) <u>18.93</u>	\$(15.63) <u>17.16</u>	\$(14.20) <u>15.68</u>	\$(12.95) <u>14.48</u>

((e) The maximum child care subsidy daily rate for that child as listed in the following table beginning July 1, 2020:

		Infants (Birth - 11 mos.)	Enhanced Toddlers (12 - 17 mos.)	Toddlers (18 - 29 mos.)	Preschool (30 mos. - 6 yrs not attending kindergarten or school)	School-age (5 - 12 yrs attending kindergarten or school)
Region 1	Full-Day	\$33.13	\$33.13	\$28.39	\$27.45	\$23.66
	Half-Day	\$16.56	\$16.56	\$14.20	\$13.72	\$11.83
Spokane County	Full-Day	\$34.54	\$34.54	\$29.34	\$28.39	\$28.39
	Half-Day	\$17.27	\$17.27	\$14.67	\$14.20	\$14.20
Region 2	Full-Day	\$34.07	\$34.07	\$31.23	\$28.39	\$26.50
	Half-Day	\$17.04	\$17.04	\$15.62	\$14.20	\$13.25
Region 3	Full-Day	\$45.43	\$45.43	\$39.75	\$38.43	\$31.14
	Half-Day	\$22.71	\$22.71	\$19.88	\$19.21	\$15.57
Region 4	Full-Day	\$57.63	\$57.63	\$51.62	\$43.54	\$34.25
	Half-Day	\$28.82	\$28.82	\$25.81	\$21.77	\$17.13
Region 5	Full-Day	\$39.29	\$39.29	\$37.00	\$33.13	\$28.39
	Half-Day	\$19.65	\$19.65	\$18.50	\$16.56	\$14.20
Region 6	Full-Day	\$35.96	\$35.96	\$33.13	\$30.11	\$27.45
	Half-Day	\$17.98	\$17.98	\$16.56	\$15.06	\$13.72

(2) Effective July 1, 2019, family home providers in all regions and for all ages will receive a partial-day rate that is seventy-five percent of the full-day rate when:

(a) The family home provider provides child care services for the child during a morning session and an afternoon session. A morning session begins at any time after 12:00 a.m. and ends before 12:00 p.m. An afternoon session begins at any time after 12:00 p.m. and ends before 12:00 a.m.;

(b) The child is absent from care in order to attend school or preschool; and

(c) The family home provider is not entitled to payment at the full-day rate.

(d) ~~((In no event will))~~ A child care provider ~~((be))~~ is not entitled to two partial-day rates totaling one hundred fifty percent of the daily rate.

(3) A single partial-day monthly unit will be authorized for a school-age child who attends a licensed family home child care and is:

(a) Eligible for a full-time authorization ~~((, but is))~~ and in care for less than five hours on a typical school day;

(b) Authorized for care with only one provider; and

(c) Expected to need care before and after school.

Partial-Day Monthly Rates					
	((July 1, 2019-June 30,)) July-August 2020			((July 1, 2020-June 30,)) September 2020 - June 2021	
	((September-June monthly rate	July-August monthly rate		September-June monthly rate	July-August monthly rate))
Region 1	\$((396.18)) <u>603.90</u>	(((\$491.04))		\$((420.05)) <u>487.24</u>	(((\$520.52))
Spokane	\$((475.48)) <u>647.02</u>	(((\$589.38))		\$((503.88)) <u>522.03</u>	(((\$624.58))
Region 2	\$((443.75)) <u>647.02</u>	(((\$550.00))		\$((470.46)) <u>522.03</u>	(((\$583.00))
Region 3	\$((521.58)) <u>755.04</u>	(((\$646.36))		\$((552.82)) <u>609.18</u>	(((\$685.08))
Region 4	\$((573.63)) <u>755.04</u>	(((\$710.82))		\$((607.98)) <u>609.18</u>	(((\$753.50))
Region 5	\$((475.48)) <u>689.92</u>	(((\$589.38))		\$((503.88)) <u>556.64</u>	(((\$624.58))
Region 6	\$((459.59)) <u>636.90</u>	(((\$569.58))		\$((487.11)) <u>513.86</u>	(((\$603.90))

(4) The monthly unit will be prorated for partial months of authorization.

(5) WAC 110-300-0005 and 110-300-0355 allow((s)) providers to care for children from birth up to and including the end of their eligibility period after their thirteenth birthday.

(6) The provider must obtain a child-specific and time-limited exception from DCYF to provide care for a child outside the age listed on the family home child care license.

(7) If ((the family home)) a provider ((eares)) is granted an exception to care for a child who is thirteen years of age or older((, the provider must follow WAC 110-300-0300 and 110-300-0355. A child who is thirteen years of age or older at application must meet the special needs requirement according to WAC 110-15-0220. If the provider has an exception to care for a child who has reached the child's thirteenth birthday,)) at application or reapplication:

(a) The payment rate is the same as subsection (1) of this section and the five through twelve year age range column is used for comparison; and

(b) The child must meet the special needs requirement as described in WAC 110-15-0220.

~~((7))~~ (8) DCYF pays family home child care providers at the licensed home rate regardless of their relation to the children (with the exception listed in subsection ~~((8))~~ (9) of this section).

~~((8))~~ (9) DCYF cannot pay family home child care providers to provide care for children in their care if the provider is:

- (a) The child's biological, adoptive or step-parent;
- (b) The child's legal guardian or the guardian's spouse or live-in partner; or
- (c) Another adult acting in loco parentis or that adult's spouse or live-in partner.

Purpose: The employment security department is adopting this emergency rule to provide relief from unemployment benefit charges for employers who had employees collect unemployment benefits because the employee received a direct request from a medical professional, local health official or the secretary of health to be isolated or quarantined as a consequence of COVID-19, even if the employee was not actually diagnosed with COVID-19. Unemployment benefits paid to these individuals will not be charged to the experience rating account of their employers and will not count against their employer's in the calculation of their tax rates in future years.

Citation of Rules Affected by this Order: New WAC 192-320-071.

Statutory Authority for Adoption: RCW 50.12.040, 50.92.021.

Other Authority: Unemployment Insurance Program Letter No. 13-20, Change 1.

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

Reasons for this Finding: In Proclamation 20-05, Governor Inslee proclaimed a State of Emergency in Washington regarding COVID-19. The proclamation directs agencies and departments to support the department of health and local officials in alleviating the impacts to people, property, and infrastructure across the state. Additionally, §§ 4102 and 4105 of the Families First Coronavirus Response Act, P.L. 116-127, offers states additional funds to administer their state unemployment insurance programs and to reimburse states for extended unemployment benefits paid for a limited period if the state takes steps "to ease eligibility requirements and access to unemployment compensation for claimants, including ... non-charging employers directly impacted by COVID-19 due to an illness in the workplace or direction from a public health official to isolate or quarantine workers." Therefore, without this rule, Washington would not have

WSR 20-14-080

EMERGENCY RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed June 30, 2020, 7:59 a.m., effective June 30, 2020, 7:59 a.m.]

Effective Date of Rule: Immediately upon filing.

access to additional federal funds to administer the unemployment insurance program and pay extended benefits to the long-term unemployed.

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

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

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

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

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

Date Adopted: June 30, 2020.

Dan Zeitlin
Policy Director

NEW SECTION

WAC 192-320-071 Directions to isolate or quarantine workers. For the purposes of RCW 50.29.021 (4)(a)(i) for claims of benefits for weeks on or after March 1, 2020, an employee will be deemed to have "last left the employ of such employer voluntarily for reasons not attributable to the employer" if the employee left the employ of an employer due to a direct request from a medical professional, local health official, or the secretary of health to be isolated or quarantined as a consequence of COVID-19, even if the employee has not been actually diagnosed with COVID-19.

WSR 20-14-081

EMERGENCY RULES

HEALTH CARE AUTHORITY

[Filed June 30, 2020, 8:19 a.m., effective June 30, 2020, 8:19 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The health care authority is adopting emergency amendments to WAC 182-507-0130 Refugee medical assistance. Based on federal waiver approval from the federal Office of Refugee Resettlement, these amendments will implement extended refugee medical assistance benefits during this time of economic hardship caused by the COVID-19 (also known as coronavirus) pandemic.

Citation of Rules Affected by this Order: Amending WAC 182-507-0130.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of

notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Emergency adoption of this rule protects the health, safety, and general welfare of Washington residents by supporting ongoing access to public assistance under the refugee medical assistance program during this time of economic hardship caused by the COVID-19 (also known as coronavirus) pandemic.

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

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

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

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

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

Date Adopted: June 30, 2020.

Wendy Barcus
Rules Coordinator

AMENDATORY SECTION (Amending WSR 12-19-001, filed 9/5/12, effective 10/6/12)

WAC 182-507-0130 Refugee medical assistance (RMA). (1) An individual is eligible for refugee medical assistance (RMA) if the following conditions are met. The individual:

(a) Meets immigration status requirements of WAC 182-507-0135;

(b) Has countable resources below one thousand dollars on the date of application;

(c) Has countable income equal to or below two hundred percent of the federal poverty level (FPL) on the date of application. The following income is not considered when determining eligibility for RMA:

(i) Resettlement cash payments made by the voluntary agency (VOLAG);

(ii) Income of a sponsor is not counted unless the sponsor is also part of the individual's assistance unit; and

(iii) Income received after the date of application.

(d) Provides the name of the VOLAG which helped bring the individual to the United States so that the department of social and health services (DSHS) can promptly notify the VOLAG (or sponsor) about the medical application.

(2) An individual who receives refugee cash assistance (RCA) is eligible for RMA as long as the individual is not otherwise eligible for medicaid or a children's health care program as described in WAC 182-505-0210. An individual does not have to apply for or receive RCA in order to qualify for RMA.

(3) An individual is not eligible to receive RMA if the individual is:

(a) Already eligible for medicaid or a children's health care program as described in WAC 182-505-0210;

(b) A full-time student in an institution of higher education unless the educational activity is part of a DSHS-approved individual responsibility plan (IRP); or

(c) A nonrefugee spouse of a refugee.

(4) If approved for RMA, the agency or its designee issues an approval letter in both English and the individual's primary language. The agency or its designee also sends a notice every time there are any changes or actions taken which affect the individual's eligibility for RMA.

(5) An individual may be eligible for RMA coverage of medical expenses incurred during the three months prior to the first day of the month of the application. Eligibility determination will be made according to medicaid rules.

(6) A victim of human trafficking must provide the following documentation and meet the eligibility requirements in subsections (1) and (2) of this section to be eligible for RMA:

(a) Adults, eighteen years of age or older, must provide the original certification letter from the United States Department of Health and Human Services (DHHS). No other documentation is needed. The eight-month eligibility period will be determined based on the entry date on the individual's certification letter;

(b) A child victim under the age of eighteen does not need to be certified. DHHS issues a special letter for children. Children also have to meet income eligibility requirements;

(c) A family member of a certified victim of human trafficking must have a T-2, T-3, T-4, or T-5 visa (derivative T-Visas), and the family member must meet eligibility requirements in subsections (1) and (2) of this section.

(7) The entry date for an asylee is the date that the individual's asylum status is granted. For example, an individual entered the United States on December 1, 1999, as a tourist, then applied for asylum on April 1, 2000, interviewed with the asylum office on July 1, 2000, and was granted asylum on September 1, 2000. The date of entry is September 1, 2000, and that is the date used to establish eligibility for RMA.

(8) RMA ends on the last day of the eighth month from the month the individual entered the United States. For example, an individual who entered the United States on May 28, 2011, is eligible through the end of December 2011. You may receive RMA benefits for more months if the federal Office of Refugee Resettlement extends your eligibility period.

(9) An individual approved for RMA is continuously eligible through the end of the eighth month after the individual's entry to the United States, regardless of an increase in income.

(10) The agency, or its designee, determines eligibility for medicaid and other medical programs for an individual's spouse when the spouse arrives in the United States. If the spouse is not eligible for medicaid due to the countable income of the individual, the spouse is still eligible for RMA for eight months following the spouse's entry into the United States.

(11) An individual who disagrees with a decision or action taken on the case by the agency, or its designee, has the

right to request a review of the case action(s) or request an administrative hearing (see chapter 182-526 WAC). The request must be received by the agency, or its designee, within ninety days of the date of the decision or action.

WSR 20-14-082
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 30, 2020, 8:35 a.m., effective July 1, 2020]

Effective Date of Rule: July 1, 2020.

Purpose: This emergency rule making delays the effective date of the 2020 edition of the National Fire Protection Association (NFPA) 70, the National Electrical Code (NEC) under the state's electrical rules, until October 29, 2020. Due to the evolving public health emergency caused by the coronavirus (COVID-19), L&I is moving to respond to our customers' need to delay the implementation of the new safety codes.

Citation of Rules Affected by this Order: Amending WAC 296-46B-010 General.

Statutory Authority for Adoption: Chapter 19.28 RCW, Electricians and electrical installations including RCW 19.28.031 and 19.28.251.

Other Authority: None.

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

Reasons for this Finding: The emergency rule allows the 2017 NEC to remain in effect temporarily. This emergency rule making is necessary to delay the new safety codes, so businesses and consumers can focus on completing projects in-progress without having to navigate a new regulatory system, during a time when many businesses have closed or greatly reduced their operations and must meet new safety requirements due to the pandemic.

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

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

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

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

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

Date Adopted: June 30, 2020.

Joel Sacks

Director

AMENDATORY SECTION (Amending WSR 20-11-053, filed 5/19/20, effective 7/1/20)

WAC 296-46B-010 General.

Adopted standards.

(1) The ~~((2020))~~ 2017 edition of the National Electrical Code (NFPA 70 - ~~((2020) published August, 2019))~~ 2017 including Annex A, B, and C ~~(, and subsequent Errata and Tentative Interim Amendments issued by the National Fire Protection Association))~~; Commercial Building Telecommunications Cabling Standard (ANSI/TIA-568-C series, February 2009); Commercial Building Standard for Telecommunications Pathway and Spaces (TIA-569-B, October 2004); Commercial Building Grounding and Bonding Requirements for Telecommunications (ANSI-TIA-607-B, August 2011); Residential Telecommunications Cable Standard (ANSI/TIA/EIA 570-B-2004); and the National Electrical Safety Code (NESC C2-2017 excluding Appendixes A and B) are hereby adopted by reference as part of this chapter.

This chapter will be followed where there is any conflict between this chapter and the above adopted standards.

The National Electrical Code will be followed where there is any conflict between the National Electrical Code and, ANSI/TIA/EIA 568-C, ANSI/TIA/EIA 569-B, ANSI/TIA/EIA 607-B, ANSI/TIA/EIA 570-B, or the NESC C2.

~~((Adopted standards apply to installations when issue dates of electrical permits are on and after adoption dates except for:~~

~~(a) New one- and two-family dwellings, or multifamily dwellings where the issue date of building permits for the premises is before the adoption date; or~~

~~(b) New installations where plan review is required by WAC 296-46B-900 when plans are received and accepted for review before the adoption date.))~~

Inspections - General.

(2) Electrical inspectors will give information as to the interpretation or application of the standards in this chapter, but will not lay out work or act as consultants for contractors, owners, or users.

(3) A variance from the electrical installation requirements of chapter 19.28 RCW or this chapter may be granted by the department or the city that has electrical inspection jurisdiction when it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety.

(a) Any electrical permit holder may request a variance.

(b) The permit holder must make the request in writing, using a form provided by the department, to the chief electrical inspector or to the city that has electrical inspection jurisdiction. The request must include:

(i) A description of the installation as installed or proposed;

(ii) A detailed list of the applicable code violations;

(iii) A detailed list of safety violations;

(iv) A description of the proposal for meeting equivalent objectives for code and/or safety violations; and

(v) Appropriate variance application fee as listed in chapter 296-46B WAC, Part C.

(4) Electrical wiring or equipment subject to this chapter must be sufficiently accessible, at the time of inspection, to allow the inspector to visually inspect the installation to verify conformance with the NEC and any other electrical requirements of this chapter with the exception of not more than 8 feet of electrical conduit in a foundation of a one- or two-family dwelling or residential outbuilding for use as service entrance raceway.

(5) All required equipment grounding conductors installed in concealed cable or flexible conduit systems must be completely installed and made up at the time of the rough-in cover inspection.

(6) The installation of all structural elements and mechanical systems (e.g., framing, plumbing, ducting, etc.) must be complete in the area(s) where electrical inspection is requested. Prior to completion of an exterior wall cover inspection, either:

(a) The exterior shear panel/sheathing nail inspection must be completed by the building code inspector and, where siding nails or fasteners which penetrate into the wall cavity are to be used, all siding must be installed; or

(b) All wiring and device boxes must be a minimum of 2 1/2 inches from the exterior surface of the framing member; or

(c) All wiring and device boxes must be protected by a steel plate a minimum of 1/16 inch thick and of appropriate width and height installed to cover the area of the wiring or box.

(7) In order to meet the minimum electrical safety standards for installations, all materials, devices, appliances, and equipment, not exempted in chapter 19.28 RCW, must conform to applicable electrical product standards recognized by the department, be listed, or field evaluated. For any equipment that requires an amusement operating permit under chapter 67.42 RCW, the operating permit is prima facie evidence of an appropriate standard. Other than as authorized by the chief electrical inspector or a city authorized to do electrical inspection, equipment must not be energized until such standards are met.

(8) The state department of transportation is recognized as the inspection authority for telecommunications systems installations within the rights of way of state highways provided the department of transportation maintains and enforces an equal, higher or better standard of construction, and of materials, devices, appliances, and equipment than is required for telecommunications systems installations by chapter 19.28 RCW and this chapter.

Inspection move on buildings and structures.

(9) All buildings or structures relocated into or within the state:

(a) Other than residential, wired inside the United States (U.S.) must be inspected to ensure compliance with current requirements of chapter 19.28 RCW and the rules developed by the department.

(b) Wired outside the U.S. or Canada must be inspected to ensure compliance with all current requirements of chapter 19.28 RCW and the rules developed by the department.

(10) Residential buildings or structures wired in the U.S., to NEC requirements, and moved into or within a county, city, or town must be inspected to ensure compliance with the

NEC requirements in effect at the time and place the original wiring was made. The building or structure must be inspected to ensure compliance with all current requirements of chapter 19.28 RCW and the rules developed by the department if:

(a) The original occupancy classification of the building or structure is changed as a result of the move; or

(b) The building or structure has been substantially remodeled or rehabilitated as a result of the move.

(11) Residential buildings or structures wired in Canada to Canadian Electrical Code (CEC) standards and moved into or within a county, city, or town, must be inspected to ensure compliance with the following minimum safety requirements:

(a) Service, service grounding, and service bonding must comply with the current chapter 19.28 RCW and rules adopted by the department.

(b) Canadian Standards Association (CSA) listed Type NMD cable is allowed with the following qualifications:

(i) CSA listed Type NMD cable, American Wire Gauge #10 and smaller installed after 1964 utilizing an equipment grounding conductor smaller than the phase conductors, must be:

(A) Replaced with a cable utilizing a full-size equipment grounding conductor; or

(B) Protected by a ground fault circuit interrupter protection device.

(ii) CSA listed Type NMD cable, #8 AWG and larger, must:

(A) Utilize an equipment grounding conductor sized according to the requirements of the NEC in effect at the time of the installation;

(B) Be protected by a ground fault circuit interrupter protection device; or

(C) Be replaced.

(c) Other types of wiring and cable must be:

(i) Replaced with wiring listed or field evaluated in accordance with U.S. standards by a laboratory approved by the department; or

(ii) Protected by a ground fault circuit interrupter protection device and arc fault circuit protection device.

(d) Equipment, other than wiring or panelboards, manufactured and installed prior to 1997 must be listed and identified by laboratory labels approved by the department or CSA labels.

(e) All panelboards must be listed and identified by testing laboratory labels approved by the department with the following qualifications:

(i) CSA listed panelboards labeled "suitable for use as service equipment" will be considered to be approved as "suitable for use only as service equipment."

(ii) CSA listed panelboards used as panelboards as described in the NEC, must meet all current requirements of the NEC and this chapter.

(f) Any wiring or panelboards replaced or changed as a result of the move must meet current requirements of chapter 19.28 RCW and this chapter.

(g) The location, type, and ground fault circuit interrupter protection of receptacles and equipment in a bathroom, kitchen, basement, garage, or outdoor area must meet the

Washington requirements in effect at the time the wiring was installed.

(h) 4, 15-ampere, kitchen small appliance circuits will be accepted in lieu of 2, 20-ampere, kitchen small appliance circuits. Receptacles will not be required to be added on kitchen peninsular or island counters.

(i) Spacing requirements for all other receptacles must meet the Washington requirements in effect at the time the wiring was installed.

(j) Receptacles installed above baseboard or fixed wall space heaters must be removed and the outlet box covered with a blank cover. The receptacle is required to be relocated as closely as possible to the existing location.

(k) Lighting outlet and switch locations must meet the Washington requirements in effect at the time the wiring was installed.

(l) Dedicated 20-ampere small appliance circuits are not required in dining rooms.

(m) Electric water heater branch circuits must be adequate for the load.

(n) The location, type, and circuit protection of feeders must meet the Washington requirements in effect at the time the wiring was installed.

Wiring methods for designated building occupancies.

(12) Wiring methods in educational or institutional facilities as defined in this chapter must be metallic or nonmetallic raceways, MI, MC, or AC cable. Places of assembly located within these facilities must comply with NEC 518.4(A).

(13) Assisted living facility generator systems may be wired and installed per NEC 517.

(14) Lawfully installed existing electrical installations that do not comply with the provisions of this chapter and remain in compliance with the code at the time of the installation, will be permitted to be continued without change (i.e., without circuitry or occupancy change). Additions, alterations, modifications, or repairs to the electrical system must conform to the current requirements of this chapter.

(15) See WAC 296-46B-406R for tamper-resistant receptacle requirements in psychiatric patient care facilities.

Traffic management systems.

(16) The department or city authorized to do electrical inspections will perform the electrical inspection and acceptance of traffic management systems within its jurisdiction. A traffic management system includes:

(a) Traffic illumination systems;

(b) Traffic signal systems;

(c) Traffic monitoring systems;

(d) The electrical service cabinet and all related components and equipment installed on the load side of the service cabinet supplying electrical power to the traffic management system; and

(e) Signalization system(s) necessary for the operation of a light rail system.

A traffic management system can provide signalization for controlling vehicular traffic, pedestrian traffic, or rolling stock.

(17) The department or city authorized to do electrical inspections recognizes that traffic signal conductors, pole and bracket cables, signal displays, traffic signal controllers/cabinets and associated components used in traffic management

systems are acceptable for the purpose of meeting the requirements of chapter 19.28 RCW provided they conform with the following standards or are listed on the Washington state department of transportation (WSDOT) qualified products list.

- (a) WSDOT/APWA standard specifications and plans;
- (b) WSDOT *Design Manual*;
- (c) International Municipal Signal Association (IMSA);
- (d) National Electrical Manufacturer's Association (NEMA);
- (e) Federal Standards 170/Controller Cabinets;
- (f) Manual for *Uniform Road, Bridge, and Municipal Construction*;
- (g) Institute of Transportation Engineers (ITE); or
- (h) Manual of *Uniform Traffic Control Devices (MUTCD)*.

(18) Associated induction detection loop or similar circuits will be accepted by the department or city authorized to do electrical inspections without inspection.

(19) For the licensing requirements of chapter 19.28 RCW, jurisdictions will be considered owners of traffic management systems when doing electrical work for another jurisdiction(s) under a valid interlocal agreement, as permitted by chapter 39.34 RCW. Interlocal agreements for traffic management systems must be filed with the department or city authorized to do electrical inspections prior to work being performed for this provision to apply.

(20) Jurisdictions, with an established electrical inspection authority, and WSDOT may perform electrical inspection on their rights of way for each other by interlocal agreement. They may not perform electrical inspection on other rights of way except as allowed in chapter 19.28 or 39.34 RCW.

(21) Underground installations.

(a) In other than open trenching, raceways will be considered "fished" according to the NEC and do not require visual inspection.

(b) The department or city authorized to do electrical inspections will conduct inspections in open trenching within its jurisdiction. The electrical work permit purchaser must coordinate the electrical inspection. A written request (e.g., letter, email, fax, etc.) for inspection, made to the department or city authorized to do electrical inspections office having the responsibility to perform the inspection, must be made a minimum of two working days prior to the day inspection is needed (e.g., two working days 10:00 a.m. Tuesday request for a 10:00 a.m. Thursday inspection, excluding holidays and weekends).

If, after proper written request, the department or city authorized to do electrical inspections fails to make an electrical inspection at the time requested, underground conduit may be covered after inspection by the local government jurisdiction's project inspector/designee. Written documentation of a local government jurisdiction inspection must be provided to the department or city authorized to do electrical inspections when requested. Written documentation will include:

- (i) Date and time of inspection;
- (ii) Location;
- (iii) Installing firm;

- (iv) Owner;
- (v) Type of conduit;
- (vi) Size of conduit;
- (vii) Depth of conduit; and
- (viii) Project inspector/designee name and contact information.

(22) Identification of traffic management system components. Local government jurisdictions or WSDOT may act as the certifying authority for the safety evaluation of all components.

(a) An electrical service cabinet must contain only listed components. The electrical service cabinet enclosure is not required to be listed but will conform to the standards in subsection (17) of this section.

(b) The local government jurisdiction must identify, as acceptable, the controller cabinet or system component(s) with an identification plate. The identification plate must be located inside the cabinet and may be attached with adhesive.

(23) Conductors of different circuits in same cable, enclosure, or raceway. All traffic management system circuits will be permitted to occupy the same cable, enclosure, or raceway without regard to voltage characteristics, provided all conductors are insulated for the maximum voltage of any conductor in the cable, enclosure, or raceway.

WSR 20-14-085

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 30, 2020, 8:46 a.m., effective July 1, 2020]

Effective Date of Rule: July 1, 2020.

Purpose: The department is amending WAC 388-418-0011 What is a mid-certification review, and do I have to complete one in order to keep receiving benefits?

Citation of Rules Affected by this Order: Amending WAC 388-418-0011.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.04.510.

Other Authority: ESSB 6168, chapter 357, Laws of 2020.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Emergency adoption of these amendments are necessary to eliminate the mid-certification review requirement for aged, blind, or disabled program recipients who are age sixty-five or older, effective July 1, 2020, as provided in the 2020 supplemental operating budget.

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

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

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

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

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

Date Adopted: June 25, 2020.

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 13-09-034, filed 4/11/13, effective 6/1/13)

WAC 388-418-0011 What is a mid-certification review, and do I have to complete one in order to keep receiving benefits? (1) A **mid-certification review (MCR)** is a form we send you to ask about your current circumstances. We use the answers you give us to decide if you are still eligible for benefits and to calculate your monthly benefits.

(2) If you receive cash assistance or Basic Food benefits, you must complete a mid-certification review unless you meet one of the exceptions below:

(a) You **do not** have to complete a mid-certification review for cash assistance if you:

(i) Only receive Refugee Cash Assistance as described under WAC 388-400-0030; (~~(e)~~)

(ii) Receive aged, blind, or disabled (ABD) program assistance as described under WAC 388-400-0060 and are age sixty-five or older; or

(iii) Have a review period of six months or less.

(b) You **do not** have to complete a mid-certification review for Basic food if:

(i) Your assistance unit has a certification period of six months or less; or

(ii) All adults in your assistance unit are elderly or disabled and have no earned income.

(3) **When we send the review form:**

If you must complete a MCR ...	We send your review form ...
(a) For one program such as Basic Food.	In the fifth month of your certification or review period. You must complete your review by the 10th day of month six.
(b) For two or more programs, and all programs have a 12-month certification or review period.	In the fifth month of your certification or review period. You must complete your review by the 10th day of month six.

If you must complete a MCR ...	We send your review form ...
(c) For Basic Food and another program when either program has a certification or review period between six and twelve months.	In the fifth month of your Basic Food certification period when you receive Basic Food and another program. You must complete your review by the 10th day of month six of your Basic Food certification.

(4) If you must complete a mid-certification review, we send you the review form with questions about your current circumstances. You can choose to complete the review in one of the following ways:

(a) **Complete the form and return it to us.** For us to count your mid-certification review as complete, you must take all of the steps below:

(i) Complete the review form, telling us about changes in your circumstances we ask about;

(ii) Sign and date the form;

(iii) Give us proof of any changes you report. If you report a change that will increase your benefits without giving proof of this change, we will not increase your benefits;

(iv) If you receive temporary assistance for needy families and you are working or self-employed, you must give us proof of your income even if it has not changed; and

(v) Mail or turn in the completed form and any required proof to us by the due date on the review.

(b) **Complete the mid-certification review over the phone.** For us to count your mid-certification review as complete, you must take all of the steps below:

(i) Contact us at the phone number on the review form, telling us about changes in your circumstances we ask about;

(ii) Give us proof of any changes you report. We may be able to verify some information over the phone. If you report a change that will increase your benefits without giving proof of this change, we will not increase your benefits;

(iii) If you receive temporary assistance for needy families and you are working or self-employed, you must give us proof of your income even if it has not changed; and

(iv) Mail or turn in any required proof to us by the due date on the review.

(c) **Complete the application process for another program.** If we approve an application for another program in the month you must complete your mid-certification review, we use the application to complete your review when the same person is head of household for the application and the mid-certification review.

(5) If your benefits change because of what we learned in your mid-certification review, the change takes effect the next month even if this does not give you ten days notice before we change your benefits.

(6) If you do not complete your required mid-certification review, we stop your benefits at the end of the month the review was due.

(7) **Late reviews.** If you complete the mid-certification review after the last day of the month the review was due, we process the review as described below based on when we receive the review:

(a) **Mid-certification reviews you complete by the last day of the month after the month the review was due:** We determine your eligibility for ongoing benefits. If you are eligible, we reinstate your benefits based on the information in the review.

(b) **Mid-certification reviews you complete after the last day of the month after the month the review was due:** We treat this review as a request to send you an application. For us to determine if you are eligible for benefits, you must complete the application process as described in chapter 388-406 WAC.

WSR 20-14-087
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)

[Filed June 30, 2020, 8:54 a.m., effective July 1, 2020]

Effective Date of Rule: July 1, 2020.

Purpose: The department is repealing WAC 388-478-0010 Households with obligations to pay shelter costs; and amending WAC 388-418-0020 How does the department determine the date a change affects my cash and basic food benefits?, 388-478-0005 Cash assistance need and payment standards and grant maximum, 388-478-0006 The clothing, personal maintenance, and necessary incidentals (CPI) payment standard for cash assistance, 388-478-0015 Need standards for cash assistance, 388-478-0020 Payment standards for TANF, SFA, and RCA, 388-478-0027 What are the payment standards for pregnant women assistance (PWA)?, 388-478-0033 What are the payment standards for aged, blind, or disabled (ABD) cash assistance?, and 388-478-0090 What are the monthly income limits for the aged, blind, or disabled (ABD) cash assistance and housing and essential needs (HEN) referral program?, to remove references to separate cash assistance standards for households with shelter provided at no cost.

Citation of Rules Affected by this Order: Repealing WAC 388-478-0010; and amending WAC 388-418-0020, 388-478-0005, 388-478-0006, 388-478-0015, 388-478-0020, 388-478-0027, 388-478-0033, and 388-478-0090.

Statutory Authority for Adoption: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.04.655, 74.04.770, 74.04.0052, 74.08.043, 74.08.090, 74.08.335, 74.08A.100, 74.08A.120, 74.08A.230, 74.62.030.

Other Authority: ESSB 6168, chapter 357, Laws of 2020.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Effective July 1, 2020, emergency adoption of these amendments is necessary to eliminate separate cash assistance standards applied to households with shelter provided at no cost for the temporary assistance for needy families, state family assistance, refugee cash assistance, aged blind or disabled, and pregnant women assistance

programs as provided in the 2020 supplemental operating budget (ESSB 6168, chapter 357, Laws of 2020).

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

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

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

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

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 8, Repealed 1.

Date Adopted: June 24, 2020

Katherine I. Vasquez
Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-07-064, filed 3/15/18, effective 4/15/18)

WAC 388-418-0020 How does the department determine the date a change affects my cash and basic food benefits? (1) The rules in this chapter refer to cash and basic food benefits unless otherwise specified.

(2) If you report a change that happened between the date you applied for benefits and the date we interview you under WAC 388-452-0005, we take this change into consideration when we process your application for benefits.

(3) If we learn about a change in your circumstances from another person, agency, or by matching with any number of systems, we determine the impact this change has on your benefits. We may request additional information under WAC 388-490-0005 or update your benefits based on this information.

(4) For cash and basic food programs, if you report a change in your income that we expect to continue at least a month beyond the month when you reported the change, we recalculate the income we estimated under WAC 388-450-0215 based on this change.

(5) Changes reported outside of normal business hours, including changes you submitted online, in person, or sent to us by fax, are considered received the next business day.

(6) When a change causes an increase in benefits, you must provide proof of the change before we adjust your benefits.

(a) If you give us the proof within ten days from the date we requested it, we increase your benefits starting the month after the month you reported the change.

(b) If you give us the proof more than ten days after the date we requested it, we increase your benefits starting the month after the month we got the proof.

(c) If you are eligible for more benefits and we have already sent you benefits for that month, we provide you the additional benefits within ten days of the day we got the proof.

(7) When a change causes a decrease in benefits, we reduce your benefit amount without asking for proof.

(a) If you report a change within the time limits in WAC 388-418-0007, and you are not reporting this as part of a mid-certification review, we decrease your benefits starting the first month following the advance notice period. The advance notice period:

(i) Begins on the day we send you a letter about the change; and

(ii) Is determined according to the rules in WAC 388-458-0025.

(b) If you do not report a change you must tell us about under WAC 388-418-0005, or you report a change later than we require under WAC 388-418-0007, we determine your eligibility as if you had reported this on time. If you received more benefits than you should, we set up an overpayment as described under chapter 388-410 WAC.

(8) If we are not sure how the change will affect your benefits, we send you a letter as described in WAC 388-458-0020 requesting information from you.

(a) We give you ten days to provide the information. If you need more time, you can ask for it.

(b) If you do not give us the information in time, we will stop your benefits after giving you advance notice, if required, as described in WAC 388-458-0030.

(9) Within ten days of the day we learn about a change, we send advance notice according to the rules in chapter 388-458 WAC and take necessary action to provide you the correct benefits. If you request a hearing about a proposed decrease in benefits before the effective date or within the notice period as described in WAC 388-458-0040, we wait to take action on the change.

(10) If you disagree with a decision we made to change your benefits, you may request a fair hearing under chapter 388-02 WAC. The fair hearing rules in chapter 388-02 WAC do not apply for a "mass change." A mass change is when we change the rules that impact all recipients and applicants.

(11) When you request a hearing and receive continued benefits:

(a) We keep giving you the same benefits you got before the advance notice of reduction until the earliest of the following events occur:

(i) For basic food only, your certification period expires;

(ii) The end of the month the fair hearing decision is mailed;

(iii) You state in writing that you do not want continued benefits;

(iv) You withdraw your fair hearing request in writing; or

(v) You abandon your fair hearing request;

(vi) An administrative law judge issues a written order that ends continued benefits prior to the fair hearing.

(b) We establish an overpayment claim according to the rules in chapter 388-410 WAC when the hearing decision agrees with the action we took.

(12) Some changes have a specific effective date as follows:

(a) When cash assistance benefits increase because a person is added to your assistance unit, we use the effective date rules for applications in WAC 388-406-0055.

~~(b) ((When cash assistance benefits increase because you start paying shelter costs, we use the date the change occurred.~~

~~(e))~~ When a change in law or regulation changes the benefit amount, we use the date specified by the law or regulation.

AMENDATORY SECTION (Amending WSR 13-18-005, filed 8/22/13, effective 10/1/13)

WAC 388-478-0005 Cash assistance need and payment standards and grant maximum. (1) Need standards for cash assistance programs represent the amount of income required by individuals and families to maintain a minimum and adequate standard of living. Need standards are based on assistance unit size and include basic requirements for food, clothing, shelter, energy costs, transportation, household maintenance and operations, personal maintenance, and necessary incidentals.

(2) Payment standards for assistance units in medical institutions and other facilities are based on the need for clothing, personal maintenance, and necessary incidentals (see WAC ~~((182-513-1300 and 182-515-1500))~~ 388-478-0006).

(3) Need and payment standards for persons and families who do not reside in medical institutions and other facilities are based on ~~((their obligation to pay for shelter))~~ program grant standards.

~~((a) Eligibility and benefit levels for persons and families who meet the requirements in WAC 388-478-0010 are determined using standards for assistance units with an obligation to pay shelter costs.~~

~~(b) Eligibility and benefit levels for all other persons and families are determined using standards for assistance units who have shelter provided at no cost.~~

~~(e) For recent arrivals to Washington state who apply for temporary assistance for needy families (TANF), see WAC 388-468-0005.)~~

(4) Starting July 1, 2012, the monthly cash assistance grant for an assistance unit cannot exceed the payment standard for a family of eight listed in WAC 388-478-0020(1).

AMENDATORY SECTION (Amending WSR 15-12-021, filed 5/22/15, effective 7/1/15)

WAC 388-478-0006 The clothing, personal maintenance, and necessary incidentals (CPI) payment standard for cash assistance. Payment standards for assistance units (AU) in certain facilities and medical institutions are based on the need for clothing, personal maintenance, and necessary incidentals (CPI).

(1) The CPI cash assistance payment standard for recipients of cash assistance is:

(a) Forty-one dollars and sixty-two cents for eligible persons in medical institutions as defined in WAC 182-500-0050; or

(b) Thirty-eight dollars and eighty-four cents for eligible persons in one of the following facilities as defined in WAC 182-513-1100:

(i) Adult residential care (ARC) facility;

(ii) Adult residential rehabilitation centers (ARRC);

- (iii) Adult residential treatment facility (ARTF);
- (iv) Enhanced adult residential care facility (EARC); or
- (v) Developmental disability administration (DDA) group home facilities.

(2) When living situation is other than the medical institutions defined in WAC 182-500-0050 and group facilities defined in WAC 182-513-1100 refer to ((WAC 388-478-0010 when living situation is other than the medical institutions defined in WAC 182-500-0050 and group facilities defined in WAC 182-513-1100)) the following:

(a) WAC 388-478-0020 for temporary assistance for needy families (TANF), state family assistance (SFA), and refugee cash assistance (RCA);

(b) WAC 388-478-0027 for pregnant women assistance (PWA); or

(c) WAC 388-478-0033 for aged, blind, or disabled (ABD).

AMENDATORY SECTION (Amending WSR 19-24-032, filed 11/25/19, effective 1/1/20)

WAC 388-478-0015 Need standards for cash assistance. The monthly need and payment standards for cash assistance are based on a determination of the assistance unit size. The need standards for cash assistance units are:

~~((1) For assistance units with an obligation to pay shelter costs:))~~

Assistance unit size	Need standard
1	\$1,520
2	1,923
3	2,374
4	2,801
5	3,229
6	3,656
7	4,226
8	4,677
9	5,128
10 or more	5,579

~~((2) For assistance units with shelter provided at no cost:))~~

((Assistance unit size))	((Need standard))
((1))	(((\$695))
((2))	((880))
((3))	((1,086))
((4))	((1,281))
((5))	((1,477))
((6))	((1,672))
((7))	((1,933))
((8))	((2,139))
((9))	((2,346))
((10 or more))	((2,552))

AMENDATORY SECTION (Amending WSR 18-09-088, filed 4/17/18, effective 7/1/18)

WAC 388-478-0020 Payment standards for TANF, SFA, and RCA. ~~((+))~~ The maximum monthly payment standards for temporary assistance for needy families (TANF), state family assistance (SFA), and refugee cash assistance (RCA) assistance units ~~((with obligations to pay shelter costs))~~ are:

Assistance unit size	Payment standard	Assistance unit size	Payment standard
1	\$363	6	\$877
2	459	7	1,013
3	569	8	1,121
4	670	9	1,231
5	772	10 or more	1,338

~~((2) The maximum monthly payment standards for TANF, SFA, and RCA assistance units with shelter provided at no cost are:))~~

((Assistance unit size))	((Payment standard))	((Assistance unit size))	((Payment standard))
((1))	(((\$221))	((6))	(((\$532))
((2))	((280))	((7))	((616))
((3))	((345))	((8))	((681))
((4))	((408))	((9))	((749))
((5))	((469))	((10 or more))	((813))

AMENDATORY SECTION (Amending WSR 19-21-056, filed 10/11/19, effective 11/11/19)

WAC 388-478-0027 What are the payment standards for pregnant women assistance (PWA)? ~~((+))~~ The payment standards for PWA cash assistance units ~~((with obligations to pay shelter costs))~~ are:

Assistance Unit Size	Payment Standard
1	\$363

~~((2) The payment standards for PWA cash assistance units with shelter provided at no cost are:))~~

((Assistance Unit Size))	((Payment Standard))
((1))	(((\$221))

AMENDATORY SECTION (Amending WSR 12-10-042, filed 4/27/12, effective 6/1/12)

WAC 388-478-0033 What are the payment standards for aged, blind, or disabled (ABD) cash assistance? ~~((+))~~ The payment standards for aged, blind, or disabled (ABD) cash assistance program assistance units ~~((with obligations to pay shelter costs))~~ are:

Assistance Unit Size	Payment standard
1	\$197
2	\$248

~~((2))~~ The payment standards for aged, blind, or disabled (ABD) cash assistance units with shelter provided at no cost are:))

((Assistance Unit Size))	((Payment Standard))
((1))	((120))
((2))	((152))

AMENDATORY SECTION (Amending WSR 13-24-040, filed 11/26/13, effective 1/1/14)

WAC 388-478-0090 What are the monthly income limits for the aged, blind, or disabled (ABD) cash assistance and housing and essential needs (HEN) referral program? You must have countable income, as defined in WAC 388-450-0162, at or below the monthly income limit in order to receive aged, blind, or disabled (ABD) cash assistance or a referral to the housing and essential needs (HEN) program.

(1) The ABD cash assistance and HEN referral monthly income limits for individuals ~~((with an obligation to pay shelter costs))~~ are:

Assistance Unit Size	Monthly Income Limit
1	\$339
2	\$428

~~(2) ((The ABD cash assistance and HEN referral monthly income limits for individuals with shelter provided at no cost are:))~~

((Assistance Unit Size))	((Monthly Income Limit))
((1))	((206))
((2))	((261))

~~((3))~~ The ABD cash assistance and HEN referral monthly income limits for individuals in medical institutions and group living facilities are:

Facility Type	Assistance Unit Size	Monthly Income Limit
Medical institutions (including nursing homes and hospitals)	1	\$41.62
Adult family homes	1	\$339.00
Boarding homes (including assisted living, enhanced residential centers (EARC), and adult residential centers (ARC))	1	\$38.84

Facility Type	Assistance Unit Size	Monthly Income Limit
Developmental disability administration (DDA) group homes	1	\$38.84
Mental health adult residential treatment facilities (ARTF)	1	\$38.84

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-478-0010 Households with obligations to pay shelter costs.

**WSR 20-14-101
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

(Developmental Disabilities Administration)

[Filed June 30, 2020, 1:04 p.m., effective June 30, 2020, 1:04 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The department is enacting WAC 388-845-2019 on an emergency basis to make temporary modifications to developmental disabilities administration's home and community based services waivers in order to control the spread of the COVID-19 virus and to meet immediate health and safety needs. This is the second filing on this rule and replaces the CR-103E Rule-making order filed as WSR 20-08-056 on March 25, 2020. The language in this second filing differs from the first filing because Appendix K was updated to reflect current system needs during the COVID-19 outbreak. The Centers for Medicare and Medicaid Services approved these Appendix K changes on June 10, 2020. This second emergency amends and supersedes the emergency rule filed as WSR 20-08-056.

Citation of Rules Affected by this Order: New WAC 388-845-2019.

Statutory Authority for Adoption: RCW 34.05.350, 71A.12.030.

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

Reasons for this Finding: Enacting this rule on an emergency basis is necessary to address effects of the COVID-19 outbreak and it is in the public interest to do so because following notice and comment requirements in the permanent rule-making process would delay temporary changes intended to help clients avoid disruptions in service.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

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

Date Adopted: June 24, 2020.

Katherine I. Vasquez
Rules Coordinator

NEW SECTION

WAC 388-845-2019 What modifications to waiver services apply during the COVID-19 outbreak? (1) Notwithstanding any contrary requirement under this title, changes under this section to DDA's home and community-based waivers are effective immediately and necessary to respond to managing the COVID-19 outbreak. All changes require prior approval by the DDA field services director or designee and will be assessed on a case-by-case basis. Once the emergency declaration regarding COVID-19 is expired, this rule will no longer be applicable, and allowances approved in this rule must end.

(2) The following changes to waiver services are temporary, effective immediately, and necessary to respond to managing the COVID-19 outbreak.

(a) Limits to the number of respite hours a client may receive that are generated in the CARE assessment are temporarily suspended. The amount of respite hours a client may receive are determined by DDA.

(b) The basic plus, CIIBS, and individual and family services waiver aggregate budgets may be exceeded for COVID-19-related health and safety needs.

(c) Respite provided out-of-state may be provided in excess of thirty days.

(d) Community guide and community engagement may be provided to more than one client at a time.

(e) Staff and family consultation may be provided to more than one client at a time.

(f) Assistive technology is available on all five waiver programs when a waiver participant requires a basic technology in order to receive waiver-funded remote supports during the COVID-19 outbreak. Assistive technology is only available to the participant when access to technologies through other resources is not possible. Technology includes, tablets, switches, telephones, or other devices necessary for the client to receive remote supports from the waiver service provider.

(g) If transportation is necessary to prevent illness or meet a client's immediate health and safety needs, waiver transportation services may be used to travel to a place where the client will not be receiving waiver services (e.g., transportation to a family member's home).

(h) All waiver services except goods may be offered remotely by providers when travel to the waiver participant is not possible due to COVID-19 infection or exposure.

(3) If a client is displaced from their home because of quarantine or hospitalization, or if a provider is unavailable due to illness or business closure, the following waiver services may be provided in a hotel, shelter, church, other facility-based setting, or the home of a direct-care worker when those supports are not available through the medicaid state plan or another legally liable funding source:

(a) Residential habilitation;

(b) Respite care;

(c) Positive behavior support;

(d) Staff and family consultation;

(e) Behavioral health stabilization- positive behavior support;

(f) Behavioral health stabilization- crisis diversion beds;

(g) Nurse delegation; and

(h) Skilled nursing.

(4) Positive behavior support and staff and family consultation may be provided in an acute care setting such as a hospital or short-term institutional setting if:

(a) DDA determines that no other alternatives are available and a nonintegrated setting is the only setting available to meet the client's health and safety needs;

(b) The waiver service provider is not otherwise funded by another resource; and

(c) The waiver services do not duplicate services already available in that setting.

(5) The following changes to waiver service provider qualifications are temporary, effective immediately, and necessary to respond to managing the COVID-19 outbreak.

(a) Staff and family consultation may include emergency preparedness consultation support from a provider trained in emergency management or a similar field with a current DDA contract.

(b) Respite care may be provided by currently contracted positive behavior support providers.

(6) Specialized medical equipment and supply, specialized equipment and supply, and assistive technology provider types may include the use of a purchase card and community choice guides when supply or cost impacts occur due to COVID-19.

(7) The following changes to level-of-care evaluations and re-evaluations for waiver participants are temporary, effective immediately, and necessary to respond to managing the COVID-19 outbreak.

(a) A client's services may continue and the level-of-care reassessment may be postponed up to one year on a case-by-case basis if due to illness or quarantine:

(i) The client, their representative, or a DDA employee are unable to participate in the reassessment; or

(ii) There is insufficient time for the case manager to complete the annual reassessment paperwork.

(b) On a case-by-case basis, the time limit for approving a client's expired person-centered service plan may be extended if:

(i) The plan currently meets the client's; and

(ii) Monthly remote or telephonic monitoring is provided to ensure the plan continues to meet the client's needs.

(c) Telephonic assessments may occur in place of face-to-face assessments on a case-by-case basis. An initial assessment may be conducted telephonically when needed to prevent exposure related to COVID-19.

(d) For initial CARE assessments, employees may complete the assessment and person-centered service plan via the telephone or other electronic means and then do a brief in-person visit before moving the assessment to current.

(e) If the previsit questionnaire response indicates it is not safe to do an in-person visit, services can be authorized prior to an in-person visit occurring.

(f) All initial CARE assessments will ensure that mandatory fields are completed with the information necessary to complete a person-centered service plan.

(g) Annual assessment inter-rater reliability monitoring may be postponed up to one year if workforce is limited or the client's household is impacted by COVID-19.

(h) A person-centered service plan, or revisions to a person-centered service plan, may be approved with a retroactive approval date for service needs identified to mitigate harm or risk directly related to COVID-19 impacts. Telephonic (or other information technology medium) assessments may occur when the assessment cannot occur due to impacts of COVID-19.

(8) CIIBS quarterly face-to-face meetings may be provided telephonically when a face-to-face meeting cannot occur due to client or client representative health concerns or staffing availability.

WSR 20-14-109

EMERGENCY RULES

WASHINGTON STATE UNIVERSITY

[Filed June 30, 2020, 2:50 p.m., effective June 30, 2020, 2:50 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The university is updating the rules regarding undergraduate housing requirements.

Citation of Rules Affected by this Order: Amending WAC 504-24-030.

Statutory Authority for Adoption: RCW 28B.30.150.

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

Reasons for this Finding: The emergency rule change for WAC 504-24-030 is being implemented as a result of the public health emergency resulting from COVID-19 and guidance/directives from public health officials, and is requested in order to (a) update and clarify procedural guidelines, (b) better allow the institution to respond to emergent student needs and special circumstances, and (c) delegate authority at the appropriate institutional level. This change is needed immediately in order to accommodate students, comply with guidance and directives from public health officials, and prepare for the fall 2020 term.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal

Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

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

Date Adopted: June 30, 2020.

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

AMENDATORY SECTION (Amending WSR 95-07-044, filed 3/8/95, effective 4/8/95)

WAC 504-24-030 Undergraduate housing requirement. (1) University-recognized housing includes residence halls, and university-approved fraternities, sororities, and co-op houses.

(2) Housing requirements for single undergraduate students. To the extent that room is presently available, as determined by the university, in an official university-recognized living group, all single undergraduate freshmen under twenty years of age are required to live in organized living groups which are officially recognized by the university (residence halls, fraternities and sororities) for one academic year.

(a) Exemptions. Exemptions will be considered when a student demonstrates to the ~~((department of residence life))~~ vice president for student affairs or designee that either:

(i) The student has attended an institution of higher education as a regularly enrolled student for at least two regular semesters or three regular quarters (excluding summer sessions);

(ii) The student is living with immediate family in a family situation (mother and/or father; legal guardian; aunt or uncle; or grandparent(s));

(iii) The student has secured a statement from a physician or psychologist stating that residence in recognized student housing would detrimentally affect the student's physical health or emotional well-being; or

(iv) The student demonstrates that living in recognized University housing would cause undue financial hardship or other extraordinary hardship.

(b) Process. Applications for permission to reside off campus are available from ~~((the))~~ Washington State University ~~((Department of Residence Life, Streit-Perham Office Suite, Pullman, WA 99164-1726))~~. Applications are reviewed and a determination is made whether an exemption will be granted. Persons applying for such exemption will be informed of the decision in writing. Requests for reconsideration of the decision may be submitted to the vice ~~((provost))~~ president for student affairs or designee. The vice ~~((provost))~~

president or ((his/her)) designee will evaluate the appeal and approve or deny the appeal.

WSR 20-14-110
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 20-125—Filed June 30, 2020, 3:50 p.m., effective July 1, 2020]

Effective Date of Rule: July 1, 2020.

Purpose: To prevent new and multiple wildfires during this period of high fire danger; and to prevent the severe deterioration of air quality, which exacerbates the risk to life, health, and property.

Citation of Rules Affected by this Order: Amending WAC 220-500-030, 220-500-040, 220-500-110, and 220-500-140.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.013, 77.04.020, and 77.04.055.

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

Reasons for this Finding: Addresses an emergency need to prevent new and multiple wildfires during this period of high fire danger, and reduces the risk to life, health, and property.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 4, Repealed 0.

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

Date Adopted: June 30, 2020.

Kelly Susewind
Director

NEW SECTION

WAC 220-500-03000C Behavior and conduct. (1) Notwithstanding the provisions of WAC 220-500-030, effective July 1, 2020, until further notice, in wildlife areas and access sites in eastern Washington owned or controlled by the department, it is unlawful to:

(a) Operate a chainsaw without a permit or approval from the director; or

(b) Weld or operate an acetylene torch or other open flame without a permit or approval from the director.

(2) A violation of this section is an infraction punishable under RCW 77.15.160 (5)(b).

Firefighting operations are not included in this provision. Chainsaws and logging operations will be consistent with DNR industrial timberland operations. Outdoor welding should be minimized and should only occur over bare ground.

NEW SECTION

WAC 220-500-04000D Regulating public access. (1) Notwithstanding the provisions of WAC 220-500-040, effective July 1, 2020, until further notice, it is unlawful to operate a motor vehicle off developed roadways in wildlife areas and access sites owned or controlled by the department in eastern Washington. However, it is permissible to park in an area devoid of vegetation within 10 feet of the roadway, and to park overnight in developed campgrounds and at trailheads.

(2) A violation of this section is an infraction punishable under RCW 77.15.160 (5)(b).

Again safety precautions should be emphasized. Off-road travel should be minimized. Return inspections should occur in areas of off-road travel or parking to make sure no fires have started.

Lacey and Yakima Crews are to contact the wildlife area manager for any special instructions before beginning any work each week. Crews are to have someone remain at the worksite, with sufficient firefighting capability, for at least one hour after work has ceased for the day or if leaving for more than one hour, to ensure no fires have started.

Project managers/engineers are to contact the wildlife area manager before entering a wildlife area for any special instructions. Off-road travel is not authorized on a wildlife area unless permission is received from the wildlife area manager and their instructions must be followed.

All vehicles and construction equipment are to be equipped with a fire extinguisher, water and shovels.

NEW SECTION

WAC 220-500-11000C Fires and campfires. (1) Notwithstanding the provisions of WAC 220-500-110, effective July 1, 2020, until further notice, it is unlawful to build, start, or maintain fires or campfires in wildlife areas and access sites owned or controlled by the department in eastern Washington without a permit or approval from the director. However, it is permissible to use personal camp stoves or lanterns fueled by liquid petroleum, liquid petroleum gas, or propane.

(2) Effective immediately until further notice, it is unlawful to smoke in wildlife areas and access sites owned or controlled by the department in eastern Washington, except in an enclosed vehicle.

(3) A violation of this section is an infraction punishable under RCW 77.15.160 (5)(b).

Prescribed fires to enhance or restore fire-dependent ecosystems must follow DNR permitting.

NEW SECTION

WAC 220-500-14000C Firearms and target practicing. (1) Notwithstanding the provisions of WAC 220-500-140, effective July 1, 2020, until further notice, it is unlawful to discharge firearms on department owned or controlled lands unless engaged in lawful hunting.

(2) Unless otherwise provided, violation of any of the provisions of this section constitutes an infraction, pursuant to RCW 77.15.020 and 77.15.160.

Safety precautions should be emphasized.

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

WSR 20-14-114
EMERGENCY RULES
PARAEDUCATOR BOARD

[Filed July 1, 2020, 8:29 a.m., effective July 1, 2020, 8:29 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Amending this section of WAC will allow school districts to be able to meet the one day in-person fundamental course of study training requirement through online synchronous instruction with an instructor. The emergency rule would be valid through September 1, 2021.

Citation of Rules Affected by this Order: Amending WAC 179-09-040.

Statutory Authority for Adoption: Chapter 28A.413 RCW.

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

Reasons for this Finding: Since March 13, 2020, schools have been closed due to the public health crises arising from COVID-19. On June 27, 2020, Governor Inslee and Secretary of Health John Wiesman announced putting a pause on counties moving to Phase 4 though [through] the "Safe Start" phased approach. "Rising cases across the state and concerns about continued spread of the COVID virus have made Phase 4, which would essentially mean no restrictions, impossible at this time." As we approach the start of the next school year, it is apparent that all school districts will not open in a traditional manner for the start of the 2020-21 school year. If schools are closed, school districts are unable to meet the in-person fundamental course of study training requirement. This amendment will allow school districts to meet the in-person training requirement in a virtual setting, so long as the training is synchronous and led by an instructor.

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

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

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

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

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

Date Adopted: July 1, 2020.

Jack Busbee
Rules Coordinator

AMENDATORY SECTION (Amending WSR 19-21-070, filed 10/11/19, effective 11/11/19)

WAC 179-09-040 Fundamental course of study. (1) School districts must implement this section only in school years for which state funding is appropriated specifically for the purposes of this section and only for the number of days that are funded by the appropriation.

(2)(a) School districts must provide a fundamental course of study on the state standards of practice, as defined by the board in WAC 179-09-050 of this chapter, to paraeducators who have not completed the course, either in the district or in another district within the state. At least one day of the fundamental course of study must be provided in person. School districts must use best efforts to provide the fundamental course of study before the paraeducator begins to work with students and their families, and at a minimum by the deadlines provided in subsection (3) of this section.

(b) Beginning March 1, 2020, through September 1, 2021, virtual learning environments that use synchronous learning with an instructor will meet the one day in-person training requirement of the fundamental course of study.

(3) Except as provided in (b) of this subsection, school districts must provide the fundamental course of study required in subsection (2) of this section by the deadlines provided in (a) of this subsection:

(a)(i) For paraeducators hired on or before September 1st, the first two days of the fundamental course of study must be provided by September 30th of that year and the second two days of the fundamental course of study must be provided within six months of the date of hire, regardless of the size of the district; and

(ii) For paraeducators hired after September 1st:

(A) For districts with ten thousand or more students, the first two days of the fundamental course of study must be provided within four months of the date of hire and the second two days of the fundamental course of study must be provided within six months of the date of hire or by September 1st of the following year, whichever is sooner; and

(B) For districts with fewer than ten thousand students, no later than September 1st of the following year.

(b)(i) For paraeducators hired for the 2018-19 school year, by September 1, 2020; and

(ii) For paraeducators not hired for the 2018-19 school year, but hired for the 2019-20 school year, by September 1, 2021.

(4) School districts may collaborate with other school districts or educational service districts to meet the requirements of this section.

(5)(a) Providers of the fundamental course of study must provide to the paraeducator written documentation of each unit completed by a paraeducator. The documentation is as published by the professional educator standards board.

(b) Upon request, if such request is made within seven calendar years of unit completion, the provider shall provide the paraeducator with documentation of unit completion.

(6) The fundamental course of study must include the training competencies that align with the standards of practice in chapter 179-07 WAC.

(7) The paraeducator shall be responsible for completing filing requirements with the superintendent of public instruction, in accordance with WAC 179-01-020, the completion of the fundamental course of study.

WSR 20-14-123
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 20-124—Filed July 1, 2020, 10:28 a.m., effective July 1, 2020, 10:28 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this rule making is to provide for treaty Indian fishing opportunity in the Columbia River while protecting salmon listed as threatened or endangered under the Endangered Species Act (ESA). This rule making implements federal court orders governing Washington's relationship with treaty Indian tribes and federal law governing Washington's relationship with Oregon.

Citation of Rules Affected by this Order: Repealing WAC 220-359-02000Y; and amending WAC 220-359-020.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.130, 77.12.045, and 77.12.047.

Other Authority: *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2018-2027 *United States v. Oregon* Management Agreement (February 26, 2018) (Doc. No. 2607-1). *Northwest Gillnetters Ass'n v. Sandison*, 95 Wn.2d 638, 628 P.2d 800 (1981); Washington fish and wildlife commission policies concerning Columbia River fisheries; 40 Stat. 515 (Columbia River Compact).

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

Reasons for this Finding: Allowable harvest on Columbia River salmonids remains available to extend the period of tribal commercial fisheries. This rule is consistent with actions of the Columbia River Compact on June 30, 2020. Conforms state rules with tribal rules. There is insufficient time to promulgate permanent regulations.

The Yakama, Warm Springs, Umatilla, and Nez Perce Indian tribes have treaty fishing rights in the Columbia River and inherent sovereign authority to regulate their fisheries.

Washington and Oregon also have some authority to regulate fishing by treaty Indians in the Columbia River, authority that the states exercise jointly under the congressionally ratified Columbia River Compact. *Sohappy v. Smith*, 302 F. Supp. 899 (D. Or. 1969). The tribes and the states adopt parallel regulations for treaty Indian fisheries under the supervision of the federal courts. A court order sets the current parameters. *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2018-2027 *United States v. Oregon* Management Agreement (February 26, 2018) (Doc. No. 2607-1). Some salmon and steelhead stocks in the Columbia River are listed as threatened or endangered under the federal ESA. On February 23, 2018, the National Marine Fisheries Service issued a biological opinion under 16 U.S.C. § 1536 that allows for some incidental take of these species in the fisheries as described in the 2018-2027 *U.S. v. Oregon* Management Agreement.

Columbia River fisheries are monitored very closely to ensure consistency with court orders and ESA guidelines. Because conditions change rapidly, the fisheries are managed almost exclusively by emergency rule. As required by court order, the Washington (WDFW) and Oregon (ODFW) departments of fish and wildlife convene public hearings and invite tribal participation when considering proposals for new emergency rules affecting treaty fishing rights. *Sohappy*, 302 F. Supp. at 912. WDFW and ODFW then adopt regulations reflecting agreements reached.

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

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

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

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

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

Date Adopted: July 1, 2020.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

WAC 220-359-02000Z Columbia River salmon seasons Effective immediately and until further notice or until this rule expires on October 28, 2020 the following provisions of WAC 220-301-010, WAC 220-359-010, WAC 220-359-020, WAC 220-359-030, and WAC 220-359-090 regarding tribal commercial fisheries above and below Bonneville Dam, shall be as described below. All other provisions of WAC 220-301-010, WAC 220-359-010, WAC 220-359-020, WAC 220-359-030, and WAC 220-359-090 not

addressed herein, or unless amended by emergency rule, remain in effect:

1) Open Areas: SMCRA 1F, 1G, 1H (Zone 6)

(a) Season: 6:00 AM Wednesday July 1 to 6:00 PM Friday, July 3, 2020

(b) Gear: Set and Drift Gillnets with a 7" minimum mesh size restriction.

(c) Allowable sale: Salmon (any species), steelhead, shad, yellow perch, bass, walleye, catfish, and carp may be sold or retained for subsistence. Sturgeon may not be sold, but sturgeon from 38 to 54 inches fork length in Bonneville Pool and sturgeon from 43 to 54 inches fork length in The Dalles and John Day Pools may be kept for subsistence purposes.

(d) Standard river mouth and dam sanctuary closures remain in place for this gear, except for the Spring Creek Hatchery sanctuary is not in effect during the summer management period that runs from June 16 through July 31, 2020.

2) Open Areas: SMCRA 1F, 1G, 1H (Zone 6)

(a) Season: 6:00 AM Monday July 6 to 6:00 PM Thursday, July 9, 2020

(b) Gear: Set and Drift Gillnets with no minimum mesh size restriction.

(c) Allowable sale: Salmon (any species), steelhead, shad, yellow perch, bass, walleye, catfish, and carp may be sold or retained for subsistence. Sturgeon may not be sold, but sturgeon from 38 to 54 inches fork length in Bonneville Pool and sturgeon from 43 to 54 inches fork length in The Dalles and John Day Pools may be kept for subsistence purposes.

(d) Standard river mouth and dam sanctuary closures remain in place for this gear, except for the Spring Creek Hatchery sanctuary is not in effect during the summer management period that runs from June 16 through July 31, 2020.

3) Open Areas: SMCRA 1F, 1G, 1H (Zone 6)

(a) Season: Immediately through 11:59 PM July 31, 2020.

(b) Gear: Hoop nets/bag nets, dip nets, and rod and reel with hook and line.

(c) Allowable sale: Salmon (any species) and steelhead, shad, yellow perch, bass, walleye, catfish, and carp may be sold or retained for subsistence. Sturgeon may not be sold, but sturgeon from 38 to 54 inches fork length in the Bonneville Pool and sturgeon from 43 to 54 inches fork length in The Dalles and John Day Pools may be kept for subsistence purposes.

(d) Standard river mouth and dam sanctuary closures remain in place for this gear, except for the Spring Creek Hatchery sanctuary is not in effect during the summer management period that runs from June 16 through July 31, 2020.

4) Open Areas: SMCRA 1E1 (Downstream of Bonneville Dam)

(a) Season: Immediately through 11:59 PM July 31, 2020, only during days and times opened under tribal rules.

(b) Gear: Hook and line and/or platform gear identified in tribal rules.

(c) Allowable sale: Salmon (any species), steelhead, shad, yellow perch, bass, walleye, catfish, and carp may be sold or retained for subsistence. Sturgeon may not be retained in the fisheries downstream of Bonneville Dam.

5) Open Areas: Wind River, Drano Lake, and Klickitat River

(a) Season: Immediately until further notice, only during those days and hours when the tributaries listed are open under lawfully enacted Yakama Nation tribal subsistence fishery regulations for enrolled Yakama Nation members.

(b) Gear: Hoop Nets/Bag Nets, Dip Nets, and Rod and Reel with Hook and Line. Gillnets may only be used in Drano Lake.

(c) Allowable sale: Salmon (any species), steelhead, shad, yellow perch, bass, walleye, catfish, and carp may be sold or retained for subsistence. Sturgeon from 38 to 54 inches fork length in the Bonneville Pool may be kept for subsistence.

6) 24-hour quick reporting is required for Washington wholesale dealers for all areas as provided in WAC 220-352-315, except that all landings from treaty fisheries described above must be reported within 24-hours of completing the fish ticket (not 24-hours after the period concludes).

7) Fish caught during the open period may be sold after the period concludes.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-359-02000Y Columbia River salmon seasons.
(20-102)

WSR 20-14-125 EMERGENCY RULES DEPARTMENT OF FISH AND WILDLIFE

[Order 20-126—Filed July 1, 2020, 11:10 a.m., effective July 2, 2020]

Effective Date of Rule: July 2, 2020.

Purpose: Amend recreational shrimp rules in Puget Sound.

Citation of Rules Affected by this Order: Repealing WAC 220-330-07000Y; and amending WAC 220-330-070.

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

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

Reasons for this Finding: This regulation is needed to ensure an orderly fishery, manage the fishery within court-ordered sharing requirements, and ensure conservation. Harvestable amounts of spot shrimp are available in some regions, but recreational shares will only support a limited number of open days in the few marine areas listed in this section. This rule closes Marine Area 6 outside Discovery

Bay to the harvest of spot shrimp. It opens this same area to the harvest of nonspot shrimps using 1/2 inch mesh pots with a two hundred foot depth restriction. In addition, this emergency regulation opens the Marine Area 4, 5, 6 and 7 seasons one hour before sunrise to one hour after sunset, which is the default daily start time and times for those areas. Marine Area 13 will remain closed for spot shrimp for conservation reasons. There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: July 1, 2020.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

WAC 220-330-07000Z Shrimp—Areas and seasons.

Notwithstanding the provisions of WAC 220-330-070, effective July 2 2020 until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 4 (east of the Bonilla-Tatoosh line), 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, 13 and the Discovery Bay Shrimp District, except as provided for in this section:

(1) Marine Area 4 (east of the Bonilla-Tatoosh line) and 5: Open daily until further notice for all shrimp species.

(2) Marine Area 7 South: Closed to the harvest of all species of shrimp.

(3) Marine Area 7 East: Open until further notice to harvest of all shrimp species except spot shrimp with a 200 foot maximum fishing depth restriction. All spot shrimp caught must be immediately returned to the water unharmed. It is unlawful to set or pull shrimp gear in waters greater than 200 feet deep.

(4) Marine Area 6 (excluding the Discovery Bay Shrimp District): Open July 2 until further notice to the harvest of all shrimp species except spot shrimp with a 200 foot maximum fishing depth restriction. All spot shrimp caught must be immediately returned to the water unharmed. It is unlawful to set or pull shrimp gear in waters greater than 200 feet deep.

(5) Marine Area 7 West: Open Thursdays through Mondays each week for all shrimp species until quota is attained.

(6) Marine Areas 8-1 and 8-2: Open until further notice to harvest of all shrimp species except spot shrimp with a 150 foot maximum fishing depth restriction. All spot shrimp caught must be immediately returned to the water unharmed.

It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

(7) Marine Area 9: Open until further notice to harvest of all shrimp species except spot shrimp with a 150 foot maximum fishing depth restriction. All spot shrimp caught must be immediately returned to the water unharmed. It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

(8) Marine Area 11: Open until further notice to harvest of all shrimp species except spot shrimp with a 150 foot maximum fishing depth restriction. All spot shrimp caught must be immediately returned to the water unharmed. It is unlawful to set or pull shrimp gear in waters greater than 150 feet deep.

(9) Marine Area 12: Open July 15, 28 from 9:00 a.m. through 1:00 p.m. for all shrimp species.

(10) Marine Area 13: Open until further notice to harvest of all species except spot shrimp with a 200 foot maximum fishing depth restriction. All spot shrimp caught must be returned to the water unharmed. It is unlawful to set or pull shrimp gear in waters greater than 200 feet deep.

REPEALER

The following section of the Washington Administrative Code is repealed effective July 2, 2020:

WAC 220-330-01000Y Shellfish—Daily limits. (20-121)