

**WSR 20-15-001**  
**INTERPRETIVE AND POLICY STATEMENT**  
**DEPARTMENT OF ECOLOGY**  
 [Filed July 1, 2020, 1:33 p.m.]

**Notice of Interpretive and Policy Statements**

Under chapter 43.56 RCW, ecology maintains an index that includes interpretive and policy statements issued by the agency. Under RCW 34.05.230, we are filing notice in the Washington State Register about these statements.

To obtain copies of these items, please:

- Copy and paste the web address from the table below into a web browser to view and download; or
- Submit an email records request to ecology's public records officer at [PublicRecordsOfficer@ecy.wa.gov](mailto:PublicRecordsOfficer@ecy.wa.gov) following the instructions on the public records requests web page at <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>.

New Statements:

<b>Title of Interpretive/ Policy Statement</b>	<b>Web Link (if applicable)</b>
Paint product stewardship policy	<a href="https://fortress.wa.gov/ecy/publications/Summary-Pages/2007014.html">https://fortress.wa.gov/ecy/publications/Summary-Pages/2007014.html</a>

**Paint Product Stewardship Policy**

**Program Name:** Solid Waste Management and Hazardous Waste and Toxics Reduction Programs.

**Date Issued:** This policy will take effect when the Paint-Care program becomes operational in Washington and will remain in effect until rescinded.

**Date(s) of Substantive Updates:** Not applicable at this time.

**References:** Chapters 70.375 RCW, 173-303 and 173-350 WAC.

**Purpose:** To provide an interim solution allowing the collection of program paint through enforcement discretion of the state's dangerous and solid waste regulations.

**Application:** This policy statement applies to generators of waste paint who meet the definition of "covered entity" in RCW 70.375.020<sup>1</sup> and use the program to manage their waste paint. It also applies to collection sites operating under the program.

**For more information:** Department of ecology's paint website <https://ecology.wa.gov/Waste-Toxics/Reducing-recycling-waste/Paint-stewardship>. PaintCare's website <https://www.paintcare.org/>.

The department of ecology is committed to providing people with disabilities access to information and services by meeting or exceeding the requirements of the Americans with Disabilities Act (ADA), Section 504 and 508 of the Rehabilitation Act, and Washington State Policy #188.

To request an ADA accommodation, contact ecology by phone at 360-407-6963 or email at [Megan.Warfield@ecy.wa.gov](mailto:Megan.Warfield@ecy.wa.gov). For Washington relay service or TTY call 711 or 877-833-6341. Visit ecology's website at <https://ecology.wa.gov/accessibility> [for] more information.

**WSR 20-15-005**  
**NOTICE OF PUBLIC MEETINGS**  
**STATE BOARD OF HEALTH**  
 [Filed July 2, 2020, 8:24 a.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the revised schedule of regular meetings for the Washington state board of health, for the year 2020. The board's meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via listserv and the board's website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the board reserves the right to change or amend agendas at the meeting.

**2020 Meeting Schedule**

Approved by the Board November 18, 2019

Update Approved by the Board June 10, 2020

<b>Meeting Date</b>	<b>Location</b>
Wednesday July 8, 2020	CANCELLED June 10, 2020
Wednesday August 12, 2020	VIRTUAL ONLY: Public attendees can pre-register and access the meeting online, please see website for registration link: <a href="http://www.sboh.wa.gov">www.sboh.wa.gov</a> .
Tuesday October 13, 2020	VIRTUAL ONLY: Public attendees can pre-register and access the meeting online, please see website for registration link: <a href="http://www.sboh.wa.gov">www.sboh.wa.gov</a> .
Monday November 9, 2020	VIRTUAL ONLY: Public attendees can pre-register and access the meeting online, please see website for registration link: <a href="http://www.sboh.wa.gov">www.sboh.wa.gov</a> .

Start time is 9:30 a.m. unless otherwise specified. Time and locations subject to change as needed. See the board of health website and the health disparities council website for the most current information.

If you need further information, please contact Melanie Hisaw, Executive Assistant, Washington State Board of Health, [melanie.hisaw@sboh.wa.gov](mailto:melanie.hisaw@sboh.wa.gov), P.O. Box 47990, Olympia, WA 98504-7990, phone 360-236-4110, web [www.sboh.wa.gov](http://www.sboh.wa.gov).

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

**WSR 20-15-011**  
**POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**

[Filed July 2, 2020, 2:46 p.m.]

**NOTICE OF ADOPTION OF A POLICY STATEMENT**

Title of Interpretive or Policy Statement: Regulatory Standards Applicable to Remote Dispensing Sites. Policy Number: P004.

Issuing Entity: Pharmacy quality assurance commission.

Subject Matter: Clarifies the regulatory standards applicable to remote dispensing sites registered by pharmacies under opioid use disorder medications - remote dispensing sites, chapter 244, Laws of 2020 (SSB 6086).

Effective Date: July 1, 2020.

Contact Person: Lauren Lyles, Executive Director, Pharmacy Quality Assurance Commission, email [Lauren.lyles@doh.wa.gov](mailto:Lauren.lyles@doh.wa.gov).

**WSR 20-15-012**  
**AGENDA**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed July 2, 2020, 4:40 p.m.]

Following is the semi-annual rule-making agenda for the Washington department of fish and wildlife (WDFW) for publication in the Washington State Register pursuant to RCW 34.05.314.

There may be additional rule-making activity not on the agenda as conditions warrant.

If you have any questions about this rule-making agenda, please feel free to contact Michele K. Culver at WDFW Rules Coordinator, P.O. Box 43200, Olympia, WA 98504-3200, email [Rules.Coordinator@dfw.wa.gov](mailto:Rules.Coordinator@dfw.wa.gov), phone 360-902-2196.

**Semi-Annual Rule-Making Agenda**  
**July through December 2020**

<b>WAC Citation</b>	<b>Subject Matter</b>	<b>Preproposal (CR-101)</b>	<b>Proposed (CR-102) or Expedited (CR-105)</b>	<b>Permanent (CR-103P)</b>
New	Rule-making file management	WSR 20-13-097 filed on June 17, 2020	August 2020	September 2020
New	Commercial whale watching licenses and activities	WSR 20-07-093 filed on March 17, 2020	September 2020	December 2020
New	Training program for dogs	WSR 19-16-150 filed on August 7, 2019	September 2020	December 2020
New	Fishway, flow, and screening	WSR 20-13-094 filed on June 17, 2020	TBD	TBD
220-340-490	Coastal crab gear recovery		WSR 20-10-038 filed on April 28, 2020	July 2020
220-412-110 220-413-060	Hunting contests and hunting restrictions	WSR 20-09-056 filed on April 9, 2020	WSR 20-13-088 filed on June 16, 2020	July or August 2020
220-500-140	Firearms and target practice	WSR 20-07-046 filed on March 10, 2020	WSR 20-10-116 filed on May 6, 2020	August 2020
220-500-200	Grazing on department lands	WSR 20-08-099 filed on March 30, 2020	September 2020	November 2020
Chapter 220-660	Hydraulic code rules necessary to implement ESHB 1261	WSR 20-12-052 filed on May 29, 2020	TBD	TBD
220-610-101	Classify Oregon vesper sparrow as state endangered, threatened, or sensitive	WSR 18-16-062 filed on July 27, 2018	November 2020	TBD

WAC Citation	Subject Matter	Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103P)
Chapter 220-370	Amend aquaculture regulations	WSR 18-08-055 filed on March 18, 2018	TBD	TBD
Chapter 220-340	Commercial shellfish and shellfish aquaculture rules	WSR 18-05-035 filed on February 12, 2018	TBD	TBD

**WSR 20-15-014**  
**NOTICE OF PUBLIC MEETINGS**  
**EASTERN WASHINGTON UNIVERSITY**

[Filed July 6, 2020, 10:26 a.m.]

Date	Meeting Component	Location	Time	Notes
February 27, 2020	Board work session	EWU Cheney Campus - HAR 223	1:00-5:00 p.m.	
	Dinner	EWU Cheney Campus - HAR 223	5:00-7:00 p.m.	
February 28, 2020	Committee of the whole	EWU Cheney Campus - TAW 215 B&C	8:00-11:45 a.m.	
	Executive session lunch	EWU Cheney Campus - TAW 215 A	11:45 [a.m.]-1:00 p.m.	
	Board meeting	EWU Cheney Campus - TAW 215 B&C	1:00-3:00 p.m.	
May 29, 2020	Executive session	Private Zoom meeting link		Virtual meeting
	Committee of the whole and regular meeting	<a href="https://ewu.zoom.us/j/94794548261">https://ewu.zoom.us/j/94794548261</a>	8:00 [a.m.]-12:30 p.m.	Virtual meeting
June 17, 2020	Executive session	Private Zoom meeting link	2:00-2:45 p.m.	Virtual meeting
	Special meeting	<a href="https://ewu.zoom.us/j/94200370876">https://ewu.zoom.us/j/94200370876</a>	3:00-6:00 p.m.	Virtual meeting
June 23, 2020	Special meeting	<a href="https://ewu.zoom.us/j/92069349573">https://ewu.zoom.us/j/92069349573</a>	2:00-4:00 p.m.	Virtual meeting
June 25, 2020	Executive session	Private Zoom meeting link	12:00-12:45 p.m.	Virtual meeting
	Regular meeting	<a href="https://ewu.zoom.us/j/99195560577">https://ewu.zoom.us/j/99195560577</a>	1:00-4:00 p.m.	Virtual meeting
July 6, 2020	Special meeting	<a href="https://ewu.zoom.us/j/94505552512">https://ewu.zoom.us/j/94505552512</a>	3:00-5:00 p.m.	Virtual meeting
July 9, 2020	Executive session	Private Zoom meeting link	8:00 a.m.-noon	Virtual meeting
	Retreat	<a href="https://ewu.zoom.us/j/91820155252">https://ewu.zoom.us/j/91820155252</a> (12:30-5 p.m.) or telephone Dial-In: +1 253 215 8782 Meeting ID: 918 2015 5252	12:30-5:00 p.m.	Virtual meeting
July 10, 2020	Executive session	Private Zoom meeting link	9:00 a.m.-noon	Virtual meeting
	Retreat	<a href="https://ewu.zoom.us/j/98159571083">https://ewu.zoom.us/j/98159571083</a> (10:30 a.m.-12:00 p.m.) or telephone Dial-In: +1 253 215 8782 Meeting ID: 981 5957 1083	10:30 a.m.-noon	Virtual meeting

October 8, 2020	Board work session	EWU Cheney Campus - HAR 223	10:00 a.m.-5:00 p.m.	
	Dinner	EWU Cheney Campus - HAR 223	5:00-7:00 p.m.	
October 9, 2020	Committee of the whole	EWU Cheney Campus - TAW 215 B&C	8:00-11:45 a.m.	
	Executive session lunch	EWU Cheney Campus - TAW 215 A	11:45 [a.m.]-1:00 p.m.	
	Board meeting	EWU Cheney Campus - TAW 215 B&C	1:00-3:00 p.m.	
December 10, 2020	Board work session	EWU Cheney Campus - HAR 223	1:00-5:00 p.m.	
	Dinner	EWU Cheney Campus - HAR 223	5:00-7:00 p.m.	
December 11, 2020	Committee of the whole	EWU Cheney Campus - TAW 215 B&C	8:00-11:45 a.m.	
	Executive session lunch	EWU Cheney Campus - TAW 215 A	11:45 [a.m.]-1:00 p.m.	
	Board meeting	EWU Cheney Campus - TAW 215 B&C	1:00-3:00 p.m.	

**WSR 20-15-016**

**AGENDA**

**WASHINGTON STATE PATROL**

[Filed July 6, 2020, 3:36 p.m.]

Pursuant to RCW 34.05.314, below is the Washington state patrol's semi-annual rules development agenda for July - December, 2020.

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

Please contact Kimberly Mathis at 360-596-4017 or Kimberly.mathis@wsp.wa.gov if you have any questions.

**Semi-Annual Rules Development Agenda**

June - December, 2020

Chapter	Rule Subject	Proposed Timeline		
		CR-101	CR-102	CR-103
204-50-050	Ignition interlock devices	6/20/2018	TBD	TBD
204-50-070	Ignition interlock devices	6/20/2018	TBD	TBD
212-12	Fire marshal standards	5/26/2016	TBD	TBD
204-24-060	Use of tire chains or other traction devices	TBD	TBD	TBD
446-65-010	Transportation requirements	5/20/2020	TBD	TBD
446-10-030	Description of central and field organizations of the Washington state patrol	TBD	TBD	TBD
446-10-050	Availability of public records	TBD	TBD	TBD
204-32-020	Standards for signal lamps	TBD	TBD	TBD
204-32-060	Warning sign	TBD	TBD	TBD

**WSR 20-15-017**  
**NOTICE OF PUBLIC MEETINGS**  
**PARKS AND RECREATION**  
**COMMISSION**

[Filed July 6, 2020, 4:33 p.m.]

As required by RCW 42.30.075, Open Public Meetings Act, the following change to the regular meeting schedule of the Washington state parks and recreation commission is submitted for publishing in the Washington State Register.

The location of the July 2020 commission meeting has changed. Washington state parks commission will hold its work session on July 29, which the public can attend but no public comments or testimony is addressed. The regular meeting is on July 30, and public comments and testimony is accepted. This meeting location changed to 1131 Skamania Lodge Drive, Stevenson, WA 98648. The commission will start the regular meeting at 9:00 a.m. on July 30.

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

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

**WSR 20-15-018**  
**NOTICE OF PUBLIC MEETINGS**  
**FRUIT COMMISSION**

[Filed July 6, 2020, 4:36 p.m.]

**2020**  
**CHANGE OF LOCATION**  
**COMMISSION MEETING**  
 [ Memorandum—July 6, 2020 ]

Due to the governor's proclamation and social distancing guidelines, the following scheduled meeting has been CHANGED from in-person to:

August 5, 2020	11:00 a.m.	Conference call/ webinar meeting
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The Washington state fruit commission (WSFC) complies with the Americans with Disabilities Act (ADA). These meetings are open to all persons without regard to race, color, national origin, gender, religion, age, or disability. Persons who are interested in listening in, or require alternative means of communication (such as Braille, large print, sign language) or language interpretation or special accommodations, should contact WSFC at 509-453-4837 at least four business days before the meeting.

If there are any questions regarding the 2020 meeting schedule, please contact WSFC offices at 509-453-4837.

**WSR 20-15-020**  
**NOTICE OF APPEAL**  
**OFFICE OF THE GOVERNOR**  
 [Filed July 2, 2020, 6:41 a.m.]

Pursuant to RCW 34.05.330(3), you are hereby notified for publication in the Washington State Register that:

On March 26, 2020, the Governor's Office received an appeal from Paul P. Carkeek relating to the Washington State Veterinary Board of Governor's denial of a petition to repeal or amend WAC 246-933-340. The Governor's Office denied the appeal on July 1, 2020

DATE: July 2, 2020

Taylor K. Wonhoff  
 Deputy General Counsel  
 to the Governor

**WSR 20-15-022**  
**NOTICE OF PUBLIC MEETINGS**  
**WALLA WALLA**  
**COMMUNITY COLLEGE**  
 [Filed July 7, 2020, 11:57 a.m.]

The July 15, 2020, regularly scheduled meeting of the board of trustees of Walla Walla Community College, District Number Twenty, has been canceled.

Please direct any questions to Jerri Ramsey at [jerri.ramsey@wwcc.edu](mailto:jerri.ramsey@wwcc.edu) or by phone 509-527-4274.

**WSR 20-15-023**  
**NOTICE OF PUBLIC MEETINGS**  
**CENTER FOR DEAF AND**  
**HARD OF HEARING YOUTH**  
 [Filed July 7, 2020, 1:05 p.m.]

The Washington Center for Deaf and Hard of Hearing Youth board of trustees will be having a board meeting that will be open to the public on July 28, 2020. We are cancelling our board meetings scheduled for July 23 and 24, 2020, due to mandatory furloughs for all state employees [employees].

**WSR 20-15-025**  
**HEALTH CARE AUTHORITY**  
 [Filed July 7, 2020, 1:38 p.m.]

**NOTICE**

Title or Subject: Medicaid State Plan Amendment (SPA) 20-0028 Medicaid Disaster Relief Addendum.

Effective Date: July 9, 2020.

Description: The health care authority's (HCA) medicaid disaster relief SPA 20-0014 was approved by the Centers for Medicare and Medicaid Services (CMS) on April 24, 2020. This SPA implements policies and procedures that are different than those otherwise applied under the medicaid state

plan during the period of the presidential and secretarial emergency declarations related to the COVID-19 outbreak (or any renewals thereof).

On June 23, 2020, HCA submitted SPA 20-0021 to implement COVID-19-related services and payments in addition to those approved in SPA 20-0014.

The policies and procedures described in SPAs 20-0014 and 20-0021 will end upon termination of the public health emergency, including any extensions. In order to implement changes that will terminate on a different date, CMS has directed HCA to submit a SPA Addendum. Therefore HCA intends to submit SPA 20-0028.

At this time, HCA has insufficient data upon which to base an estimate of the effect of SPA 20-0028 on annual aggregate expenditures/reimbursement/payment.

SPA 20-0028 is in the development process; therefore a copy is not yet available for review. HCA would appreciate any input or concerns regarding this SPA. To request a copy when it becomes available or submit comments, please contact the person named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

Contact Ann Myers, State Plan Coordinator, 626 8th Avenue S.E., Olympia, WA 98501, TTY 711, email [ann.myers@hca.wa.gov](mailto:ann.myers@hca.wa.gov).

**WSR 20-15-027**  
**NOTICE OF PUBLIC MEETINGS**  
**BREE COLLABORATIVE**

[Filed July 7, 2020, 1:47 p.m.]

The following addition is for the regular meetings of the Dr. Robert Bree Collaborative maternity bundled payment model:

Date	Time	Location
July 28	9:00 - 10:30 a.m.	Zoom meeting

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

**WSR 20-15-028**  
**NOTICE OF PUBLIC MEETINGS**  
**HUMAN RIGHTS COMMISSION**

[Filed July 7, 2020, 2:40 p.m.]

The following REVISED location and times: Washington state human rights commission, commission meeting information, on July 23, 2020, at 9:30 a.m., via telephone conference, phone 360-407-4020, Access Code: 7554239#.

Washington state human rights commission, commission meeting, on July 23, 2020, at 9:30 a.m., via telephone conference, 711 South Capitol Way, Suite 402, Olympia, WA 98504.

**WSR 20-15-029**  
**NOTICE OF PUBLIC MEETINGS**  
**WINE COMMISSION**

[Filed July 7, 2020, 2:47 p.m.]

Washington State Wine Commission Board Meetings  
 FY 2021

August 14, 2020	9:00 a.m. to 12:00 p.m.	Virtual meeting
November 20, 2020	9:00 a.m. to 12:00 p.m.	Virtual meeting
January 22, 2021	9:00 a.m. to 12:00 p.m.	Virtual meeting
April 2, 2021	9:00 a.m. to 5:00 p.m.	Virtual meeting
June 18, 2021	9:00 a.m. to 12:00 p.m.	Virtual meeting

For more information, please contact Emma Hamilton at [ehamilton@washingtonwine.org](mailto:ehamilton@washingtonwine.org) or 206-326-5760.

**WSR 20-15-037**  
**NOTICE OF PUBLIC MEETINGS**  
**BELLEVUE COLLEGE**

[Filed July 8, 2020, 8:11 a.m.]

The following is the schedule of regular meetings for the board of trustees of Community College District VIII for Bellevue College. The meetings will be held in the Board Room (B201) at Bellevue College, 3000 Landerholm Circle S.E., Bellevue, WA on the following dates unless otherwise noted.

Date	Time	Location
September 16, 2020	2:00 p.m.	Bellevue College
October 7, 2020	2:00 p.m.	Bellevue College
November 4, 2020	2:00 p.m.	Bellevue College
December 2, 2020	2:00 p.m.	Bellevue College
January 27, 2021	2:00 p.m.	Bellevue College
February 24, 2021	2:00 p.m.	Bellevue College
March 24, 2021	2:00 p.m.	Bellevue College
April 21, 2021	9:30 a.m.	Bellevue College North Campus
May 19, 2021	2:00 p.m.	Bellevue College
June 16, 2021	2:00 p.m.	Bellevue College

If you need any further information, please contact Alicia Keating Polson, 3000 Landerholm Circle S.E., Bellevue, WA 98007, voice 425-564-2302, fax 425-564-2261, Alicia. [keatingpolson@bellevuecollege.edu](mailto:keatingpolson@bellevuecollege.edu).

**WSR 20-15-039**  
**AGENDA**  
**NOXIOUS WEED**  
**CONTROL BOARD**

[Filed July 8, 2020, 12:50 p.m.]

Following is the state noxious weed control board's semi-annual rules development agenda for the period of July 1 through December 31, 2020. This document is being sent to you in compliance with RCW 34.05.314.

The board may undertake additional rule-making activity as conditions warrant. If you have any questions, please contact Mary Fee at 360-902-2053 or mfee@agr.wa.gov.

**Semi-Annual Rules Agenda**  
**July 1 - December 31, 2020**  
**P.O. Box 42560**  
**Olympia, WA 98504-2560**

WAC Number	Rule Title	Agency Contact	CR-101	Tentative Timeline CR-102	CR-103	Subject of Rule Making
16-750	State noxious weed list and schedule of monetary penalties	Mary Fee Executive Secretary Phone 360-902-2053	July	September	November	Possible changes to the noxious weed lists and state weed board by-laws.

Mary Fee  
Executive Secretary

**WSR 20-15-044**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF COMMERCE**  
**(Hanford Healthy Energy Workers Board)**  
 [Filed July 8, 2020, 4:05 p.m.]

Ardussi, P.O. Box 42525, Olympia, WA 98504-2525, 360-725-5039, 360-586-8440, sean.ardussi@commerce.wa.gov, <https://commerce.wa.gov/hanford-healthy-energy-workers-board/>.

Following is the schedule of regular meetings for the Hanford healthy energy workers board for 2020-2021:

Date	Time	Location
August 18, 2020	10:00 - 12:00	Meetings to be held virtually until further notice
September 15, 2020	10:00 - 12:00	Meetings to be held virtually until further notice
October 20, 2020	10:00 - 12:00	Meetings to be held virtually until further notice
November 17, 2020	10:00 - 12:00	Meetings to be held virtually until further notice
December 15, 2020	10:00 - 12:00	Meetings to be held virtually until further notice
January 19, 2021	10:00 - 12:00	Meetings to be held virtually until further notice
February 16, 2021	10:00 - 12:00	Meetings to be held virtually until further notice
March 16, 2021	10:00 - 12:00	Meetings to be held virtually until further notice

Due to the statewide emergency related to COVID-19 meetings are planned to be held virtually. If in-person meetings become possible, the time and location will be updated with the state register as well as on the project website. Information on how to participate and attend these meetings will be provided on the project website as well as sent out to a distribution list. If you need further information contact Sean

**WSR 20-15-045**  
**AGENDA**  
**PARKS AND RECREATION**  
**COMMISSION**

[Filed July 8, 2020, 4:07 p.m.]

In accordance with RCW 34.05.314, the state parks and recreation commission submit[s] its semi-annual agenda for rules under development for publishing in the Washington State Register.

State parks is conducting a thorough review and may have additional rules as conditions arise. Rule changes filed from January to June 2020 are located on the agency's website at <https://parks.state.wa.us/179/rules-regualtions>.

Any questions related to the specific rules identified in the agenda can be directed to the manager or Valeria Veasley, Rules Coordinator, 1111 Israel Road, Olympia, WA 98504-2560, 360-902-8597 or [valeria.veasley@parks.wa.gov](mailto:valeria.veasley@parks.wa.gov).

**2019 [2020] Semi-Annual Rule Making Agenda  
July 1 - December 31, 2020  
Rules Under Development**

<b>WAC Citation</b>	<b>Reason and/or Expected Outcome</b>	<b>Contact</b>	<b>Status of Rule Making</b>	<b>Anticipated Date of Adoption</b>	<b>Comments</b>
WAC 352-28 Protection and conservation of state park natural resources.	Clarifying language; update guidance on removal and sale of natural resources.	Lisa Lantz Stewardship Manager P.O. Box 42650 Olympia, WA 98504 360-902-8641 Lisa.Lantz@parks.wa.gov.	Under development	November 2020	

Valeria Veasley  
Management Analyst

**WSR 20-15-051  
DEPARTMENT OF AGRICULTURE**

[Filed July 9, 2020, 9:44 a.m.]

**2020 QUARTERLY REPORT ON RULE MAKING ACTIVITIES  
Petitions Received**

The following information is being sent to you in order to implement RCW 1.08.112 (1)(g) and WAC 1-21-180. The Washington state department of agriculture received one petition for rule making during the second quarter of 2020.

<b>Date</b>	<b>Requestor</b>	<b>Subject</b>
<b>1ST QUARTER (JANUARY THROUGH MARCH)</b>		
3/23/2020	Washington state hops commission	Increasing the hop inspection fees in chapter 16-218 WAC.
<b>2ND QUARTER (APRIL THROUGH JUNE)</b>		
4/24/2020	Washington state noxious weed control board	Adding two species of plants to the noxious weed seed and plant quarantine found in chapter 16-752 WAC.

**WSR 20-15-052  
POLICY STATEMENT  
DEPARTMENT OF AGRICULTURE**

[Filed July 9, 2020, 10:12 a.m.]

On July 8, 2020, a policy statement was issued regarding eligibility requirements to receive an allocation from the state fair fund under chapter 15.76 RCW and how the Washington state department of agriculture (WSDA) will apply the merit rating to fair events held during the 2020 fairs season.

A copy of the policy statement may be obtained by accessing WSDA's website ([www.agr.wa.gov](http://www.agr.wa.gov)) or by contacting Gloriann Robinson, Agency Rules Coordinator, 1111

Washington Street S.E., P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1802, email [wsdarulescomments@agr.wa.gov](mailto:wsdarulescomments@agr.wa.gov).

**POLICY STATEMENT  
Number: AO-20-0001**

Subject: Recognizing 2020 as a disaster year when determining eligibility for allocations from the state fair fund in 2021 and modification of requirements for fair events held in 2020.

Supersedes: Not applicable.

Contact: Teresa Norman, fairs program administrator, email [tnorman@agr.wa.gov](mailto:tnorman@agr.wa.gov), phone 360-902-2043.

Approved By: Derek I. Sandison, director.

Date Approved: July 8, 2020.

WSDA issues this policy statement pursuant to RCW 34.05.230 to:

(1) For purposes of RCW 15.76.140, recognize 2020 as a disaster year for the Washington state agricultural fair industry when determining eligibility requirements to receive an allocation from the state fair fund in 2021.

(2) For events held in 2020:

a. Eliminate the requirement in WAC 16-700-022(3) for a minimum seven-hour display; and

b. Advise that the director will provide guidance on the application of the merit system under RCW 15.76.150 and WAC 16-700-050 to virtual, online events.

(3) Notify fairs that incurred expenses in preparation for a 2020 fair that was then cancelled may apply for special assistance grants.

**Background:** Chapter 15.76 RCW declares that it is in the public interest to hold agricultural fairs. Under this chapter, the state provides for a reimbursement of operating expenses for the state's agricultural fairs, as determined by a merit rating. It also allows a portion of the allocation dollars to be used as special assistance to participating fairs.

In order to be eligible to receive allocations from the state fair fund, RCW 15.76.140 requires agricultural fairs to have conducted two successful consecutive annual fairs immediately preceding application for such allocations. A fair that does not hold an event in 2020 would be ineligible to



apply for a reimbursement allocation from the state fair fund for a 2021 event. The WSDA director may waive this requirement if a fair is not held due to a natural disaster.

RCW 15.76.150 requires allocations to be distributed according to a merit rating system established by the director. The merit rating must take into account certain factors, such as youth participation, number and type of exhibits, premiums paid, attendance, community support, conditions of the fairgrounds, etc. Generally, the merit system assumes physical events and exhibits in one place that is open to the public at least seven hours a day. See WAC 16-700-050.

RCW 15.76.160 specifies that allocation amounts can be made only as a reimbursement for operating expenses incurred. Thus, the amount of state funds allocated to a fair is based on a fair's expenses in the prior year. For example, the allocations made in the spring of 2019 were a reimbursement of operating expenses from the 2018 fairs season.

**Circumstances Warranting this Policy Statement:**

The Washington governor first declared a state of emergency in response to new cases of COVID-19 on February 29, 2020. On March 22, 2020, the United States President declared a major disaster exists in Washington as a result of the COVID-19 pandemic of 2020. The state undertook a number of measures to stop or slow the spread of the virus, including a stay-at-home order, prohibitions on public gatherings, and social distancing restrictions.

Such measures required many agricultural fairs to cancel their physical fair events. In some cases, the fair organizers had already incurred expenses in preparation for a fair. Some fairs were or are able to conduct a limited virtual fair or online sale option for their exhibitors - especially for youth exhibitors who had many hours and great expense tied to their projects. Such events, however, are significantly different from traditional physical fairs funded in part by state allocations.

This significant disruption to the ordinary course of events harms the public interest in holding agricultural fairs. The traditional application of the merit rating system would be ineffective in judging the merit of novel, virtual fairs. The impact of the pandemic on fairs will continue into 2021 by eliminating the eligibility of many fairs to apply for funding as the result of cancelling the 2020 fair in response to the public health emergency.

Such circumstances require the director to exercise the discretion granted by the legislature to account for disasters and accommodate novel means of training youth and promoting the welfare of farm people and rural economic development.

**Description:** The director of WSDA recognizes 2020 to be a disaster year for the state's agricultural fairs. For all fairs in the year 2021, the director waives the requirement in RCW 15.76.140(1) for two previous consecutive fairs for a fair to be eligible for an allocation from the state fair fund. Fairs that held events in 2019 will be eligible to apply for reimbursement for a fair held in 2021.

Fairs that hold a virtual or limited in-person event in lieu of a physical fair may apply to receive a reimbursement-based allocation from the state fair fund, as required in WAC 16-700-015. For events held in 2020, the director waives the requirement to have displays open to the public for a seven-hour time period found in WAC 16-700-022(3). Also for 2020 events, the director will revise the merit system required in RCW 15.76.150 and WAC 16-700-050 to provide for an agricultural fair that cancels its physical fair during a disaster year and instead holds a virtual or limited in-person fair or auction for the benefit of its youth exhibitors.

Fairs that incurred operating expenses prior to cancelling their physical fair may apply to receive a special assistance grant for such preparation expenses.

Derek I. Sandison  
Director

**WSR 20-15-060**

**AGENDA**

**DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

[Filed July 10, 2020, 12:32 p.m.]

Following is the department of social and health services (DSHS) semi-annual rule-making agenda for July 1 - December 31, 2020. This agenda will be published in the Washington State Register as required in RCW 34.05.314 and distributed to interested parties. It is also available online at <https://www.dshs.wa.gov/office-of-the-secretary/dshs-semi-annual-rule-making-agenda>.

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

Semi-Annual Rule-Making Agenda  
July 1 - December 31, 2020

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 and CR-105 Filings	CR-103E Filings
Aging and Long-Term Support Administration					
Home and Community Services Division					

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 and CR-105 Filings	CR-103E Filings
	388-114-0080	The department is proposing to amend WAC 388-114-0080 to correct a typographical error in the reference to WAC 388-114-0030.		WSR 20-08-064 Filed 3/26/2020	
	Title 388	The department is planning to create a new chapter in Title 388 WAC and amend sections in chapters 388-71, 388-106, 388-113, and 388-114 WAC, and other related rules as may be required.	WSR 20-08-064 Filed 3/30/2020		
<b>Management Services Division</b>					
	388-96-107	Amend existing rules affecting specific programs as a result of the health crisis created by the coronavirus.			WSR 20-08-019 Filed 3/20/2020
<b>Residential Care Services Division</b>					
	388-78A	The department is considering adding new sections and repealing and amending existing sections in "assisted living facility licensing rules" to consolidate the rules related to background checks, negative actions, and character, competence, and suitability determinations between home and community services, residential [care] services, and developmental disabilities administration (DDA).	WSR 18-17-159 Filed 8/21/2018		
	388-97	The department is considering adding new sections and repealing and amending existing sections in "nursing homes" including WAC 388-97-1790, 388-97-1800, 388-97-1820, and other related rules as may be required.	WSR 18-17-175 Filed 8/22/2018		
	388-76	The department is considering adding new sections and repealing and amending existing sections in "adult family home minimum licensing requirements."	WSR 18-17-177 Filed 8/22/2018		
	388-107	The department is considering adding new sections and repealing and amending existing sections in "licensing requirements for enhanced services facilities."	WSR 18-17-178 Filed 8/22/2018		
	388-76	The department is considering amending "adult family home minimum licensing requirements."	WSR 19-03-148 Filed 1/22/2019	WSR 20-11-055 Filed 5/19/2020  WSR 20-02-013 Filed 12/19/2019	
	388-97; 388-97-1090	The department is planning to add new sections and amend existing sections in "nursing homes," including "direct care hours" and other related rules as may be required.	WSR 19-12-109 Filed 6/5/2019		
	388-97	The department is proposing to add new sections, repeal existing sections, and amend sections in "nursing homes" related to tuberculosis screening.	WSR 19-18-051 Filed 8/30/2019		
	388-107	The department is planning to add new sections, repeal existing sections, and amend sections in "licensing requirements for enhanced services facilities" related to tuberculosis screening.	WSR 19-18-059 Filed 9/3/2019		
	388-76	The department is planning to add new sections, repeal existing sections, and amend sections in "adult family home minimum licensing requirements" related to tuberculosis screening.	WSR 19-18-061 Filed 9/3/2019		

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 and CR-105 Filings	CR-103E Filings
	388-78A	The department is planning to add new sections, repeal existing sections, and amend sections in "assisted living facility licensing rules" related to tuberculosis screening.	WSR 19-18-062 Filed 9/3/2019		
	388-78A-2371	The department is planning to amend "investigations."	WSR 20-03-179 Filed 1/22/2020		
	388-97-0001, 388-97-1090	The department is considering amending definitions; direct care hours; and other related rules as may be required to implement EHB 1564 (chapter 301, Laws of 2019).	WSR 20-08-101 Filed 3/30/2020		
	388-107-0460, 388-107-0490, 388-76-10265, 388-76-10285, 388-76-10290, 388-78A-2480, 388-78A-2484, 388-78A-2485	The department is temporarily repealing or amending WAC 388-76-10265, 388-76-10285, 388-76-10290(1), 388-78A-2480(1), 388-78A-2484, 388-78A-2485(1), 388-101D-0650(1), 388-101D-0660(3), 388-107-0460(1), and 388-107-0490 to assure long-term care programs are not significantly impeded during the hiring process due to inability to access the tuberculosis (TB) testing required as a part of the hiring process.			WSR 20-09-009 Filed 4/2/2020
	388-97	The department is amending WAC 388-97-0120, 388-97-1000, 388-97-1020, 388-97-1915, and 388-97-1975 and repealing WAC 388-97-0920 to assure nursing homes are not significantly impeded from admitting and caring for residents during the COVID-19 outbreak.			WSR 20-09-074 Filed 4/13/2020
	388-78A-2524, 388-78A-2525, 388-78A-2526	The department is temporarily amending WAC 388-78A-2524, 388-78A-2525, and 388-78A-252 to assure assisted living facilities are not significantly impeded during the hiring process due to an administrator's inability to obtain a certificate of completion of a recognized administrator training as referenced in WAC 388-78A-2521.			WSR 20-10-005 Filed 4/23/2020
	388-97-1260	The department is amending WAC 388-97-1260 to assure 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.			WSR 20-10-034 Filed 4/28/2020
	388-107	The department is considering amending these and other related rules as may be required to implement SHB 2448 (chapter 278, Laws of 2020).	WSR 20-10-091 Filed 5/5/2020		
	388-97-0300	The department is amending WAC 388-97-0300 to assure nursing homes are not significantly impeded from [no further information supplied by agency.]			WSR 20-11-043 Filed 5/15/2020
	388-97-1740, 388-97-1760, 388-97-2400	The department is amending rules in chapter 388-97 WAC to assure nursing homes are not significantly impeded from admitting and caring for residents during the COVID-19 outbreak.			WSR 20-14-026 Filed 6/23/2020
	388-76; 388-76-10695, 388-76-10730	The department is considering amending sections in adult family home minimum licensing requirements, including building codes - structural requirements, grab bars and handrails, and other related rules as may be required.	WSR 20-14-117 Filed 7/1/2020		
<b>Behavioral Health Administration</b>					
	388-855-0045	The department is planning to amend "exempt income" and other related rules as may be required.	WSR 19-15-073 Filed 7/17/2019		

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 and CR-105 Filings	CR-103E Filings
	388-875-0200, 388-875-0210, 388-875-0230	The department is considering adding a new section to chapter 388-875 WAC to establish requirements for the forensic navigator program.	WSR 20-03-155 Filed 1/21/2020	WSR 20-14-118 Filed 7/1/2020	
	388-878	The department is planning to amend to develop rules for the conditions of participation in the outpatient competency restoration program, within the framework of the forensic mental health care system.	WSR 20-08-116 Filed 3/31/2020		
<b>Developmental Disabilities Administration</b>					
	388-101D-0355, 388-101D-0405, 388-101D-0410	The department is considering amending these and other related rules as may be required to add instances when a service provider must develop and implement a functional assessment or positive behavior support plan.	WSR 19-14-059 Filed 6/21/2019		
	388-829A	The department is planning to amend "alternative living" and other related rules as may be required.	WSR 19-19-040 Filed 9/12/2019		
	388-845-2019	The department is enacting WAC 388-845-2019 on an emergency basis to make temporary modifications to DDA'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.			WSR 20-14-101 Filed 6/30/2020  WSR 20-08-056 Filed 3/25/2020
	388-828	The department is planning to amend this chapter and other related rules as may be required to implement the consumer-directed employment program and align with changes being made to modernize the comprehensive assessment reporting evaluation (CARE) system.	WSR 20-08-058 Filed 3/25/2020		
	388-826	DDA is planning to amend "voluntary placement services" to align with recent amendments to chapter 74.13 RCW regarding "out-of-home services."	WSR 20-09-150 Filed 4/22/2020		
	388-101D-0125, 388-101D-0130, 388-101D-0695, 388-823-1095, 388-829A-130, 388-829C-100	The department is planning to amend these and other related rules as may be required.	WSR 20-12-096 Filed 6/2/2020		
	388-101D-0065; 388-825; 388-845- 2205, 388-845- 1615	The department is planning to amend these and other related rules as may be required.	WSR 20-14-029 Filed 6/23/2020		
	388-829R-170, 388-829R-230, 388-829-0005, 388-829-0045	The department is planning to amend these and other related rules as may be required.	WSR 20-14-099 Filed 6/30/2020		
<b>Economic Services Administration</b>					
<b>Community Services Division</b>					
	388-412-0040	The department is planning to amend "can I get my benefits replaced?" and other related rules as may be required to describe the department's adoption of federal optional regulations requiring the withholding of replacement electronic benefit transfer cards when a recipient requests an excessive number of replacement cards.	WSR 18-06-103 Filed 3/7/2018		

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 and CR-105 Filings	CR-103E Filings
	388-444-0010	The department plans to amend "who is exempt from work registration while receiving basic food?" and other related rules as may be required.	WSR 19-22-060 Filed 11/5/2019		
	388-493-0010	The department plans to amend WAC 388-493-0010 Working family support, and other related rules as may be required.	WSR 19-22-070 Filed 11/5/2019	WSR 20-09-095 Filed 4/15/2020  WSR 20-08-102 Filed 3/30/2020	
	388-280-0010, 388-280-0020, 388-280-0030, 388-280-0040, 388-280-0050, 388-280-0060	The department is planning to amend chapter 388-280 WAC and other related rules as may be required.	WSR 20-05-060 Filed 2/14/2020	WSR 20-12-040 Filed 5/27/2020	
	388-310-0350	The department is amending WorkFirst - other exemptions from mandatory participation to temporarily exempt temporary assistance for needy families (TANF) recipients from mandatory WorkFirst participation as a result of the public health crisis created by the COVID-19 virus (commonly referred to as the "coronavirus").	WSR 20-14-104 Filed 6/30/2020		WSR 20-07-079 Filed 3/16/2020
	388-447-0005, 388-447-0010, 388-447-0110, 388-449-0010, 388-449-0015, and 388-449-0150	The department is amending "what evidence do we consider to determine incapacity?," "what medical evidence do I need to provide?," "when does my eligibility for referral to the housing and essential needs (HEN) program end?," "what evidence do we consider to determine disability?," "what medical evidence do I need to provide?," and "when does my eligibility for aged, blind, or disabled (ABD) cash benefits end?"	WSR 20-14-107 Filed 6/30/2020		WSR 20-08-074 Filed 3/26/2020
	388-437-0005	The department is creating WAC 388-437-0005, changes to food assistance in response to the COVID-19 pandemic, to implement changes to food assistance benefit issuances as provided in the Families First Coronavirus Response Act (H.R. 6201) Section 2302.			WSR 20-10-048 Filed 4/29/2020  WSR 20-08-107 Filed 3/31/2020
	388-76	The department is considering amending to incorporate ESHB 1023, 2020 regular session, into the rules.	WSR 20-08-110 Filed 3/31/2020		
	388-310-1300	The department is planning to amend community jobs, and other related rules as may be required.	WSR 20-08-111 Filed 3/31/2020	WSR 20-13-009 Filed 6/5/2020	
	388-484-0006	The department is amending WAC 388-484-0006, TANF/SFA time limit extensions, to add TANF time limit extension hardship category related to impacts of the COVID-19 pandemic (commonly known as the "coronavirus").			WSR 20-09-001 Filed 4/1/2020
	388-436-0040, 388-436-0050, 388-436-0055	The department is amending WAC 388-436-0040 Excluded income and resources for CEAP, 388-436-0050 Determining financial need and benefit amount for CEAP, and 388-436-0055 What is the disaster cash assistance program (DCAP)? These amendments are necessary to expand consolidated emergency assistance program and related DCAP during the statewide public health crisis created by the COVID-19 virus (commonly referred to as the "coronavirus").			WSR 20-09-102 Filed 4/16/2020

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 and CR-105 Filings	CR-103E Filings
	388-444-0015, 388-444-0025	The department is planning to amend "how can the basic food employment and training (BF E&T) program help me find work?," "what expenses will the department pay to help me participate in BF E&T?," and other related rules as may be required.	WSR 20-09-134 Filed 4/21/2020		
	388-400-0055, 388-400-0060, 388-400-0070	The department is planning to amend WAC 388-400-0055 Who is eligible for the pregnant women assistance (PWA) program?, 388-400-0060 Who is eligible for aged, blind or disabled (ABD) cash assistance?, 388-400-0070 Who is eligible for referral to the housing and essential needs (HEN) program?, and other related rules as may be required.	WSR 20-09-137 Filed 4/21/2020		WSR 20-13-036 Filed 6/10/2020
	388-434-0015	The department is creating WAC 388-434-0015 Extension of certification periods and waiver of eligibility reviews and mid-certification reviews during the COVID-19 pandemic.			WSR 20-10-046 Filed 4/29/2020
	388-466-0120	The department is adopting emergency amendments to refugee cash assistance (RCA).	WSR 20-14-024 Filed 6/23/2020		WSR 20-10-118 Filed 5/6/2020
	388-412-0046	The department is planning to amend WAC 388-412-0046 What is the purpose of DSHS cash and food assistance benefits and how can I use my benefits? and other related rules as may be required.	WSR 20-11-064 Filed 5/19/2020		WSR 20-13-037 Filed 6/10/2020
	388-478-0010, 388-478-0005, 388-478-0006, 388-478-0010, 388-478-0015, 388-478-0020, 388-478-0027, 388-478-0033, 388-478-0090, 388-418-0020	The department plans to repeal WAC 388-478-0010 Households with obligations to pay shelter costs; and amend 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?, 388-478-0090 What are the monthly income limits for the aged, blind, and disabled (ABD) cash assistance and housing and essential needs (HEN) referral program?, 388-418-0020 How does the department determine the date a change affects my cash and basic food benefits?, and other related rules as may be required.	WSR 20-11-070 Filed 5/20/2020		WSR 20-14-087 Filed 6/30/2020
	388-436-0060	The department is proposing to amend "How much money can I receive from the disaster cash assistance program (DCAP)?"			
	388-458-0011	The department is planning to amend "DSHS sends you a denial letter when you can't get benefits," and other related rules as may be required.	WSR 20-12-089 Filed 6/2/2020		
	388-418-0011	The department is planning to amend "what is a mid-certification review, and do I have to complete one in order to keep receiving benefits?," and other related rules as may be required.	WSR 20-12-090 Filed 6/2/2020		WSR 20-14-085 Filed 6/30/2020
	388-310-0800, 388-310-1050, 388-310-1700, 388-310-1800	The department is planning to amend WorkFirst—Support services; WorkFirst—Vocational education; WorkFirst—Skills enhancement training; WorkFirst—Self-employment; WorkFirst—Post employment services; and other related rules as may be required.	WSR 20-12-094 Filed 6/2/2020		
	388-482-0005	The department is planning to amend "How does being a student of higher education affect my eligibility for Washington basic food program?," and other related rules as may be required.	WSR 20-12-095 Filed 6/2/2020		

Administration/ Division	WAC Sections	Purpose for Rule Making	CR-101 Filings	CR-102 and CR-105 Filings	CR-103E Filings
	388-454-0006	The department is planning to amend "the department makes background checks on adults who are acting in place of a parent without court-ordered custody," and other related rules as may be required.	WSR 20-13-047 Filed 6/11/2020		
	388-437-0010	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.			WSR 20-14-030 Filed 6/24/2020
<b>Division of Child Support</b>					
	388-14A	The department is planning to amend sections in child support rules to establish administrative child support orders including WAC 388-14A-3115 The notice and finding of financial responsibility is used to set child support when paternity is not at issue, 388-14A-3140 What can happen at a hearing on a support establishment notice?, and other related rules as may be required.	WSR 18-07-077 Filed 3/19/2018		
	388-14A	The department is planning to amend, adopt, or repeal sections in child support rules to: (1) Implement ESSB 6037 (chapter 6, Laws of 2018) and the technical corrections made to ESSB 6037 by SSB 5333 (chapter 46, Laws of 2019); and (2) update terminology, clarify, and streamline the rules and procedures regarding parentage from the Uniform Parentage Act (adopted as chapter 26.26A RCW) to conform with current state and federal laws.	WSR 20-07-090 Filed 3/17/2020		
	388-14A-2210	The department is creating to clarify that temporary procedures employed by USPS are acceptable for purposes of certified mail service.	WSR 20-09-148 Filed 4/22/2020		WSR 20-09-081 Filed 4/14/2020
	388-14A	The department is planning to amend child support rules involving income calculation and other related rules as may be required.	WSR 20-14-021 Filed 6/22/2020		WSR 20-14-018 Filed 6/22/2020
<b>Executive</b>					
<b>Office of the Secretary Headquarters Units</b>					
	388-02-0075	The department is filing this emergency in response to the public health crisis created by the COVID-19 virus (commonly referred to as the "coronavirus"). This emergency allows electronic filing and electronic distribution of notices and orders to the office of administrative hearings via email by striking the email prohibition, adding a provision for email filing with the office of administrative hearings, and adding clarifying language.			WSR 20-08-049 Filed 3/25/2020

Katherine Vasquez  
Rules Coordinator

## WSR 20-15-063

### AGENDA

## UNIVERSITY OF WASHINGTON

[Filed July 12, 2020, 1:28 p.m.]

### Semi-Annual Agenda for Rules Under Development (Per RCW 34.05.314) January 2020

Rule-making activity not now anticipated may be added if conditions warrant between semi-annual agendas.

1. Rule making is anticipated for chapter 478-116 WAC, Parking and traffic rules of the University of Washington, Seattle during the second half of 2020.

2. Rule making is anticipated for chapter 478-121 WAC, Student conduct code for the University of Washington during the second half of 2020.

3. Rule making will continue for chapter 478-160 WAC, Admission and registration procedures for the University of Washington, during the second half of 2020 (a CR-101 was filed on August 5, 2015).

For more information concerning the above rules, please contact Barbara Lechtanski, Director of University Policy and Rules Office, University of Washington, Box 351210, Seattle, WA 98195-1210, phone 206-543-9219, email rules@uw.edu, web washington.edu/rules.

**WSR 20-15-064**  
**POLICY STATEMENT**  
**UNIVERSITY OF WASHINGTON**  
 [Filed July 12, 2020, 1:33 p.m.]

The University of Washington has recently created or revised the following bylaws, orders, policy statements, scholastic regulations, and faculty code:

- "Statements to Ensure Equal Opportunity and Reasonable Accommodation," revised July 7, 2020 (APS 46.4).
- "Admission," revised May 29, 2020 (Scholastic Regulations, Chapter 101).
- "Cumulative Grade-Point Average," revised May 29, 2020 (Scholastic Regulations, Chapter 107, Section 1).
- "The Grading System," revised May 29, 2020 (Scholastic Regulations, Chapter 110, Section 1).
- "Dropping a Course," revised May 29, 2020 (Scholastic Regulations, Chapter 113, Section 3).
- "Depth Requirements," revised May 29, 2020 (Scholastic Regulations, Chapter 114, Section 1).
- "Course-Numbering System," revised May 29, 2020 (Scholastic Regulations, Chapter 115, Section 1).
- "Requirements for the Bachelor's Degree," revised April 13, 2020 (Scholastic Regulations, Chapter 114, Section 2).
- "Payment Card Acceptance," revised March 3, 2020 (APS 35.1).
- "Courses," revised February 18, 2020 (Scholastic Regulations, Chapter 115).
- "Advisory Committees and Boards of the Board of Regents," revised February 13, 2020 (Standing Orders, Chapter 4).
- "Policy Governing Approval of Investments," revised February 13, 2020 (Regent Policy No. 75).
- "Information Security and Privacy: Roles, Responsibilities, and Definitions," revised February 4, 2020 (APS 2.4).
- "Information Security and Privacy: Incident Reporting and Management," revised February 4, 2020 (APS 2.5).
- "Types of University Personnel," revised January 21, 2020 (APS 40.1).
- "University Organization Chart," revised January 8, 2020 (APS 1.1).
- "University-Wide Leadership List," revised January 8, 2020 (APS 1.2).

For more information regarding University of Washington policy please visit the following site [washington.edu/admin/rules/policies/](http://washington.edu/admin/rules/policies/).

For more information regarding these materials contact Barbara Lechtanski, Director of University Policy and Rules

Office, University of Washington, Box 351210, Seattle, WA 98195-1210, or by email at rules@uw.edu.

**WSR 20-15-065**  
**NOTICE OF PUBLIC MEETINGS**  
**THE EVERGREEN STATE COLLEGE**  
 (Institute for Public Policy)  
 [Filed July 13, 2020, 8:49 a.m.]

Following is the schedule of regular meetings for the Washington state institute for public policy board of directors for 2020:

Date	Time	Location
6/1/2020	9:30 a.m.-12:00 p.m.	Conference Center at SeaTac Airport Seoul Conference Room Seattle, WA 98158
9/14/2020	9:30 a.m.-12:00 p.m.	Conference Center at SeaTac Airport Seoul Conference Room Seattle, WA 98158
12/14/2020	9:30 a.m.-12:00 p.m.	Conference Center at SeaTac Airport Seoul Conference Room Seattle, WA 98158

If you need further information contact Erica Cross, 110 Fifth Avenue S.E., Olympia, WA 98504, 360-664-9800, institute@wsipp.wa.gov, www.wsipp.wa.gov.

**WSR 20-15-070**  
**AGENDA**  
**OFFICE OF THE**  
**INSURANCE COMMISSIONER**  
 [Filed July 13, 2020, 11:54 a.m.]

**Semi-Annual Rule Development Agenda**  
 July 31, 2020, through January 31, 2021

The commissioner has introduced the following rules. This list is current as of July 13, 2020. There may be additional rule-making activity not included on this agenda and all information referenced is subject to change. For the most up-to-date information visit our rule-making website <https://www.insurance.wa.gov/legislation-and-rulemaking>.

For questions, please contact Bryon Welch, rulescoordinator@oic.wa.gov, or 360-725-7037.



WAC	Statutory Authority	Subject	Current Activity		
			CR-101	CR-102	CR-103
284-20C	RCW 48.02.060, 48.110.150	Service contract providers and protection product guarantee providers (R 2016-23).	WSR 16-18-065 Filed 9/2/16	WSR 20-05-027 Filed 2/10/20	
	RCW 48.02.060 (3)(a), section 3(9) and 4 (1)(c); chapter 56, Laws of 2019 (SB 5889)	Confidential communication (R 2019-03).	WSR 19-15-129 Filed 7/23/19		
	RCW 48.43.007, 48.43.510; chapter 11, Laws of 2019 (ESHB 1099)	Network access and notice requirements (R 2019-05).	WSR 19-14-113 Filed 7/2/19		
	RCW 48.02.060; section 4, chapter 171, Laws of 2019 (ESHB 1879)	RX drug utilization management (R 2019-11).	WSR 19-18-089 Filed 9/4/19		
	RCW 48.02.060 (3)(a), 48.18.559(2)	Increasing allowable amount of risk reduction goods and services (R 2020-01).	WSR 20-03-092 Filed 1/13/20		
	RCW 48.02.060; chapter 240, Laws of 2020 (2SSB 5601)	Health care benefit managers (R 2020-04).	WSR 20-12-031 Filed 5/27/20		
	RCW 48.02.060, 48.74.025, 48.74.028, 48.74.100, 48.36A.250, 48.36A.260	Actuarial opinion and memorandum regulation (R 2020-05).	WSR 20-12-032 Filed 5/27/20		
	RCW 48.02.060, 48.20.460, 48.43.0128, 48.44.050, 48.46.200	Prohibiting discrimination in health care coverage (R 2020-06).	WSR 20-12-033 Filed 5/27/20		
	RCW 48.49.060, 48.49.110, 48.43.730	Continues implementation of The Balance Billing Protection Act (R 2020-07).	WSR 20-12-083 Filed 6/2/20		
	RCW 48.02.060; chapter 253, Laws of 2019 (SHB 1075)	Change of insurance-offset of expenses of group policyholder (R 2020-08).	WSR 20-12-084 Filed 6/2/20		
	RCW 48.02.060, 48.30.010; chapter 197, Laws of 2020 (SSB 6052)	Life insurance-behavioral change incentives (R 2020-09).	WSR 20-12-087 Filed 6/2/20		
	RCW 48.02.060, 48.20.460, 48.44.050, 48.46.200; section 6, chapter 345, Laws of 2020 (ESHB 2642)	Removing health coverage barriers to accessing substance use disorder treatment services (R 2020-10).	WSR 20-13-045 [Filed] 6/11/20		

WAC	Statutory Authority	Subject	Current Activity		
			CR-101	CR-102	CR-103
	RCW 48.02.060, 48.44.050, 48.46.200, 48.44.020 (2)(d), 48.44.022, 48.44.023, 48.46.060 (3)(d), 48.46.060(5), 48.46.064, 48.46.066; chapter 196, Laws of 2020 (SSB 6051)	Health coverage supplementing medicare Part D provided through a federally authorized employer group waiver plan.	Forthcoming		
	RCW 48.02.060, 48.44.050, 48.46.200, 48.30.010	Update to prompt response requirement.	Forthcoming		
	Chapter 283, Laws of 2020 (SHB 2554)	Mitigating inequity in the health insurance market.	Forthcoming		

**Other Possible Rule-Making Topics:** In addition to the rules referenced above, the commissioner continues his effort to update and clarify code, as well as implement recent legislation. A potential list of subjects that may be considered for future rule making include or may include:

- Adjuster issues.
  - Administrative hearings.
  - Annuity marketing and disclosure requirements.
  - Barriers to patient care access resulting from contracting practices.
  - Coordination of benefits.
  - Dental insurance practices.
  - Discontinuation and renewal of health plan coverage.
  - Discrimination in health care plan design.
  - Electronic filing of state specific reporting.
  - Electronic notices and document delivery of insurance products.
  - Essential health benefits.
  - Fixing outdates [outdated] references.
  - Health care coverage in general.
  - Health care coverage specific to dependents and incapacitated children.
  - Health care sharing ministries.
  - Implementation of state legislation or reform.
  - Implementation of federal legislation or reform.
  - Licensing requirements.
  - Life and disability issues.
  - Market stabilization.
  - Medical parity.
  - Minimum valuation standards.
  - NAIC model act implementation.
  - Pharmacy formulary tiers.
  - Pharmacy exceptions, substitutions and appeals process.
  - Pediatric dental.
  - Prelicensing insurance education.
  - Producer issues.
  - Producer commissions.
  - Property and casualty issues.
  - Ride-sharing insurance coverage.
  - Summary of health insurance benefits coverage.
  - Rating variables.
- Contact Bryon Welch, 360-725-7037, rulescoordinator@oic.wa.gov. RCW 34.05.314.

Mike Kreidler

**WSR 20-15-071**  
**NOTICE OF PUBLIC MEETINGS**  
**EASTERN WASHINGTON UNIVERSITY**

[Filed July 13, 2020, 2:39 p.m.]

Board of Trustees Meeting Schedule

**New meetings added to the schedule:**

<b>Date</b>	<b>Meeting Component</b>	<b>Location</b>	<b>Time</b>	<b>Notes</b>
July 15, 2020	Special meeting Executive session only	Private Zoom link.	7:45-8:30 a.m.	Virtual meeting
July 24, 2020	Special meeting	<a href="https://ewu.zoom.us/j/91686374525">https://ewu.zoom.us/j/91686374525</a>	8:00-10:00 a.m.	Virtual meeting
		Phone: 1 253 215 8782 ID: 916 8637 4525		

**WSR 20-15-076**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed July 14, 2020, 12:23 p.m.]

**NOTICE OF PUBLIC HEARING**  
**SCHOOL DISTRICT ACCOUNTING MANUAL (WAC 392-123-010)**

**Public Hearing/Written Comments:** A public hearing adopting changes relating to the 2020-2021 School District Accounting Manual; in accordance with WAC 392-123-010 will be held on **July 28, 2020, 10:00 a.m.**, office of superintendent of public instruction, via Zoom: <https://zoom.us/join/zoommeeting/register/tJIpdeytrT0vE9G-IO24UtIOWBcAA4M6Q> MFG.

Written comments may be submitted by July 28, 2020, 5:00 p.m. Submit written comments to Office of Superintendent of Public Instruction, ATTN: Paul Stone, School Apportionment and Financial Services, email [Paul.Stone@k12.wa.us](mailto:Paul.Stone@k12.wa.us), mailing address P.O. Box 47200, Olympia, WA 98504-7200.

Chris P. S. Reykdal  
 State Superintendent  
 of Public Instruction

**WSR 20-15-080**  
**POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**

[Filed July 14, 2020, 4:48 p.m.]

**NOTICE OF ADOPTION OF A POLICY STATEMENT**

Title of Policy Statement: Enforcement of AIDS Education and Training Rules. Policy Number: Dental-01.

Issuing Entity: Dental quality assurance commission.

Subject Matter: The dental quality assurance commission will not enforce AIDS training, education, and documentation requirements in chapters 248-817 and 246-12 WAC, Part 8 while rules are being repealed to comply with ESHB 1551 enacted in law by the Washington state legislature in 2020.

Effective Date: June 11, 2020.

Contact Person: Jennifer Santiago, [Jennifer.santiago@doh.wa.gov](mailto:Jennifer.santiago@doh.wa.gov), 360-236-4893.

**WSR 20-15-081**  
**HEALTH CARE AUTHORITY**

[Filed July 15, 2020, 8:10 a.m.]

**NOTICE**

Title or Subject: Medicaid State Plan Amendment (SPA) 20-0032 Ambulance Transport Quality Assurance Fee.

Effective Date: July 1, 2021.

Description: The health care authority (HCA) intends to submit medicaid SPA 20-0032 in order to comply with ESSB 6534, which directs HCA to establish an ambulance transportation quality assurance fee program to provide an add-on to fee for emergency ambulance rates for nonpublic and nonfederal emergency ambulance transportation providers. The add-on payment will be funded solely from assessments to the nonpublic and nonfederal ambulance providers.

SPA 20-0032 is expected to increase the annual aggregate payment for emergency ambulance transportation services by one hundred twenty-five percent to one hundred eighty-three percent.

SPA 20-0032 is in the development process; therefore a copy is not yet available for review. HCA would appreciate any input or concerns regarding this SPA. To request a copy when it becomes available or submit comments, please contact the person named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

Contact: Abigail Cole, Hospital Finance, P.O. Box 45510, Olympia, WA 98506, TTY 711, email [abigail.cole@hca.wa.gov](mailto:abigail.cole@hca.wa.gov), website [hca.wa.gov](http://hca.wa.gov).

WSR 20-15-084
RULES OF COURT
STATE SUPREME COURT
[July 9, 2020]

IN THE MATTER OF THE SUGGESTED ) ORDER
AMENDMENT TO CR 3—COM- ) NO. 25700-A-1297
MENCEMENT OF ACTION )

The Superior Court Judges' Association, having recom-
mended the expeditious adoption of the suggested amend-
ment to CR 3—Commencement of Action, and the Court
having considered the suggested amendment, and having
determined that the suggested amendment will aid in the
prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the suggested amendment as attached herto is
expeditiously adopted.

(b) That pursuant to the emergency provisions of GR 9
(j)(1), the suggestion amendment will be published expedi-
tiously in the Washington Reports and will become effective
upon publication.

DATED at Olympia, Washington this 9th day of July,
2020.

Table with 2 columns: Names (Johnson, J., Madsen, J., Owens, J., Gonzalez, J.) and Signatories (Stephens, C.J., Gordon McCloud, J., Yu, J., Montoya-Lewis, J., Whitener, J.)

SUGGESTED RULE CHANGE
CR3 - COMMENCEMENT OF ACTION

(a) - (d) (Unchanged.)

(e) Debt Collection. No debtor shall be served with a
summons and complaint unless the summons and complaint
have been filed with the court and bear the case number
assigned by the court. [Reserved. See RCW 19.16.250.]

WSR 20-15-085
RULES OF COURT
STATE SUPREME COURT
[July 9, 2020]

IN THE MATTER OF THE SUGGESTED ) ORDER
AMENDMENT TO IRLJ 6.2 ) NO. 25700-A-1298
)
)

The District and Municipal Court Judges' Association,
having recommended the expeditious adoption of the sug-
gested amendment to IRLJ 6.2, and the Court having consid-
ered the suggested amendment, and having determined that
the suggested amendment will aid in the prompt and orderly
administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the suggested amendment as attached herto
[hereto] is expeditiously adopted.

(b) That pursuant to the emergency provisions of GR 9
(j)(1), the suggested amendment will be published expedi-
tiously in the Washington Reports and will become effective
upon publication.

DATED at Olympia, Washington this 9th day of July,
2020.

Table with 2 columns: Names (Johnson, J., Madsen, J., Owens, J., Gonzalez, J.) and Signatories (Stephens, C.J., Gordon McCloud, J., Yu, J., Montoya-Lewis, J., Whitener, J.)

Proposed Amendment:

RULE 6.2

MONETARY PENALTY SCHEDULE FOR INFRACTIONS

- (a) - (c) [no change]
(d) Penalty Schedule.
(1) - (4) [no change]
(5) Fish and Wildlife Infractions.

Table with 2 columns: Description of infractions (Fish for Personal Use, Barbed Hooks, etc.) and Penalties (\$48, \$73, etc.)

<del>Unclassified Fish/Shellfish (not game fish, food fish, shellfish, Or endangered/protected fish) (RCW 77.15.160 (1)(f))</del>	<del>\$73</del>	<del>Scientific Department Permit Violation (not big game/big game parts) - Violate</del>	<del>\$122</del>
<del>Wasting Fish/Shellfish (&lt;\$250) (RCW 77.15.160 (1)(g))</del>	<del>\$48</del>	<del>Permit Terms or Conditions (RCW 77.15.160 (4)(d)(i))</del>	<del>\$122</del>
<del>Harm Bird Eggs/Nests (not endangered/protected wild birds) (RCW 77.15.160 (2)(a))</del>	<del>\$97</del>	<del>Scientific Department Permit Violation (not big game/big game parts) - Violate</del>	<del>\$122</del>
<del>Unclassified Wildlife (not big game, game animals, game birds, or endangered/protected wildlife) (RCW 77.15.160 (2)(b))</del>	<del>\$73</del>	<del>Rule re: Permit Issuance or Use (RCW 77.15.160 (4)(d)(ii))</del>	<del>\$122</del>
<del>Wasting Wildlife (not big game) (&lt;\$250) (RCW 77.15.160 (2)(e))</del>	<del>\$73</del>	<del>Transporting Aquatic Plants (RCW 77.15.160 (4)(e))</del>	<del>\$73</del>
<del>Hunting Wild Animals (not big game) License not with Person (no wild animal possession) (RCW 77.15.160 (2)(d))</del>	<del>\$73</del>	<del>Violate Distance/Feeding Prohibitions for Southern Resident Orca Whales (RCW 77.15.740)</del>	<del>\$500</del>
<del>Hunting Wild Birds License not with Person (no wild bird Possession) (RCW 77.15.160 (2)(e)(i))</del>	<del>\$73</del>	<del>Negligently Feed/Attempt to Feed Large Wild Carnivores (RCW 77.15.790)</del>	<del>\$73</del>
<del>Hunting Wild Birds Rule Violation (no wild bird possession) (RCW 77.15.160 (2)(e)(ii))</del>	<del>\$73</del>		
Taxidermist/Fur Dealer/Wildlife Meat Cutter - Fail to Maintain Records (RCW 77.15.160 (3)(a)(i))	\$122		
Taxidermist/Fur Dealer/Wildlife Meat Cutter - Fail to Report Information (RCW 77.15.160 (3)(a)(ii))	\$73		
Trapper - Fail to Report Trapping Activity (RCW 77.15.160 (3)(b))	\$73		
Contest Violation (RCW 77.15.160 (4)(a))	\$146		
Violate Other Infraction Rules (RCW 77.15.160 (4)(b))	\$73		
Posting Signs (RCW 77.15.160 (4)(c))	\$122		

WSR 20-15-086
RULES OF COURT
STATE SUPREME COURT

[July 9, 2020]

IN THE MATTER OF THE SUGGESTED ) ORDER
AMENDMENTS TO GR 13—USE OF ) NO. 25700-A-1299
UNSWORN STATEMENT IN LIEU OF )
AFFIDAVIT, GR 30—ELECTRONIC )
FILING AND SERVICES, CrR 2.2— )
WARRANT OF ARREST AND SUM- )
MONS, CrR 2.3—SEARCH AND SEI- )
ZURE, CrR 3.2.1—PROCEDURE FOL- )
LOWING WARRANTLESS ARREST— )
PRELIMINARY HEARING, CrRLJ 2.1— )
COMPLAINT—CITATION AND )
NOTICE, CrRLJ 2.2—WARRANT OF )
ARREST OR SUMMONS UPON COM- )
PLAINT, CrRLJ 2.3—SEARCH AND )
SEIZURE, CrRLJ 3.2.1—PROCEDURE )
FOLLOWING WARRANTLESS )
ARREST—PRELIMINARY HEARING, )
CrRLJ 3.6—SUPPRESSION PROCE- )
DURE, IRLJ 6.7—IDENTITY CHAL- )
LENGES AND RELIEF FROM JUDG- )
MENT, RALJ 6.3.1—TRANSCRIPT OF )
ELECTRONIC RECORD, JuCR 7.3— )
DETENTION AND RELEASE, SPR )
98.16W—ESTATES—GUARDIAN- )
SHIP—SETTLEMENT OF CLAIMS OF )
MINORS AND INCAPACITATED PER- )
SONS )

The Board of Judicial Administration and the Superior Court Judges' Association and District and Municipal Court Judges' Association Legislative Committees, having recommended the suggested amendments to GR 13—Use of Unsworn Statement in Lieu of Affidavit, GR 30—Electronic Filing and Service, CrR 2.2—Warrant of Arrest of Summons, CrR 2.3—Search and Seizure, CrR 3.2.1—Procedure Following Warrantless Arrest—Preliminary Hearing, CrRLJ 2.1—Complaint—Citation and Notice, CrRLJ 2.2—Warrant of Arrest or Summons Upon Complaint, CrRLJ 2.3—Search and Seizure, CrRLJ 3.2.1—Procedure Following Warrantless Arrest—Preliminary Hearing, CrRLJ 3.6—Suppression Procedure, IRLJ 6.7—Identity Challenges and Relief From Judgment, RALJ 6.3.1—Transcript of Electronic Record, JuCR 7.3—Detention and Release SPR 98.16W—Estates—Guardianship—Settlement of Claims of Minors and Incapacitated Persons, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendments as attached hereto are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in July 2020.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-mail by no

later than September 30, 2020. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 9th day of July, 2020.

For the Court

Stephens, C.J.

CHIEF JUSTICE

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 20-16 issue of the Register.

WSR 20-15-087
RULES OF COURT
STATE SUPREME COURT

[July 15, 2020]

IN THE MATTER OF THE SUGGESTED ) ORDER
AMENDMENT TO SPR 98.16W— ) NO. 25700-A-1300
ESTATES—GUARDIANSHIP—SET- )
TLEMENT OF CLAIMS OF MINORS )
AND INCAPACITATED PERSONS )

The Superior Court Judges' Association, having recommended the suggested amendment to SPR 98.16W—Estates—Guardianship—Settlement of Claims of Minors and Incapacitated Persons, and the Court having approved the suggested amendment for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendment as attached hereto is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in July 2020.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than September 30, 2020. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 9th day of July, 2020.

For the Court

Stephens, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendment to

Superior Court Special Proceedings Rules, SPR 98.16W

ESTATES—GUARDIANSHIP—SETTLEMENT OF CLAIMS OF MINORS AND INCAPACITATED PERSONS

A. Names of Proponent:

Superior Court Judges Association (SCJA) Civil Law and Rules Committee.

B. Spokesperson:

Mary Sue Wilson
SCJA Civil Rules Committee Chair
Thurston County Superior Court Judge
2000 Lakeridge Dr. SW, Building 2, Olympia, WA 98502

C. Purpose:

The SCJA Civil Rules Committee recommends an upward adjustment of the \$25,000 cut-off for certain procedures required for disposition of funds from the settlement of claims of minors under SPR 98.16W(j). This amount was established in 1997.

The committee believes the limit should be raised to \$50,000 and recommends amending SPR 98.16W (j)(1) and (2) to change \$25,000 to \$50,000. This would have the effect of allowing more flexibility for the use of funds for settlements up to \$50,000.

D. Hearing:

The proponents do not believe a public hearing is needed.

E. Expedited Consideration:

The proponents believe exceptional circumstances justify expedited consideration of the suggested amendment SPR 98.16W (j)(1) and (2) and request that the Rules Committee proceed to an abbreviated comment period.

SUGGESTED RULE CHANGE

RULE 98.16W. ESTATES—GUARDIANSHIP—SETTLEMENT OF CLAIMS OF MINORS AND INCAPACITATED PERSONS

(a) - (i)(Unchanged.)

(j) Control and Orders for Remaining Funds. In calculating the amount remaining from a structured settlement, if the settlement required court approval only because the affected person was an unemancipated minor, then only the payments received and to be received before attaining majority age are counted. All orders directing funds to a blocked account should recite that the funds are payable upon further order of the court or to the affected person at his or her age of majority, which date should be specified. Upon approval of settlement and payment of all authorized fees, bills and expenses, the court shall order one of the following actions:

(1) \$25,000 \$50,000 or Less. If the money or the value of other property remaining after deduction for all approved fees, bills and expenses is \$25,000 \$50,000 or less, the court shall require that:
(A) - (C) (Unchanged.)
(2) More than \$25,000 \$50,000. If the money or the value of other property remaining after deduction for all approved fees, bills and expenses exceeds \$25,000 \$50,000, the court in the order or judgment shall:
(A) - (C) (Unchanged.)
(3) (Unchanged.)

(1) \$25,000 \$50,000 or Less. If the money or the value of other property remaining after deduction for all approved fees, bills and expenses is \$25,000 \$50,000 or less, the court shall require that:

(A) - (C) (Unchanged.)

(2) More than \$25,000 \$50,000. If the money or the value of other property remaining after deduction for all approved fees, bills and expenses exceeds \$25,000 \$50,000, the court in the order or judgment shall:

(A) - (C) (Unchanged.)

(3) (Unchanged.)

(k) (Unchanged.)

WSR 20-15-088

RULES OF COURT

STATE SUPREME COURT

[July 15, 2020]

IN THE MATTER OF THE SUGGESTED ) ORDER
NEW GENERAL RULE (GR) 39— ) NO. 25700-A-1301
REMISSION OF LEGAL FINANCIAL )
OBLIGATIONS )

The Washington State Legal Financial Obligation Stakeholder Consortium, having recommended the Suggested New General Rule (GR) 39—Remission of Legal Financial Obligation, and the Court having approved the suggested new general for publication;

Now, therefore, it is hereby ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested new general rule as attached hereto is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2021.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2021. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 9th day of July, 2020.

For the Court

Stephens, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested New General Rule (GR)

WASHINGTON STATE COURT RULES:

RULE 39. REMISSION OF LEGAL FINANCIAL OBLIGATIONS
Submitted by Washington State LFO Stakeholder Consortium, Workgroup

(A) Name of Proponent: Washington State LFO Stakeholder Consortium, Workgroup

(B) Spokesperson: Judge David Steiner, King County Superior Court

(C) Purpose: Trial courts may not impose discretionary costs upon an indigent defendant and may not impose discretionary costs upon a non-indigent defendant unless the defendant is able to pay those costs. RCW 10.01.160(3). When legal financial obligations (LFOs) in any form are imposed upon indigent defendants or imposed upon non-indigent defendants in an amount greater than the defendant's ability

to pay, these LFOs create problems that have been well documented. State v. Blazina, 182 Wn.2d 827, 834 - 837, 344 P.3d 680 (2015). LFOs may include court-imposed costs, fines, fees, penalties, assessments, and restitution. LFOs may have been imposed without an individualized inquiry into a defendant's ability to pay, or a sentenced defendant may have lost the ability to pay LFOs ordered at the time of sentencing. State law currently requires that, upon motion by a defendant, following the defendant's release from total confinement, the court shall waive all interest on the portions of the LFOs that have accrued that are not restitution. RCW 10.82.090. In addition, if default on payment of LFOs is not willful and the defendant is indigent as defined in RCW 10.101.010 (3)(a) through (c), the court shall modify the terms of payment of the LFOs, reduce or waive nonrestitution legal financial obligations, or convert nonrestitution legal financial obligations to community restitution hours if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. RCW 9.94A.6333 (3)(f). This proposed rule creates a process whereby a defendant may request remission or reduction of LFOs (except for restitution and victim penalty assessment). Defendants may also request removal of LFOs from collection, payment by other forms of community restitution and additional time to pay. This proposed rule cites to existing authority regarding the disposition of hearings related to the imposition of LFOs and does not create new authority directing the outcome of a petition requesting remission of LFOs. In drafting this proposed rule, consideration was given to the following authorities: GR 34; RCW 9.94A.6333 (3)(f); RCW 9.94A.780(7); RCW 9.94B.040 (4)(f); RCW 10.01.160 (3) & (4); RCW 10.01.170(1); RCW 10.01.180(5); RCW 10.101.010(3); RCW 10.82.090; RCW 36.18.016(29); State v. Blazina, 182 Wn.2d 827, 344 P.3d 680 (2015); State v. Ramirez, 191 Wn.2d 732, 426 P.3d, 714 (2018).

The definition of an LFO within this proposed rule does not include clerk's fees imposed pursuant to RCW 9.94A.780(7) and RCW 36.18.016(29). These clerk's fees must not exceed the annual cost of collections and must never exceed \$100 annually. A county clerk may also "exempt or defer payment of all or part of the assessment" based upon any of the factors listed in RCW 9.94A.780(1). RCW 9.94A.780(7).

**(D) Hearing:** A hearing is not recommended.

**(E) Expedited Consideration:** Expedited consideration is not requested.

**Reviser's note:** The unnecessary underscoring 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.

**SUGGESTED NEW GENERAL RULE:**

**GR 39**

**REMISSION OF LEGAL FINANCIAL OBLIGATIONS**

**(a) Definitions.**

(1) Legal financial obligation (LFO), as referenced in this rule, means costs, fines, fees, penalties, assessments, and restitution imposed by a Washington court and does not include the RCW 9.94A.780 clerk's fee for collecting the LFO.

(2) Indigent is defined in RCW 10.101.010.

**(b) Relief Available.** An individual who has been required to pay LFOs may petition the sentencing court for a waiver of interest and remission or reduction of any unpaid portion of the LFOs, except restitution and victim penalty assessment, and may request any other relief as allowed by law. The petitioner may also request that the LFOs be removed from a collection agency; request additional time to pay the LFOs; and, excluding restitution and victim penalty assessment, request payment by community service or other forms or community restitution if available in the community.

**(c) Indigence or Inability to Pay.** A petition shall allege that the petitioner is indigent or lacks the financial ability to pay the LFO. Provided, indigence and ability to pay are not related to a request to waive interest pursuant to RCW 10.82.090.

**(d) Mandatory Form and Notice.** The petitioner shall complete and file a mandatory pattern form petition, declaration of mailing and proposed order created by the Administrative Office of the Courts (AOC). The petitioner may attach appropriately redacted financial documents supporting the request. See GR 31(e). The petitioner shall also mail copies of the petition, declaration of mailing and proposed order to the appropriate prosecuting attorney.

**(e) Submission of Petition; Fee.** The court shall accept the petition submitted in person, by mail, or, where authorized by local court rule not inconsistent with GR 30, by electronic filing. All petitions shall be presented to a judicial officer for consideration in a timely manner and there shall be no fee imposed for filing and consideration of a petition.

**(f) Hearings; Notice.** The judicial officer may set the petition for a hearing, or may consider the petition ex parte without a hearing no sooner than three business days from filing of the petition and declaration of mailing or the filing of the declaration of mailing, if filed after the petition. Provided, when the appropriate prosecuting authority files a letter with a presiding judge requesting notice of all petitions filed pursuant to this rule, the court shall set all such petitions for hearing and send the notice of hearing to all parties. In the letter provided to the presiding judge, the prosecuting authority, however, may limit the notice requested to select cases, such as cases where the fine or costs are greater than a specified amount.

**(g) Telephonic Hearing.** Hearings by telephone improve access to the courts. If a petition is set for hearing, upon request, the court in its discretion may permit a telephone appearance by the petitioner subject to local court rule and/or local policies.

**WSR 20-15-089**

**RULES OF COURT**

**STATE SUPREME COURT**

[July 9, 2020]

IN THE MATTER OF THE SUGGESTED ) ORDER  
 AMENDMENTS TO CrR 3.2— ) NO. 25700-A-1302  
 RELEASE OF ACCUSED AND CrRLJ )  
 3.2—RELEASE OF ACCUSED )



Judge Kessler (ret.), having recommended the suggested amendments to CrR 3.2—Release of Accused and CrRLJ 3.2—Release of Accused, and the Court having approved the suggested amendments for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendments as attached hereto are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in January 2021.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2021. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov).

Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 9th day of July, 2020.

For the Court

Stephens, C.J.

CHIEF JUSTICE

**GR 9 COVER SHEET**

**Suggested Amendment to**

**WASHINGTON STATE COURT RULES:**

**CRIMINAL RULES FOR SUPERIOR COURTS**

**CRIMINAL RULES FOR COURTS OF LIMITED JURISDICTION**

**Amend TRIAL COURT RULE 3.2**

**RELEASE OF ACCUSED**

**Submitted by Judge Ronald Kessler (Retired)**

**A. Name of Proponent:** Judge Ronald Kessler (Retired)

**B. Spokesperson:** Judge Ronald Kessler (Retired)

**C. Purpose:** CrR 3.2 and CrRLJ 3.2 pertaining to release of the accused directs that accused persons charged with non-violent crimes be released on personal recognizance; as it is currently written the rule is often not honored. The proposed amendments would provide for a specific obligation of the trial courts.

When an accused is charged with a non-violent crime and is either on probation or community custody or has been released on personal recognizance for a previous offense, the court (or DOC in some cases of community custody) has the power to detain on the previous offense pending a decision on whether or not the new charge violates the condition that defendant commit no crimes, CrR 3.2 (k)(2), CrRLJ 3.2 (k)(2). Thus, regardless of whether or not the defendant is released on the new offense, he or she can be appropriately detained on the older one pending a hearing.

This proposal would require trial courts to release anyone charged with a non-violent crime if he or she has not previously failed to appear on the new offense, is not on probation, and is not on pretrial release for an older crime. This clearly limits the discretion of the trial court which is the

intent of the current rule. The proposal mandates release for most people charged with non-violent crimes, but maintains appropriate discretion for others.

Since many people on probation or pretrial release on earlier cases have those matters in other jurisdictions or court levels, it is difficult for those courts to learn that the defendant has been charged with a new offense. The proposal would result in more people being released without condition but also protect public safety for others.

I also propose that CrR/CrRLJ 3.2 (b)(4), often called the 10% appearance bond, be repealed. The current rule permits a court to set a bail amount at 10% of the surety amount. The defendant then signs a bond agreeing to pay the court the remaining 90% if the defendant violates a condition of release. This does allow defendants to be released without buying a surety bond and paying a non-refundable premium. The flaw is that courts do not even try to collect the 90%. In King County, the Department of Judicial Administration decided that it is not worth the time and energy to collect this 90% since most defendants are indigent and judgment proof.

The proposed alternative will allow the court to set an amount of surety bond as required by the Constitution, Const., art. 1, § 20, but also set a cash bail amount at less than the surety bond, in the court's discretion. As an example, the court could set a surety bond at \$20,000 or cash of \$1000. If a defendant posts the cash and complies with all conditions, the money would be refunded in full.

The proposal also eliminates references to capital and noncapital cases since we no longer have a death penalty in Washington.

Some jurisdictions in the United States are working towards elimination of money bail. Washington cannot do that via legislation or a court rule absent a constitutional amendment. This is a bail reform proposal that maintains the required surety bond, requires courts to release more defendants, but maintains discretion for those who may have committed a new offense while an older one is still extant.

**D. Hearing:** A hearing is not recommended.

**E. Expedited Consideration:** Expedited consideration is requested.

**CrR 3.2**

**RELEASE OF ACCUSED**

If the court does not find, or a court has not previously found, probable cause, the accused shall be released without conditions.

**(a) Presumption of Release in Noncapital Cases.**

The court shall release any person charged with a non-violent crime on the accused's personal recognizance, unless:

(1) the accused has failed to appear, after notice, on the current charge, or

(2) the accused is on probation or community custody, or

(3) the accused has been released on personal recognizance or bail for an offense alleged to pre-date the current charge.

Any person, ~~other than a person charged with a capital offense, charged with a violent crime or charged with a non-violent crime and subject to subsections (a)(1), (a)(2) or (a)(3) above,~~ shall at the preliminary appearance or reappearance pursuant to rule 3.2.1 or CrRLJ 3.2.1 be ordered released on the accused's personal recognizance pending trial unless:

(1) the court determines that such recognizance will not reasonably assure the accused's appearance, when required, or

(2) there is shown a likely danger that the accused:

(a) will commit a violent crime, or

(b) will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice.

For the purpose of this rule, "violent crimes" are not limited to crimes defined as violent offenses in RCW 9.94A.030.

In making the determination herein, the court shall, on the available information, consider the relevant facts including, but not limited to, those in subsections (c) and (e) of this rule.

**(b) Showing of Likely Failure to Appear—Least Restrictive Conditions of Release.** If the court determines that the accused is not likely to appear if released on personal recognizance, the court shall impose the least restrictive of the following conditions that will reasonably assure that the accused will be present for later hearings, or, if no single condition gives that assurance, any combination of the following conditions:

(1) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;

(2) Place restrictions on the travel, association, or place of abode of the accused during the period of release;

(3) Require the execution of an unsecured bond in a specified amount;

~~(4) Require the execution of a bond in a specified amount and the deposit in the registry of the court in cash or other security as directed, of a sum not to exceed 10 percent of the amount of the bond, such deposit to be returned upon the performance of the conditions of release or forfeited for violation of any condition of release. If this requirement is imposed, the court must also authorize a surety bond under section (b)(5);~~

~~(5) Require the execution of a bond with sufficient solvent sureties, or the deposit of cash, which need not be the same amount as the bond, in lieu thereof;~~

~~(6) Require the accused to return to custody during specified hours or to be placed on electronic monitoring, if available; or~~

~~(7) Impose any condition other than detention deemed reasonably necessary to assure appearance as required. If the court determines that the accused must post a secured or unsecured bond, the court shall consider, on the available information, the accused's financial resources for the purposes of setting a bond that will reasonably assure the accused's appearance.~~

(c) - (o) [no changes]

#### CrRLJ 3.2 RELEASE OF ACCUSED

If the court does not find, or the court has not previously found, probable cause, the accused shall be released without conditions.

**(a) Presumption of Release in Noncapital Cases.**

The court shall release any person charged with a non-violent crime on the accused's personal recognizance, unless:

(1) the accused has failed to appear, after notice, on the current charge, or

(2) the accused is on probation or community custody, or

(3) the accused has been released on personal recognizance or bail for an offense alleged to pre-date the current charge.

~~Any person, other than a person charged with a capital offense, charged with a violent crime or charged with a non-violent crime and subject to subsections (a)(1), (a)(2) or (a)(3) above, shall at the preliminary appearance or reappearance pursuant to rule 3.2.1 be ordered released on the accused's personal recognizance pending trial unless:~~

~~(1) the court determines that such recognizance will not reasonably assure the accused's appearance, when required, or~~

~~(2) there is shown a likely danger that the accused:~~

~~(a) will commit a violent crime, or~~

~~(b) will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice.~~

~~For the purpose of this rule, "violent crimes" may include misdemeanors and gross misdemeanors and are not limited to crimes defined as violent offenses in RCW 9.94A.030.~~

~~In making the determination herein, the court shall, on the available information, consider the relevant facts including, but not limited to, those in subsections (c) and (e) of this rule.~~

**(b) Showing of Likely Failure to Appear—Least Restrictive Conditions of Release.**

~~If the court determines that the accused is not likely to appear if released on personal recognizance, the court shall impose the least restrictive of the following conditions that will reasonably assure that the accused will be present for later hearings, or, if no single condition gives that assurance, any combination of the following conditions:~~

~~(1) Place the accused in the custody of a designated person or organization agreeing to supervise the accused;~~

~~(2) Place restrictions on the travel, association, or place of abode of the accused during the period of release;~~

~~(3) Require the execution of an unsecured bond in a specified amount;~~

~~(4) Require the execution of a bond in a specified amount and the deposit in the registry of the court in cash or other security as directed, of a sum not to exceed 10 percent of the amount of the bond, such deposit to be returned upon the performance of the conditions of release or forfeited for violation of any condition of release. If this requirement is imposed, the court must also authorize a surety bond under subsection (b)(5);~~

~~(5) Require the execution of a bond with sufficient solvent or the deposit of cash, which need not be the same amount as the bond, in lieu thereof;~~

~~(6) Require the accused to return to custody during specified hours or to be placed on electronic monitoring, if available; or~~

~~(7) Impose any condition other than detention deemed reasonably necessary to assure appearance as required.~~

~~A court of limited jurisdiction may adopt a bail schedule for persons who have been arrested on probable cause but have not yet made a preliminary appearance before a judicial officer. The adoption of such a schedule or whether to adopt a schedule, is in the discretion of each court of limited jurisdiction, and may be adopted by majority vote. Bail schedules~~

are not subject to GR 7. The supreme court may adopt a uniform bail schedule as an appendix to these rules.

If the court determines that the accused must post a secured or unsecured bond, the court shall consider, on the available information, the accused's financial resources for the purposes of setting a bond that will reasonably assure the accused's appearance.

(c) - (q) [no changes]

**WSR 20-15-090**  
**RULES OF COURT**  
**STATE SUPREME COURT**  
[July 9, 2020]

IN THE MATTER OF THE PROPOSED ) ORDER  
NEW RULE JuCR 7.16—GOVERNING ) NO. 25700-A-1303  
WARRANT QUASHES DURING )  
COVID-19 PUBLIC HEALTH EMER- )  
GENCY )

Washington Defender's Association, TeamChild, et al., having recommended the proposed new rule JuCR 7.16—Governing Warrant Quashes During COVID-19 Public Health Emergency, and the Court having approved the proposed new rule for publication;

Now, therefore, it is hereby  
ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed new rule as attached hereto is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites in July 2020.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than September 30, 2020. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or [orsupreme@courts.wa.gov](mailto:orsupreme@courts.wa.gov).

Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 9th day of July, 2020.

For the Court

Stephens, C.J.  
CHIEF JUSTICE

**GR9 COVER SHEET**  
**JUVENILE COURT RULES**

**JuCR 7.16—Governing Warrant Quashes**  
**Submitted by the Washington Defender Association and**  
**the Washington Association of Criminal Defense Lawyers**

Suggested Juvenile Court Rule 7.16 addresses the significant public health issue of outstanding juvenile court bench

warrants during the COVID-19 Public Health Emergency and the need to ensure that warrants are not issued for juvenile court proceedings absent a serious threat to public safety. The Washington Defender Association (WDA) and the Washington Association of Criminal Defense Lawyers (WACDL) submit this rule for expedited consideration as allowed by GR 9 (e)(2)(E). This rule is proposed to eliminate different procedures across the state and to ensure all youth are treated the same wherever they live.

On March 20, 2020, the Court entered Order No. 25700-B-607 and said it would consider additional proposals regarding juvenile matters under paragraph 14. On March 23, 2020, after several Emergency Proclamations regarding COVID-19, Governor Inslee issued an Executive Order directing all residents immediately to heed public health directives to stay home and prohibiting public and private gatherings of any size. On April 29, 2020, the Court entered Order No. 25700-B-618. This order recognized the state of emergency due to the novel coronavirus outbreak in Washington and the continued need to follow the Center for Disease Control and Washington State Department of Health public health recommendations to protect Washington community members.

Congregate settings, like juvenile detention centers, present significant risks to the health and well-being of juveniles, their families, and their community due to the ease with which viruses, like the novel coronavirus, can spread in those settings. This suggested rule would advance public safety by ensuring that respondents who do not pose a threat to public safety are not incarcerated in juvenile detention centers due to bench warrants issued for technical violations and failures to appear. This proposed court rule is responsive to the rights and needs of juvenile respondents, their families, and our community as well as upholds the goals of the Juvenile Justice Act during this COVID-19 public health emergency.

This proposed court rule advances the position of the Superior Court Judges' Association (SCJA) and the Washington Juvenile Court Administrators (WJCA), as articulated in their March 20, 2020 letter regarding the "Defense Coalition Request for Supreme Court Order." In that letter, the leaders of those organizations stated that "[l]ocal action has been taken to deal with the first two proposals made by the coalition." The leaders of the SCJA and WJCA furthermore indicated that "as represented on our telephone conference, warrants of this nature that would result in detention are not being issued at this time with the exception of individual circumstances that pose a serious threat to public safety."

1 On March 26, 2020, the WACLE/WDA COVID-19 Task Force submitted a proposed order regarding juvenile court matters and included the following-- (1) For all juvenile criminal matters, all warrants currently outstanding for probation matters, including warrants issued for "Violation of a Court Order," shall be quashed within five (5) days of the date of this order unless a finding is made that the alleged probation violation poses a serious threat to public safety. (2) For all juvenile criminal matters, all warrants currently outstanding for a missed court appearance shall be quashed within five (5) days of the date of this order unless a finding is made that juvenile presents a serious threat to public safety. See Hedman, Christie. "Re: Proposed WACDL/WDA COVID-19 Taskforce Proposed Order Related to Juvenile Court Matters, Message to Chief Justice Stephens and Members of the Washington State Supreme Court. 26 March 2020. E-mail.

Furthermore, the juvenile defense community and other legal and community stakeholders have previously documented the harmful effects of incarceration on juveniles and youth, as well as that racial disproportionality exists at each stage of the juvenile justice system. See *Juvenile Justice and Racial Disproportionality: A Presentation to the Washington State Supreme Court, the Task Force on Race and the Criminal Justice System*, March 28, 2012.

Nor has the Washington State Supreme Court hesitated to recognize that racial disproportionality has impacted Washington's black juveniles and their families. The Court stated: "We continue to see racialized policing and the overrepresentation of black Americans in every stage of our criminal and juvenile justice systems. Our institutions remain affected by the vestiges of slavery: Jim Crow laws that were never dismantled and racist court decisions that were never disavowed." See *Judicial Legal Community Letter by the Washington State Supreme Court*, June 4, 2020.

This juvenile court rule (JuCR 7.16) would ensure that warrants issued for failures to appear for juvenile offense proceedings or an alleged violation of a court order, related to a juvenile offense proceeding, must be quashed within ten days of this court rule enactment and that no new warrants shall issue unless the Superior Court finds that individual circumstances pose a serious threat to public safety.

**JuCR 7.16 QUASHING AND ISSUING WARRANTS**

**(a) Quash Warrants Issued for Violation of Court Order Related to Juvenile Offense Proceedings.** For all juvenile offense proceedings, all outstanding warrants due to an alleged "Violation of a Court Order" shall be quashed within ten days of this court rule being enacted and no new warrants shall issue unless a finding is made that the individual circumstances of the alleged "Violation of a Court Order" pose a serious threat to public safety.

a. Following the quashing of a warrant related to a community supervision matter, the Court may make a finding that community supervision is tolled until the next court hearing where the respondent is present either in person, by phone, or by video.

b. If a future court date is set, the Superior Court shall make best efforts to provide written notice to the respondent of the new court date.

**(b) Quash Warrants Issued for Failure to Appear for a Court Hearing Related to Juvenile Offense Proceedings.** For all juvenile offense proceedings, all outstanding warrants issued for a Failure to Appear a juvenile offense proceeding shall be quashed within ten days of this court rule being enacted and no new warrants shall issue unless a finding is made that the individual circumstances of the Failure to Appear poses a serious threat to public safety.

a. Following the quashing of the warrant, the Superior Court shall make best efforts to provide written notice to the respondent of the new court date.

b. Pursuant to CrR 3.3(c), the new commencement date shall be the date of the respondent's next appearance in person, by video, or by phone.

**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.

**WSR 20-15-091  
POLICY STATEMENT  
DEPARTMENT OF HEALTH**

[Filed July 15, 2020, 10:24 a.m.]

**NOTICE OF ADOPTION OF A POLICY STATEMENT**

Title of Policy Statement: Enforcement of AIDS Education and Training Rules. Policy Number: HSQA OHP PT01.

Issuing Entity: Board of physical therapy.

Subject Matter: The board of physical therapy will not enforce AIDS training, education, and documentation requirements in WAC 246-915-110 and chapter 246-12 WAC, Part 8 while rules are being repealed to comply with ESHB 1551 enacted in law by the Washington state legislature in 2020.

Effective Date: June 11, 2020.

Contact Person: Kris Waidely, Program Manager, Kris.waidely@doh.wa.gov, 360-236-4847.

**WSR 20-15-093  
RULES OF COURT  
STATE SUPREME COURT**

[July 9, 2020]

IN THE MATTER OF THE SUGGESTED ) ORDER  
AMENDMENTS TO CrR 4.2(g)— ) NO. 25700-A-1296  
PLEAS, CrRLJ 4.2(g) PLEAS AND PRE- )  
TRIAL DISPOSITION, AND JuCR 7.7— )  
STATEMENT OF JUVENILE ON PLEA )  
OF GUILTY )

The Washington State Pattern Forms Committee, having recommended the expeditious adoption of the suggested amendments to CrR 4.2(g)—Pleas, CrRLJ 4.2(g) Pleas and Pretrial Disposition, and JuCR 7.7—Statement of Juvenile on Plea of Guilty, and the Court having considered the suggested amendments, and having determined that the suggested amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the suggested amendments as attached hereto are expeditiously adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the suggested amendments will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 9th day of July, 2020.

Johnson, J.	Stephens, C.J.
Madsen, J.	Gordon McCloud, J.
Owens, J.	Yu, J.
Gonzalez, J.	Montoya-Lewis, J.
	Whitener, J.

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 20-17 issue of the Register.

**WSR 20-15-096**  
**NOTICE OF PUBLIC MEETINGS**  
**FREIGHT MOBILITY**  
**STRATEGIC INVESTMENT BOARD**

[Filed July 15, 2020, 12:57 p.m.]

**2020 FMSIB Meeting Schedule**  
*Revised July 15, 2020*

January 24	Olympia
March 20	Webinar
July 30	Webinar
September 18	Walla Walla
November 20	Spokane

**WSR 20-15-097**  
**HEALTH CARE AUTHORITY**

[Filed July 15, 2020, 1:00 p.m.]

**NOTICE**

Title or Subject: Medicaid State Plan Amendment (SPA) 20-0031 Health Home Rate Structure for the Managed Fee-for-Service (MFFS) Delivery System.

Effective Date: July 16, 2020.

Description: The health care authority (HCA), in conjunction with the department of social and health services (DSHS) aging and long-term care services administration (AL TSA), intends to submit SPA 20-0031 in order to update the methodology used to determine the rates paid for health home services. The health home program is a voluntary care coordination model supported by one-on-one, face-to-face visits with eligible high-risk clients who have multiple chronic conditions. The program is available statewide.

HCA is updating the current payment methodology and rates based on actuarial analysis that reviewed and analyzed actual costs of providing health home services in each tier.

SPA 20-0031 is expected to increase the annual aggregate payment MFFS health home providers by twenty-six percent across the three tiers of service based on frequency of tier submission for payment.

The original three-tier health home rates were established in July 2013 and included a withhold amount for tiers two and three. After program review, the withhold amount was removed from the rates in January 2015 to help increase client engagement. In 2016, HCA reviewed the payment rates and provided a performance incentive payment to the MFFS health home lead entities for meeting an established engagement rate, which was effective July 2017. After an actuarial study completed in 2018, rates were increased, which gave the MFFS health home lead entities an aggregate increase of twenty percent across the three tiers and the performance incentive payment was decreased to five percent for MFFS health home leads who met the engagement threshold.

After review and analysis of the health home rates based on provider experience and cost expenditures, HCA will increase the current rates effective July 16, 2020. The new payment rates will give MFFS health home lead entities an aggregate increase of twenty-six percent across all three tiers based on frequency of tier submission.

HCA would appreciate any input or concerns regarding this SPA. To request a copy when it becomes available or submit comments, please contact the person named below by August 15, 2020. Please note that all comments are subject to public review and disclosure, as are the names of those who comment.

Contact: Nicole Bishop, Medicaid Program Operations and Integrity, 626 8th Avenue S.E., Olympia, WA 98504, Mailstop 45530, phone 360-725-0832, TTY 711, email nicole.bishop@hca.wa.gov, website <https://hca.wa.gov/billers-providers/programs-and-services/resources-0>.

**WSR 20-15-098**  
**DEPARTMENT OF CORRECTIONS**

[Filed July 15, 2020, 3:10 p.m., effective August 14, 2020]

**Reviser's note:** The following material has *not* been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

Following are amendments to chapter 137-52 WAC, Resident of adult correctional institution escorted leave of absence. These amendments are submitted for publication in the Washington State Register and the Washington Administrative Code. Pertinent information follows:

1. The amendments to chapter 137-52 WAC, Resident of adult correctional institution escorted leave of absence, are adopted as of July 15, 2020.

2. The effective date of these amendments shall be August 14, 2020.

3. I certify pursuant to RCW 34.05.030 that the rule as stated above is excluded from the Administrative Procedure Act.

Stephen D. Sinclair  
Secretary

AMENDATORY SECTION (Amending WSR 10-02-008, filed 12/24/09, effective 1/24/10)

**WAC 137-52-010 Definitions.** (1) "Escorted leave" is an approved leave of absence by an ~~((inmate))~~ incarcerated individual from a correctional facility under the continuous supervision of trained correctional staff.

(2) "Immediate family" includes an ~~((inmate's parents, stepparents, parent surrogates, grandparents, legal guardians, spouse, state registered domestic partner, brothers, sisters, half or step brothers or sisters, children, stepchildren, and dependents whether or not in direct lineal relationship to the inmate))~~ children, stepchildren, grandchildren, great grandchildren, parents, stepparents, grandparents, great grandparents, siblings, aunts, uncles, and a person legally married to or in a state registered domestic partnership with an incarcerated individual. "Immediate family" includes the immediate family of an incarcerated individual who was adopted as a child or an adult, but does not include an incarcerated individual adopted by another incarcerated individual.

(3) "Indigent" shall be understood to mean an ~~((inmate))~~ incarcerated individual who has not been credited with ~~((five))~~ twenty-five dollars or more total from any source(s) for deposit to the ~~((inmate's))~~ incarcerated individual's trust fund account during the thirty days preceding the request for an escorted leave and has less than a ~~((five))~~ twenty-five dollar balance in his/her trust fund account on the day the escorted leave is requested, or together with his/her immediate family cannot ~~((post a five hundred dollar bond to secure the repayment of))~~ pay or reimburse the expenses of the escorted leave on the day the escorted leave is requested. A declaration of indigency shall be signed by the ~~((inmate))~~ incarcerated individual and the ~~((inmate's))~~ incarcerated individual's family on forms provided by the department.

(4) "Director" means the deputy secretary of the prisons division or his/her designee(s).

(5) "Superintendent" means the superintendent of a state correctional institution, state honor camp, or other penal institutions as now or hereafter established under the jurisdiction of the department of corrections pursuant to law or his/her designee.

(6) "Department" means the department of corrections.

(7) "Secretary" means the secretary of the department of corrections or his/her designee(s).

(8) "Nonviolent offender" means any person convicted of a felony not classified as a violent offense under chapter 9.94A RCW.

AMENDATORY SECTION (Amending WSR 85-07-042, filed 3/19/85)

**WAC 137-52-015 Reasons allowed.** An escorted leave may be granted by the superintendent to extend limits of confinement into the community to permit an ~~((inmate))~~ incarcerated individual to:

(1) Receive necessary medical or dental care which is not available in the institution;

(2) Visit a seriously ill member of the ~~((inmate's))~~ incarcerated individual's immediate family or attend the funeral of a member of the ~~((inmate's))~~ incarcerated individual's immediate family upon verification, by the superintendent, of such illness or death;

(3) Participate in athletic contests as a member of a group or team only if the ~~((inmate))~~ incarcerated individual is in minimum custody; or

(4) Participate in supervised work of the department to include industrial, educational, and agricultural programs;

(5) Participate as a volunteer in community service work projects, which are approved by the superintendent for selected minimum custody nonviolent offenders, if such work project is requested by the local community.

AMENDATORY SECTION (Amending WSR 85-07-042, filed 3/19/85)

**WAC 137-52-020 Conditions.** (1) An escorted leave shall be authorized only for trips within the boundaries of the state of Washington.

(2) The duration of an escorted leave to the bedside of a seriously ill member of the ~~((inmate's))~~ incarcerated individual's immediate family or attendance at a funeral shall not exceed forty-eight hours unless otherwise approved by the superintendent.

(3) The duration of escorted leaves granted for reasons other than those mentioned in WAC 137-52-015(2) shall not exceed the normal work day (eight hours) with the exception of extended medical treatment requiring placement at a local hospital.

(4) The ~~((inmate))~~ incarcerated individual shall be in the visual or auditory contact of an approved correctional staff member at all times and shall be considered under the custody of the superintendent.

(5) The ~~((inmate))~~ incarcerated individual shall be housed in a city or county jail or state institution at all times when not in transit or actually engaged in the activity for which the escorted leave was granted.

(6) An agreement for reimbursement for expenses not to be paid by the state and escort arrangements must be established in advance of the requested date of escorted leave.

(7) County and city law enforcement agencies with jurisdiction in the area of the ~~((inmate's))~~ incarcerated individual's destination shall be notified by the superintendent before allowing any escorted leave of absence under RCW 72.01.-375.

AMENDATORY SECTION (Amending WSR 85-07-042, filed 3/19/85)

**WAC 137-52-025 Application requests for escorted leave.** The superintendent of each institution shall establish procedures governing the method of handling requests by individual ~~((inmates))~~ incarcerated individuals or the institution for an escorted leave of absence. Each leave request will be evaluated within forty-eight hours. If the leave request is initiated by the institution, the superintendent will advise the ~~((inmate))~~ incarcerated individual of the reason for the escorted leave, including leaves for family emergency or medical requirement.

AMENDATORY SECTION (Amending WSR 85-20-081, filed 9/30/85)

**WAC 137-52-030 Approval.** Escorted leaves for medium and minimum custody (~~(inmates)~~) incarcerated individuals shall be approved or denied by the superintendent. Escorted leaves for close and maximum custody (~~(inmates)~~) incarcerated individuals for the purpose of medical or dental treatment shall be approved or denied by the superintendent. Escorted leaves for close and maximum custody (~~(inmates)~~) incarcerated individuals, with the exception of medical or dental treatment, shall be approved or denied by the secretary. In approving a request for escorted leave, the following factors will be considered:

- (1) The nature of the request for escorted leave;
- (2) The community risk associated with granting the request for an escorted leave based on the security or escape risk;
- (3) The (~~(inmate's)~~) incarcerated individual's overall history of stability and any tendencies toward violent disruptive behavior;
- (4) Any history of unusual disciplinary problems;
- (5) The (~~(inmate's)~~) incarcerated individual's degree of trustworthiness as demonstrated by his/her performance in work assignments and maintenance of a clear disciplinary record;
- (6) Any significant health problems that might be aggravated as a result of the leave; and
- (7) Such other information as may be deemed relevant.

AMENDATORY SECTION (Amending WSR 85-07-042, filed 3/19/85)

**WAC 137-52-035 Escort procedures.** (1) Only correctional staff approved by the superintendent will be authorized to serve as escorts. Single escorts must have attained permanent employee status. At least one experienced, permanent status employee will accompany all (~~(inmates)~~) incarcerated individuals on escorted leave.

(2) Medium and close custody (~~(inmates)~~) incarcerated individuals shall be escorted by at least two correctional staff. No more than five medium/close (~~(inmates)~~) incarcerated individuals may be escorted with two correctional staff. Maximum custody (~~(inmates)~~) incarcerated individuals will be escorted in ratio of two staff to one (~~(inmate)~~) incarcerated individual. Medium, close, and maximum custody inmates shall be escorted in hand and leg restraints. Inmates in these custody levels shall be escorted with at least one staff member carrying a sidearm and safely separated from a second officer who will be the immediate escort for the (~~(inmate)~~) incarcerated individual. The unarmed officer may be the immediate supervisor, counselor, or other state correctional staff approved by the superintendent. Only with the approval of the superintendent will escorts remove waist and leg restraints from inmates.

(3) Minimum custody inmates shall be escorted under circumstances deemed appropriate by the superintendent. Correctional staff may be instructed to wear their uniforms and sidearms in appropriate circumstances.

(4) A correctional officer serving as escort may wear civilian clothing when escorting an (~~(inmate)~~) incarcerated

individual to a bedside visit or a funeral unless otherwise directed by the superintendent.

AMENDATORY SECTION (Amending WSR 85-07-042, filed 3/19/85)

**WAC 137-52-040 Expenses.** (1) Correctional staff assigned escort duties shall be authorized per diem reimbursement for meals, lodging, and transportation at the rate established by the departmental travel policy.

(2) Correctional staff assigned escort responsibility shall receive appropriate compensation at regular salary or overtime for all hours spent in actual escort of the (~~(inmate)~~) incarcerated individual, but not including hours sleeping or not engaged in direct supervision of the (~~(inmate)~~) incarcerated individual. The salary shall be paid at the appropriate straight time and overtime rates as provided in the merit system rules.

(3) Cost of housing the (~~(inmate)~~) incarcerated individual in a city or county jail when not in transition or actually engaged in the activity for which the escorted leave was granted shall be charged the (~~(inmate)~~) incarcerated individual in accordance with WAC 137-52-045.

AMENDATORY SECTION (Amending WSR 85-07-042, filed 3/19/85)

**WAC 137-52-045 Expenses—Paid by (~~(inmate)~~) incarcerated individual.** (1) The expenses of the escorted leave as enumerated in WAC 137-52-040 shall be reimbursed by the (~~(inmate)~~) incarcerated individual or his/her immediate family unless the superintendent has authorized payment at state expense in accordance with WAC 137-52-050.

(2) Payments by the (~~(inmate, inmate's)~~) incarcerated individual or the incarcerated individual's immediate family (~~(, or bonding company)~~) shall be made to the institution's business office and applied to the appropriate fund as defined by law, applicable provisions of the Washington Administrative Code, or department policy.

AMENDATORY SECTION (Amending WSR 85-07-042, filed 3/19/85)

**WAC 137-52-050 Expenses—Paid by department.** The expenses of the escorted leave shall be absorbed by the state if:

(1) The (~~(inmate)~~) incarcerated individual and his/her immediate family are indigent in accordance with WAC 137-52-010(3); or

(2) The expenses were incurred for the purpose of the (~~(inmate's)~~) incarcerated individual's participation in a program activity, academic or vocational activity, work activity, or to secure medical care; or

(3) The expenses were incurred as a result of a reclassification of an (~~(inmate)~~) incarcerated individual and the return of such (~~(inmate)~~) incarcerated individual from a minimum custody facility to a more secure facility.

**WSR 20-15-099**  
**NOTICE OF PUBLIC MEETINGS**  
**CRANBERRY COMMISSION**

[Filed July 15, 2020, 3:13 p.m.]

**2020 REVISED MEETING SCHEDULE**

The Washington cranberry commission will hold its annual meeting on July 28, 2020, from 1:00 to 2:00 p.m. This will be a virtual meeting.

For more information, contact Jack Stein at 360-580-2940 or jk.stein@comcast.net.

**WSR 20-15-100**  
**POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**

[Filed July 15, 2020, 3:29 p.m.]

**NOTICE OF ADOPTION OF A POLICY STATEMENT**

Title of Interpretive or Policy Statement: Co-Occurring Disorder Specialist working in Behavioral Health Agencies licensed under chapter 246-341 WAC. Policy Number: CHS 07-01-20.

Issuing Entity: Department of health.

Subject Matter: Allowing for substance use disorder services to be delivered by a person with a cooccurring disorder specialist enhancement working in a behavioral health agency in certain circumstances.

Effective Date: July 1, 2020.

Contact Person: Julie Tomaro, Julie.tomaro@doh.wa.gov, 306 [360]-236-2937.

**WSR 20-15-104**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMUNITY COLLEGES**  
**OF SPOKANE**

[Filed July 15, 2020, 5:40 p.m.]

**CANCELLATION OF BOARD OF TRUSTEES MEETING**

The board of trustees of Washington State Community College District 17 has cancelled the regular meeting scheduled for Tuesday, July 21, 2020, 8:30 a.m., at the Lodge Building, 3305 West Fort George Wright Drive, Spokane, WA and will be holding a special work session virtually via Zoom on July 21, 2020, at 9:00 a.m.

(These meetings (↑) are cancelled due to COVID-19 health concerns and restrictions on public gatherings. A special meeting with virtual attendance and a significantly reduced agenda will replace the regular meeting.)

**NOTICE OF VIRTUAL SPECIAL WORK SESSION MEETING**  
*(Notice Date: Wednesday, July 15, 2020)*

The Community Colleges of Spokane board of trustees will hold a special work session meeting on Tuesday, July 21, 2020, beginning at 9:00 a.m. The purpose of the July 21, 2020, special work session meeting is:

- Introduction of new team members.
- COVID-19 fall term preparation.
- Health and safety protocols and planning.
- Employee survey and early separation incentive.
- Budget update and audited financials plan.
- Athletic department - sports fall schedule and student safety.
- Board of trustees - goals, equity, diversity and inclusion; key performance indicators.

The special work session meeting will take place in a virtual space to comply with government restrictions on public gatherings due to COVID-19 health risks.

To connect to the July 21, 2020, special meeting, go to <https://ccs-spokane.zoom.us/j/99457615500?pwd=d0xqNnRZeVZndXE1dGFReWZJdGIWdz09>, Meeting ID: 994 5761 5500, Password: 410132.

A copy of the notice and agenda can be found online at <http://ccs.spokane.edu/About-Us/Leadership/Board-of-Trustees/Board-Minutes>.

**WSR 20-15-106**  
**NOTICE OF PUBLIC MEETINGS**  
**EASTERN WASHINGTON UNIVERSITY**

[Filed July 16, 2020, 10:10 a.m.]

**New Meetings added to the schedule:**

Date	Meeting Component	Location	Time	Notes
July 21, 2020	Special meeting - executive session only	Private Zoom link	5:00 - 6:00 p.m.	Virtual meeting

**WSR 20-15-110**  
**PUBLIC RECORDS OFFICER**  
**CENTER FOR DEAF AND**  
**HARD OF HEARING YOUTH**

[Filed July 16, 2020, 12:40 p.m.]

Pursuant to RCW 42.56.580, the public records officer for the Center for Deaf and Hard of Hearing Youth and Washington School for the Deaf is Erica Rader, 611 Grand Boulevard, Vancouver, WA 98661, phone 360-418-0401, fax 360-696-6291, email Erica.rader@cdhy.wa.gov.

Erica Rader  
Executive Assistant

**WSR 20-15-111**  
**RULES COORDINATOR**  
**HOP COMMISSION**

[Filed July 16, 2020, 1:18 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the Washington hop commission is Ann George, P.O. Box



2885, Yakima, WA 98907, phone 509-453-4749, email washingtonhopcommission@gmail.com.

Ann E. George  
Executive Director

**WSR 20-15-113**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**ENTERPRISE SERVICES**  
(State Capitol Committee)  
[Filed July 16, 2020, 2:02 p.m.]

The following is the state capitol committee 2020 single subject meeting date, time and location: On August 10, 2020, at 3:00 to 5:00 p.m., Virtual/remote access (link for access will be made available prior to scheduled meeting).

If you have any questions, please contact Shari Bartell at 360-407-9248 or Kevin Dragon at 360-407-7956.

**WSR 20-15-114**

**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**  
[Filed July 16, 2020, 2:43 p.m.]

**NOTICE OF INTERPRETIVE OR POLICY STATEMENT**

Title of Policy Statement: Continuing Education Requirements During the COVID-19 Response. Policy Number: BOM 20-01.

Issuing Entity: Board of massage.

Subject Matter: Addressing the impact COVID-19 response measures are having on licensed massage therapists with regard to meeting continuing medical education requirements.

Effective Date: June 9, 2020.

Contact Person: Megan Maxey, Program Manager, Megan.maxey@doh.wa.gov, 360-236-4945.

**WSR 20-15-121**

**NOTICE OF PUBLIC MEETINGS**  
**EASTERN WASHINGTON UNIVERSITY**  
[Filed July 17, 2020, 2:40 p.m.]

Update to existing BOT meeting:

<b>Date</b>	<b>Meeting Component</b>	<b>Location</b>	<b>Time</b>	<b>Notes</b>
July 21, 2020	Special meeting - executive session only	Private Zoom link. Public link to hear announcement of board going into executive session: <a href="https://ewu.zoom.us/j/93056392386">https://ewu.zoom.us/j/93056392386</a> , Phone Number: +1 253 215 8782, Meeting ID: 930 5639 2386.	5:00 - 7:00 p.m.	Virtual meeting

**WSR 20-15-123**  
**RULES COORDINATOR**  
**LOWER COLUMBIA COLLEGE**  
[Filed July 20, 2020, 10:05 a.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the Lower Columbia College is Bryanna Smith, 1600 Maple Street, Longview, WA 98632, phone 360-442-2100, fax 360-442-2109, email bsmith@lcc.ctc.edu.

Chris Bailey  
President

**WSR 20-15-125**  
**NOTICE OF PUBLIC MEETINGS**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**  
[Filed July 20, 2020, 11:34 a.m.]

**NOTICE REQUIRING TELEPHONIC PARTICIPATION**  
**AT AUGUST OPEN MEETINGS**

**(Scheduled for Thursday, August 13, 2020, at 9:30 a.m. and Thursday, August 27, 2020, at 9:30 a.m.)**

TO ALL INTERESTED PERSONS: The Washington utilities and transportation commission (commission) hereby [hereby] provides notice that its August 13 and 27, 2020, regularly scheduled open meetings, both set to begin at 9:30 a.m., will be conducted by telephone only due to safety concerns related to the ongoing COVID-19 public health crisis.

You may attend by calling 360-407-3810 and entering conference ID 648699. **Please do not attend in person.**

Questions regarding telephonic participation may be addressed to Ryan Smith, records center manager, at 360-664-1165 or ryan.smith@utc.wa.gov.

**WSR 20-15-126  
DEPARTMENT OF ECOLOGY**

[Filed July 20, 2020, 1:27 p.m.]

In accordance with the Administrative Procedure Act, RCW 34.05.230, the department of ecology submits the following:

Document Title	Action	Description
POL 5501, Enforcement Guidelines and Procedures, Water Resource Program Policy	Rescind	All enforcement actions are to be taken in accordance with provisions of WAC 173-175-620 and procedures identified in the water resources section of the current version of the "Washington State Dept. of Ecology Compliance Assurance Manual."

To obtain a copy of these and other water resources polices, go to <https://www.ecology.wa.gov/Regulations-Permits/Plans-policies/Water-rights-policies> or contact Carrie Sessions, department of ecology, at 360-407-6094, or [carrie.sessions@ecy.wa.gov](mailto:carrie.sessions@ecy.wa.gov).

**WSR 20-15-128  
NOTICE OF PUBLIC MEETINGS  
EDMONDS COMMUNITY COLLEGE**

[Filed July 20, 2020, 4:32 p.m.]

The Edmonds Community College board of trustees has changed the start time of the following summer study session:

From: Thursday, August 13, 2020, and Friday, August 14, 2020, at 8:00 a.m., in Gateway Hall 352, 6600 196th Street S.W., Lynnwood, WA.

To: Thursday, August 13, 2020, and Friday, August 14, [2020,] at 8:45 a.m., via Zoom video conference.

If you need further information contact: Kristen NyQuist, Edmonds College, 20000 68th Avenue West, Lynnwood, [WA] 98036, 425-640-1516, [kristen.nyquist@edcc.edu](mailto:kristen.nyquist@edcc.edu).

June 3, 2021	9:00 a.m. - 2:00 p.m.
June 24, 2021	9:00 a.m. - 2:00 p.m.
July 15, 2021	9:00 a.m. - 2:00 p.m.
July 22, 2021	9:00 a.m. - 2:00 p.m.
July 29, 2021	9:00 a.m. - 2:00 p.m.

Meeting times are tentative.

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

**WSR 20-15-131  
NOTICE OF PUBLIC MEETINGS  
HEALTH CARE AUTHORITY  
(School Employees Benefits Board)**

[Filed July 21, 2020, 11:23 a.m.]

**2021 School Employees Benefits Board (SEBB) Meeting Schedule**

SEBB meetings will be held at the Health Care Authority, Sue Crystal Center, Rooms A & B, 626 8th Avenue S.E., Olympia, WA 98501.

January 28, 2021	9:00 a.m. - 4:00 p.m.
March 4, 2021	9:00 a.m. - 2:00 p.m.
April 7, 2021	9:00 a.m. - 2:00 p.m.
May 5, 2021	9:00 a.m. - 2:00 p.m.

**WSR 20-15-132  
NOTICE OF PUBLIC MEETINGS  
HEALTH CARE AUTHORITY  
(Public Employees Benefits Board)**

[Filed July 21, 2020, 11:23 a.m.]

**2021 Public Employees Benefits Board (PEBB) Meeting Schedule**

PEBB meetings will be held at the Health Care Authority, Sue Crystal Center, Rooms A & B, 626 8th Avenue S.E., Olympia, WA 98501.

January 27, 2021 (board retreat)	9:00 a.m. - 4:00 p.m.
March 17, 2021	Noon - 5:00 p.m.
April 14, 2021	Noon - 5:00 p.m.
May 12, 2021	Noon - 5:00 p.m.
June 9, 2021	Noon - 5:00 p.m.
June 30, 2021	Noon - 5:00 p.m.
July 14, 2021	Noon - 5:00 p.m.

July 21, 2021 Noon - 5:00 p.m.  
 July 28, 2021 Noon - 5:00 p.m.

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

**WSR 20-15-143**  
**NOTICE OF PUBLIC MEETINGS**  
**EVERETT COMMUNITY COLLEGE**

[Filed July 21, 2020, 1:52 p.m.]

**2020-2021 Board of Trustees Meeting Dates**

Please refer to the website <https://www.everettcc.edu/administration/trustees/meetings-and-minutes> for updated meeting details.

Date	Time	Location
July 28, 2020 Regular meeting	5 p.m.	Everett Community College Henry M. Jackson Conference Center
August 14, 2020 Board retreat/President's evaluation	10 a.m.	TBD
September 22, 2020 Regular meeting	5 p.m.	Everett Community College Henry M. Jackson Conference Center
October 27, 2020 Study session	5 p.m.	Everett Community College Henry M. Jackson Conference Center

Date	Time	Location
November 17, 2020 Regular meeting	5 p.m.	Everett Community College Henry M. Jackson Conference Center
December 2020	No scheduled meeting	
January 19, 2021 Regular meeting	5 p.m.	Everett Community College Henry M. Jackson Conference Center
February 16, 2021 Study session	5 p.m.	Everett Community College Henry M. Jackson Conference Center
March 16, 2021 Regular meeting	5 p.m.	Everett Community College Henry M. Jackson Conference Center
April 27, 2021 Study session	5 p.m.	Everett Community College Henry M. Jackson Conference Center
May 18, 2021 Regular meeting	5 p.m.	Everett Community College Henry M. Jackson Conference Center
June 22, 2021 Regular meeting	5 p.m.	Everett Community College Henry M. Jackson Conference Center

**WSR 20-15-145**  
**NOTICE OF PUBLIC MEETINGS**  
**EASTERN WASHINGTON UNIVERSITY**

[Filed July 21, 2020, 2:31 p.m.]

Update to existing BOT meeting:

Date	Meeting Component	Location	Time	Notes
July 24, 2020	Special meeting	<a href="https://ewu.zoom.us/j/91686374525">https://ewu.zoom.us/j/91686374525</a> Phone: 1 253 215 8782 Meeting ID: 916 8637 4525	8:00 - 11:00 a.m.	Virtual meeting

**WSR 20-15-148**  
**AGENDA**  
**HEALTH CARE AUTHORITY**

[Filed July 21, 2020, 4:01 p.m.]

The following is the Washington health care authority's semi-annual rule-making agenda for publication in the Washington state register pursuant to RCW 34.05.314.

Additional rule-making activity may occur which is not listed on this agenda as conditions warrant. If you have questions about this rule-making agenda, contact Wendy Barcus, Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1306, email wendy.barcus@hca.wa.gov.

**Semi-Annual Rule-Making Agenda**  
**July through December 2020**

WAC Citation	Subject Matter	Current Activity		
		CR-101	CR-102 or CR-105	CR-103E
<b>PUBLIC EMPLOYEES BENEFITS BOARD (PEBB)</b>				
182-08; 182-12; 182-16 (multiple sections)	2020 Updates.	WSR 20-09-116 Filed 4/17/2020	CR-102 WSR 20-13-073 Public hearing scheduled 7/21/2020	
182-08-197	Newly eligible employees electing benefits.	WSR 20-09-117 Filed 4/17/2020	CR-102 WSR 20-13-074 Public hearing scheduled 7/21/2020	
182-12-171, 182-12-180, 182-12-200, 182-12-205, 182-12-211, 182-12-265	Medicare advantage prescription drug plan enrollment and eligibility.	WSR 20-09-118 Filed 4/17/2020	CR-102 WSR 20-13-075 Public hearing scheduled 7/21/2020	
<b>SCHOOL EMPLOYEES BENEFITS BOARD (SEBB)</b>				
182-30; 182-31; 182-32 (multiple sections)	2020 Updates.	WSR 20-09-119 Filed 4/17/2020	CR-102 WSR 20-13-069 Public hearing scheduled 7/21/2020	
182-30-060	Correcting enrollment errors.	WSR 20-09-120 Filed 4/17/2020	CR-102 WSR 20-13-070 Public hearing scheduled 7/21/2020	
182-30-130	Requirements for engaging in local negotiations regarding benefits.	WSR 20-09-121 Filed 4/17/2020	CR-102 WSR 20-13-071 Public hearing scheduled 7/21/2020	
182-31-040	Establishing eligibility for employer contribution.	WSR 20-09-122 Filed 4/17/2020	CR-102 WSR 20-13-072 Public hearing scheduled 7/21/2020	
<b>WASHINGTON PRESCRIPTION DRUG PRICING TRANSPARENCY PROGRAM</b>				
182-51 (new)	Washington prescription drug pricing transparency program.	WSR 20-03-078 Filed 1/10/2020	CR-102 WSR 20-15-146 Public hearing scheduled 8/25/2020	
<b>BEHAVIORAL [BEHAVIORAL] HEALTH AND RECOVERY</b>				

WAC Citation	Subject Matter	Current Activity		
		CR-101	CR-102 or CR-105	CR-103E
182-300-0100 (changed from 182-100-0200)	Single bed certification.	WSR 19-21-063 Filed 10/11/2019	CR-102 WSR 20-15-147 Public hearing sched- uled 8/25/2020	WSR 20-13-011 Filed 6/5/2020
182-400-0100	Antipsychotic medica- tion.	WSR 20-09-130 Filed 4/21/2020		
182-450-0100 (new)	Tribal designated crisis responder.	WSR 20-15-124 Filed 7/20/2020		
<b>WASHINGTON APPLE HEALTH</b>				
182-501-0125	Advance Directives.	WSR 19-06-029 Filed 2/28/2019		
182-501-0180	Health care services provided outside of Washington—General.	WSR 20-10-077 Filed 5/4/2020		
182-502-0016A	Continuing require- ments—Residential treatment facilities.	WSR 20-10-012 Filed 4/24/2020		WSR 20-10-011 Filed 4/24/2020
182-506-0015	Medical assistance unit for non-MAGI based apple health.	WSR 20-03-109 Filed 1/15/2020		
182-507-0115	Alien emergency medi- cal (AEM) program.	WSR 20-15-077 Filed 7/15/2020		WSR 20-15-069 Filed 7/13/2020
182-507-0130	Refugee medical.	WSR 20-14-055 Filed 6/26/2020		WSR 20-14-081 Filed 6/30/2020
182-509-0320, 182- 509-0335 through 182-509-0355	MAGI income.	WSR 19-17-057 Filed 8/19/2019	CR-102 WSR 20-10-108 Public hearing held 6/23/2020	
182-509-0325, 182- 509-0375, 182-509- 0380	Lottery winnings and hardship exemptions.	WSR 20-14-033 Filed 6/24/2020		
182-521-0100	Income disregard.	WSR 20-15-141 Filed 7/21/2020		WSR 20-13-013 Filed 6/5/2020
182-524-0100, 182- 524-0200, 182-524- 0275	COFA Islander dental care coverage.	WSR 20-06-042 Filed 2/28/2020	CR-102 WSR 20-13-063 Public hearing sched- uled 7/21/2020	
182-526-0005	Administrative hear- ings purpose and scope.	WSR 20-11-072 Filed 5/20/2020		
182-530	Prescription monitoring program (Support Act).	WSR 20-11-040 Filed 5/14/2020		
182-530-2000	Covered outpatient drugs, devices, and drug-related supplies.	WSR 20-15-034 Filed 7/7/2020		WSR 20-08-118 Filed 3/31/2020
182-530-3000, 182- 530-3100, 182-530- 3200, 182-530-4000, 182-530-4100	Medicaid preferred drug list (medicaid PDL).	WSR 20-15-035 Filed 7/7/2020		

WAC Citation	Subject Matter	Current Activity		
		CR-101	CR-102 or CR-105	CR-103E
182-530-5000	Billing requirements—Pharmacy claim payment.	WSR 20-15-036 Filed 7/7/2020		
182-530-7900	Drugs purchased under the Public Health Service (PHS) Act.	WSR 19-14-098 Filed 7/2/2019	CR-102 WSR 20-02-073 Public hearing held 2/4/2020	
182-531-0375	Audiology services.	WSR 19-16-143 Filed 8/6/2019		
182-531-0955, 182-531-0960, 182-531-0965, 182-531-0970, 182-531-0975, 182-531-0980, 182-531-0985	Adult palliative care.	WSR 18-21-073 Filed 10/11/2018		
182-531-1550	Sterilization physician-related services.	WSR 20-13-085 Filed 6/16/2020		
182-531-1675	Gender dysphoria treatment program.	WSR 19-24-054 Filed 11/26/2019		
182-532-510	Family planning only programs—Eligibility.	WSR 19-21-038 Filed 10/8/2019	CR-102 WSR 20-10-110 Public hearing held 6/23/2020	WSR 20-10-020 Filed 5/6/2020
182-531-0060, 182-531-0067	Managed care.	WSR 20-14-056 Filed 6/26/2020		WSR 20-09-113 Filed 4/17/2020
182-543-0500, 182-551-2040	Allowing ordering of home health services, including medical supplies, by certain non-physician practitioners.	WSR 20-11-075 Filed 5/20/2020		WSR 20-09-016 Filed 4/3/2020
182-543-2200	Medical supplies and equipment, proof of delivery.			WSR 20-15-107 Filed 7/16/2020
182-546-0001 through 182-546-4600	Ambulance transportation.	WSR 19-16-020 Filed 7/26/2019	CR-102 WSR 20-11-004 Public hearing held 6/23/2020	
182-548-1450, 182-549-1450	Federally qualified health centers (FQHC) and rural health clinics (RHC)—General payment information.	WSR 20-04-072 Filed 2/3/2020		

Wendy Barcus  
Rules Coordinator

## WSR 20-15-159

## DEPARTMENT OF CORRECTIONS

[Filed July 22, 2020, 10:16 a.m., effective August 22, 2020]

**Reviser's note:** The following material has *not* been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

Following are amendments to chapter 137-48 WAC, formerly "Inmate mail and communications," now "Mail and communications for individuals in prison." This amendment is submitted for publication in the Washington State Register and the Washington Administrative Code. Pertinent information follows:

1. The amendments to chapter 137-48 WAC, formerly "Inmate mail and communications," now "Mail and communications for individuals in prison," are adopted as of July 22, 2020.

2. The effective date of these amendments shall be August 22, 2020.

3. I certify pursuant to RCW 34.05.030 that the rule as stated above is excluded from the Administrative Procedure Act.

Stephen D. Sinclair  
Secretary

## Chapter 137-48 WAC

~~((INMATE))~~ MAIL AND COMMUNICATIONS FOR INDIVIDUALS IN PRISON

AMENDATORY SECTION (Amending WSR 05-13-004, filed 6/2/05, effective 7/2/05)

**WAC 137-48-010 Purpose.** The purpose of these rules is to maintain the safety, security, and discipline of adult prison facilities operated under the jurisdiction of the department of corrections in accordance with Title 72 RCW et al., by establishing guidelines for the development of departmental and institution level policies and rules governing the receipt and sending of mail by ~~((inmates))~~ incarcerated individuals, herein after referred to as "individual" or "individuals," to prevent the transmission of illegal items or contraband into or out of an institution. These rules shall not apply to work release facilities under the jurisdiction of the department.

AMENDATORY SECTION (Amending WSR 18-04-010, filed 1/25/18, effective 2/25/18)

**WAC 137-48-020 Definitions.** (1) "Contraband" includes illegal items, explosives, deadly weapons, alcoholic beverages, drugs, tobacco products, controlled substances and any item that is controlled, limited, or prohibited on the grounds or within the secure perimeter of a correctional facility as defined by department or institution policy.

(2) "Emergency situations" are critical illnesses, deaths, or similar situations experienced by members of the ~~((inmate's))~~ individual's family or the ~~((inmate))~~ individual.

(3) "Illegal items" are items which are unlawful for any person to possess within the community as defined by the

laws of the state of Washington, controlled substances as defined and listed in chapter 69.50 RCW or any weapon, firearm, or any instrument which, if used, could produce serious bodily injury to another.

(4) "Indigent ~~((inmate))~~ incarcerated individual" is defined as an ((inmate)) individual who has less than ((a ten-dollar balance)) the dollar amount per the indigency definition in RCW 72.09.015 of disposable income in ((his/her)) the individual's trust fund account on the day a request is made to utilize funds and during the thirty days previous to the request.

(5) "Inspection of mail" the physical act of opening, touching, and/or reading of mail, the use of mechanical or chemical systems and/or the use of animals to determine the presence of contraband or illegal items.

(6) "Legal mail" is correspondence to or from:

(a) Any court or opposing attorney/party, the Washington state bar association (WSBA), the indeterminate sentence review board (ISRB), the Washington state department of enterprise services office of risk management, Prison Rape Elimination Act (PREA) auditors certified by the United States Department of Justice, the department headquarters PREA coordinator and ~~((the department headquarters ombuds))~~ Just Detention International (JDI);

(b) PREA auditor leads certified by the United States Department of Justice when related to an audit in process at the individual's facility;

(c) The president or vice president of the United States, members of the United States Congress, embassies and consulates, the United States Department of Justice, state attorneys general, governors, members of any state legislature, and law enforcement officers in their official capacity;

~~((e Attorneys))~~ (d) The attorney of record (e.g., defense attorney) in court cases that have been filed in a local, state, or federal court; and

~~((d Attorneys receiving/sending correspondence with offenders))~~ (e) An attorney corresponding with an individual concerning legal advice, including established groups of attorneys representing the ((offender)) individual (e.g., American Civil Liberties Union, disability rights Washington, legal service corporations, public defender associations).

To be considered and therefore handled as "legal mail" the correspondence must be clearly marked "legal mail" on the outside front of the envelope, and must have a mailing address or return address which clearly indicates that the mail is to or from one of the above listed sources.

(7) "Letters" consist of handwritten/typed communications and/or written/pictorial enclosures to and from ~~((inmates))~~ individuals. A standard first class, one ounce letter shall be consistent with the dimensions, weight, and thickness as prescribed by the United States Postal Service. A properly addressed and stamped post card or greeting card shall be processed with the same standards as described above for a first class one ounce letter. Nonstandard first class mail requires a surcharge as established by the United States Postal Service.

(8) "Mail" consists of letters, publications, or packages delivered by the United States Post Office or by other established and authorized carriers.

(9) "Packages" a wrapped or boxed object; a parcel or bundle containing one or more objects, a container in which something is packed for storage or transport or mailing.

(10) "Publications" consists of reproduced handwritten or typed/printed or pictorial materials including books, periodicals, newspapers, magazines, and pamphlets.

(11) "Return address" for an ~~((inmate this))~~ individual includes the full committed name, and may include any other legal name, DOC number, housing assignment, and the full name of the correctional facility from which the correspondence is mailed. For a free citizen this includes a reasonable return address as recognized by the United States Postal Service, to include an identifiable last name.

(12) "Secretary" is the secretary of the department of corrections or his/her designee(s).

(13) "Sexually explicit materials" consists of any item reasonably deemed to be intended for sexual gratification and which displays, portrays, depicts, or describes:

(a) Nudity, which includes, but is not limited to, exposed/visible (in whole or part, including under or through translucent/thin materials providing intimate physical detail) genitals/genitalia, anus, buttocks and/or female/transgender breast nipple(s);

(b) A sex act which includes, but is not limited to, genital-genital, oral-genital, anal-genital, or oral-anal contact/penetration, genital or anal contact/penetration with an inanimate object, masturbation, and/or bodily excretory behavior;

(c) Sadistic/masochistic abuse, bondage, bestiality, and/or participant who appears to be nonconsenting, dominated, degraded, humiliated, or in a submissive role, and/or a participant who appears to be acting in a forceful, threatening, dominating, or violent manner; and/or

(d) A minor, or a model or cartoon depicting a minor, in a sexually suggestive setting/pose/attire.

(14) "Superintendent" means the superintendent of a correctional facility or his/her designee(s).

AMENDATORY SECTION (Amending WSR 17-22-045, filed 10/25/17, effective 11/27/17)

**WAC 137-48-030 Inspection of mail.** (1) All mail intended for or to be sent by an ~~((inmate))~~ individual, excluding legal mail discussed in subsection (3) of this section, may be inspected at any time by the staff designated by the superintendent or his/her designee(s). Mail may be disapproved for receipt or transmittal in accordance with WAC 137-48-040.

(2) No person who inspects, or participates in the inspection, of an ~~((inmate's))~~ individual's mail, shall disclose the contents except in the cause of his/her official duties.

(3) Mail (incoming or outgoing) which is clearly identified on the outside of the envelope as legal mail, as defined in WAC 137-48-020, shall be inspected only in the presence of the ~~((inmate))~~ individual. Legal mail shall not be read but may be inspected in the presence of the ~~((inmate))~~ individual to verify legal mail status and that the mail is free of contraband.

(4) Mail containing illegal items or contraband shall be held and disposed of in accordance with the procedures set

forth in chapter 137-36 WAC or as otherwise stated in this chapter.

AMENDATORY SECTION (Amending WSR 05-13-004, filed 6/2/05, effective 7/2/05)

**WAC 137-48-040 Restriction of incoming and/or outgoing mail.** (1) Incoming mail to ~~((inmates))~~ individuals may be disapproved for receipt for any one of the following reasons:

(a) The mail threatens illegal activity~~((s))~~ including, but not limited to, threats of physical harm, blackmail or extortion.

(b) The mail threatens the safety and security of the institution~~((s))~~ including, but not limited to, mail concerning sending contraband escape plans, security devices, or mail that is in a code, a foreign language that cannot be interpreted, does not contain a return address, contains gang symbols, plans for activities in violation of institutional rules or contains information which, if communicated, would create a risk of violence and/or physical harm.

(c) The mail is susceptible to the introduction of contraband~~((s))~~ including, but not limited to, altered publications, mail with unknown substances on or in it, mail purported to be legal mail that is general correspondence, cash or checks, postage stamps, stickers, photos wherein the nonphoto side is or can be separated, publications not mailed directly from vendor, items not ordered and approved through institution channels, greeting cards that are padded, laminated/layered or musical.

(d) Any mail or publication that is deemed to be a threat to legitimate penological objectives~~((s))~~ including, but not limited to, sexually explicit materials.

(e) The mail ~~((contains inmate to inmate correspondence))~~ is correspondence between individuals that has not been approved by the superintendent in compliance with department policy.

(f) The mail contains items identified by the department secretary or designee as not authorized~~((s))~~ including, but not limited to, multiple copies of documents, mailings soliciting or offering games of chance, clippings from books or magazines.

(g) The mail is from an individual with whom contact is restricted in compliance with the judgment and sentence, a no contact order~~((s))~~ or department policy.

(2) Outgoing mail from ~~((inmates))~~ individuals of institutions may be disapproved for mailing for any ~~((one))~~ of the following reasons:

(a) For any ~~((one))~~ of the reasons set forth in WAC 137-48-040(1).

(b) The mail is addressed to a minor whose parents or guardian have objected in writing to such correspondence.

(c) An individual or their guardian who previously has been sent obscene or threatening mail by the ~~((inmate))~~ individual has complained or has asked that such mail not be received.

(d) The mail solicits money or goods from a person or organization other than the immediate family of the ~~((inmate))~~ individual without the permission of the superintendent. The above provisions may not be construed to pre-



clude the purchase of noncontraband goods or payment for such goods which have been approved by the superintendent or his/her designee.

(e) The outside of the mail (envelope or package) does not contain a return address as defined in WAC 137-48-020.

(3) No mail is to be restricted for the reason that it appeals to a particular ethnic, racial, or religious group, or that it contains critical opinions of departmental policy or departmental employees, unless the mail is also judged to be a threat to legitimate penological objectives.

(4) In addition to those reasons cited in this section, packages sent either to or from an ~~((inmate))~~ individual are subject to the following restrictions:

(a) An ~~((inmate))~~ individual may receive one gift package not to exceed fifteen pounds in weight on a quarterly basis. Quarterly periods shall consist of December through February, March through May, June through August, and September through November. Rules governing the contents of quarterly packages shall be developed specifically by each institutional superintendent and approved by staff designated by the secretary. The superintendent may allow exceptions from the one gift package limitation and weight limitation provided that appropriate contraband controls are maintained.

(b) The contents of the quarterly package shall be restricted to those items that are otherwise not available to the ~~((inmate))~~ individual through the institutional store or other purchasing outlet provided by the institution. A replacement package may be sent during the same quarter for damaged packages that are returned to the sender by the ~~((inmate))~~ individual.

(c) Prepaid merchandise approved by the superintendent or designee and ordered by the ~~((inmate))~~ individual from any wholesaler or retailer shall not be considered one of the quarterly packages.

(d) ~~((Inmates))~~ Individuals may mail packages containing materials which have been sent to him or her in the institution or gifts consisting of his or her own hobby craft or curio work. Packages must be made and mailed at the ~~((inmate's))~~ individual's expense.

(e) Newly admitted ~~((inmates))~~ individuals at any department of corrections operated reception center will not receive packages while assigned to the reception center.

AMENDATORY SECTION (Amending WSR 05-13-004, filed 6/2/05, effective 7/2/05)

**WAC 137-48-050 Procedures for restrictions of incoming and/or outgoing mail.** (1) If an ~~((inmate's incoming or))~~ individual's outgoing mail is restricted, written notification will be provided to the ~~((inmate))~~ individual by the mailroom staff. This notification shall ~~((be provided to the inmate and the sender of))~~ contain the specific ~~((publication, letter, or package which has been restricted and the))~~ reason for this action. The notice shall contain notification to the ~~((inmate))~~ individual that the restriction becomes final within ten days of the initial notice. The superintendent or his/her designee shall review the restriction within the ten-day period of time and shall either uphold the restriction, or allow for the delivery of the mail. If upheld, the staff designated by the sec-

retary shall then review the restriction and make a final determination.

(2) If an individual's incoming mail is restricted, written notification will be provided to the individual and sender by the mailroom staff. This notification shall contain the specific reason for this action. The ~~((inmate))~~ individual and sender shall be advised in writing of his/her right to seek review of the decision to restrict his/her mail. The review shall be sought by writing directly to the superintendent/designee within ten calendar days of the initial restriction decision for the individual, and within twenty calendar days for the sender.

(3) Upon receipt of an ~~((inmate's))~~ individual's and/or sender's appeal, the superintendent or his/her designee shall affirm or reverse the action taken at the institution and shall send a notice of the decision in writing within ten working days from the receipt of the ~~((inmate's))~~ individual's or sender's written request.

(4) The ~~((inmate))~~ individual and the sender may seek a review of the superintendent's/designee's decision by writing ~~((directly))~~ to the superintendent/designee with their intent to appeal to the staff designated by the secretary within ten calendar days of the decision for individuals, and within twenty calendar days for the sender.

(5) Upon receipt of the ~~((offender's))~~ individual's or sender's appeal, the staff designated by the secretary will affirm or reverse the action taken at the facility and will advise the ~~((offender))~~ individual or sender in writing of this action within ten calendar days from the receipt of the ~~((offender's))~~ individual's or sender's written request.

(6) Incarcerated ~~((offenders))~~ individuals are financially responsible for disposing of their own unauthorized personal property by shipping it to a nonincarcerated person designated by the ~~((offender))~~ individual at the ~~((offender's))~~ individual's expense. The sender should not send stamps or money to the facility or headquarters for this purpose.

(7) When a decision is rendered regarding a particular issue of a publication, that decision shall be binding for all prison facilities. A statewide notification shall be promptly issued from the final reviewer when the decision is rendered.

(8) If a package contains contraband and is subject to criminal prosecution, the entire package will be turned over to the appropriate law enforcement agency. Items of contraband not subject to criminal prosecution will be disposed of in accordance with procedures set forth in departmental and facility regulations as authorized by chapter 137-36 WAC.

AMENDATORY SECTION (Amending WSR 15-01-011, filed 12/4/14, effective 1/4/15)

**WAC 137-48-060 Mail costs.** (1) Except as otherwise stated in this section, mail costs shall be the responsibility of the ~~((inmate))~~ individual.

(2) Mail which arrives at the institution with postage due may, at the option of the superintendent, be delivered to the ~~((inmate))~~ individual. The institution may pay the postage due in accordance with subsection (3) of this section, or hold the mail for a reasonable period of time so as to allow the ~~((inmate))~~ individual to arrange for payment of the postage due. If such arrangements are not made within the time pro-

vided, the package/mail may be donated to charity or discarded.

(3) Indigent (~~((inmates))~~) individuals shall be authorized to receive postage up to the equivalent to the mailing cost of ten standard first class letters per month. This indigent postage provision shall cover regular letters. Indigent (~~((offenders))~~) individuals will be allowed additional postage for legal mail as identified by the department.

(4) The department shall recoup any expenditures made by the institution for postage due on incoming mail and/or indigent postage for letters, (as identified in subsection (3) of this section) may be recouped by the institution whenever such indigent (~~((inmate has ten dollars or more))~~) individual has more than the dollar amount per the indigency definition in RCW 72.09.015 of disposable income in his/her trust fund account.

AMENDATORY SECTION (Amending WSR 91-23-103, filed 11/20/91, effective 1/1/92)

**WAC 137-48-070 Mail records.** The institution superintendent or his/her designee(s) shall be responsible for the maintenance of a continuous record showing the source and

destination of legal mail, packages and items of monetary value mailed by or mailed to an (~~((inmate))~~) individual. The secretary shall establish procedures for each institution governing the written mail record.

AMENDATORY SECTION (Amending WSR 05-13-004, filed 6/2/05, effective 7/2/05)

**WAC 137-48-080 Telephone usage.** (1) Telephone facilities shall be provided in appropriate numbers and locations to permit reasonable and equitable access to all (~~((inmates))~~) individuals, except (~~((inmates))~~) individuals of the reception center and those (~~((inmates))~~) individuals in disciplinary segregation.

(2) The superintendent shall promulgate written regulations providing for access of (~~((inmates))~~) individuals to additional telephone facilities in emergency situations.

(3) The superintendent shall promulgate written regulations outlining the hours of telephone availability, maximum length of calls (not less than five minutes), limitations on telephone use, and provisions for monitoring, recording, and operator-announced calls as provided for in RCW 9.73.095.

**WSR 20-15-163**

**AGENDA**

**ATTORNEY GENERAL'S OFFICE**

[Filed July 22, 2020, 10:52 a.m.]

**Semi-Annual Rule-Making Agenda  
July 1 through December 31, 2020**

This is the attorney general's office semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314. The office may have additional rule making as conditions warrant.

Should you have questions about this rule-making agenda, please contact Elaine Ganga, Rules Coordinator, P.O. Box 40100, Olympia, WA 98504-0100, 360-753-9672, elaine.ganga@atg.wa.gov. Additional contact information for particular rules is provided below.

WAC Citation	Subject Matter	Current Activity (In 2020)			Additional Contacts
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)	
There is no rule-making anticipated at this time.					

Elaine Ganga  
Rules Coordinator

**WSR 20-15-165  
NOTICE OF PUBLIC MEETINGS  
PARKS AND RECREATION  
COMMISSION**

[Filed July 22, 2020, 11:28 a.m.]

Third revision to the July 29 - 30  
Commission Meeting

As required by RCW 42.30.075, Open Public Meetings Act, the following change to the regular meeting schedule of

the Washington state parks and recreation commission is submitted for publishing in the Washington State Register.

Due to COVID-19 situation, the Washington state parks and recreation commission has decided to change its regularly scheduled meeting on July 29 and 30 at the Skamania Lodge, to a one-day online commission meeting and work session.

This meeting begins promptly at 8:30 a.m. and runs until about 5 p.m. on July 30.

The meeting will be strictly accessible to the public via webinar. Please click [click] one of the following links to join the meeting. Instructions on how to access follow.

TVW Link <https://www.tvw.org/watch/?clientID=9375922947&eventID=2020071135>.

TEAMS Link [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_YjE3NTg1NGUtOTlmOC00ZjYzLTk0OTMtMDQ2YWVmYzU5M2Y5%40thread.v2/0?context=%7b%22Tid%22%3a%2211d0e217-264e-400a-8ba0-57dcc127d72d%22%2c%22Oid%22%3a%22aa9a888-33a1-4e1a-b9d3-de27ce2eb2bd%22%2c%22IsBroadcastMeeting%22%3atrue%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_YjE3NTg1NGUtOTlmOC00ZjYzLTk0OTMtMDQ2YWVmYzU5M2Y5%40thread.v2/0?context=%7b%22Tid%22%3a%2211d0e217-264e-400a-8ba0-57dcc127d72d%22%2c%22Oid%22%3a%22aa9a888-33a1-4e1a-b9d3-de27ce2eb2bd%22%2c%22IsBroadcastMeeting%22%3atrue%7d).

**Time:** Opening session will begin as shown; all other times are approximate.

**Order of Presentation:** In general, each agenda item will include a presentation, followed by commission discussion, public comments via webinar chat function, then a decision.

**Public Comment:** The webinar will have a chat function where the public can type in their comments or questions relating to the agenda item. Staff will read the comments out loud to the commission during the item.

You may also submit written comments to the commission by email or mail. We have extended the comment period due to COVID-19 and the online meeting format. **All comments must be received by 5 p.m. on July 27.** Any comments received after the cutoff will be given to the commission before its next meeting, email [Commission@parks.wa.gov](mailto:Commission@parks.wa.gov), mail WSPRC, Attn: Becki Ellison, P.O. Box 42650, Olympia, WA 98504.

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

Date	
October 8, 2020	
November 12, 2020	
December 10, 2020	

All regular meetings are scheduled for 10:00 a.m. in the Board Room, Building 25 Highline College, 2400 South 240th Street, Des Moines, WA 98198-9800.

\*REVISED\* During the COVID-19 closures, meetings will take place via Zoom.

For further information regarding the 2020 board of trustees meetings, or general information regarding the Highline College board of trustees, please contact Danielle K. Slota at 206-592-3600.

**WSR 20-15-166**  
**NOTICE OF PUBLIC MEETINGS**  
**HIGHLINE COLLEGE**  
 [Filed July 22, 2020, 11:30 a.m.]

Pursuant to RCW 42.30.075, please be advised of the below highlighted changes in the Highline College board of trustees' regular meetings for the 2020 calendar year will be held as follows:

Date	
January 9, 2020	
February 20, 2020	
March 17, 2020	
April 9, 2020	Special meeting
May 14, 2020	
June 11, 2020	
June 30, 2020	Special meeting
July 23, 2020	UPDATED
August	No scheduled meeting
September 10, 2020	