

## WSR 20-22-002

## AGENDA

## BOARD OF ACCOUNTANCY

[Filed October 21, 2020, 1:11 p.m.]

Semi-Annual Rules Development Agenda  
January through June 2021

The Washington state board of accountancy's semi-annual rules development agenda follows for publication in the Washington State Register under RCW 34.05.314.

This agenda is for information purposes, and the noted dates of anticipated activity are estimates. Additional rule development activity not on the agenda may occur as conditions warrant.

If you have questions about this rule development agenda, please contact Charles Satterlund, CPA, Executive Director, P.O. Box 9131, Olympia, WA 98507-9131, phone 360-586-0785, email Charles.Satterlund@acb.wa.gov.

WAC Citation	Subject Matter	Anticipated Activity Dates		
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
4-30-010	Definitions.	April 2021	May 2021	August 2021
4-30-020	What are the authority for and the purpose os [of] the board's rules?	April 2021	May 2021	August 2021
4-30-028	What rules govern the proceedings before the board?	April 2021	May 2021	August 2021
4-30-030	What are the requirements for communicating with the board and staff?	April 2021	May 2021	August 2021
4-30-032	Do I need to notify the board if I change my address?	April 2021	May 2021	August 2021
4-30-034	Must I respond to inquiries from the board?	April 2021	May 2021	August 2021
4-30-036	What enforcement activities must be reported to the board?	April 2021	May 2021	August 2021
4-30-038	Fees.	April 2021	May 2021	August 2021
4-30-040	What are the requirements concerning integrity and objectivity?	April 2021	May 2021	August 2021
4-30-042	When is independence required?	April 2021	May 2021	August 2021
4-30-044	What restrictions govern commissions, referral, and contingent fees?	April 2021	May 2021	August 2021
4-30-046	What are the requirements concerning competence?	April 2021	May 2021	August 2021
4-30-048	Compliance is required with which rules, regulations and professional standards?	April 2021	May 2021	August 2021
4-30-050	Records and clients confidential information.	April 2021	May 2021	August 2021
4-30-051	Client records.	April 2021	May 2021	August 2021
4-30-052	What acts are considered discreditable?	April 2021	May 2021	August 2021
4-30-054	What are the limitations on advertising and other forms of solicitation?	April 2021	May 2021	August 2021
4-30-056	What are the limitations regarding individual and firm names?	April 2021	May 2021	August 2021
4-30-058	Does the board authorize the use of any other titles or designations?	April 2021	May 2021	August 2021
4-30-082	How does a CPA-Inactive certificate holder apply for licensure?	April 2021	May 2021	August 2021
4-30-088	What is the effect on a Washington individual licensee or CPA-inactive certificateholder in the armed forces, reserves, or National Guard if the individual receives orders to deploy for active military duty?	April 2021	May 2021	August 2021
4-30-094	How do I renew my individual license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner?	April 2021	May 2021	August 2021
4-30-104	How do I renew a Washington CPA-Inactive certificate and/or license granted through foreign reciprocity?	April 2021	May 2021	August 2021

WAC Citation	Subject Matter	Anticipated Activity Dates		
		Preproposal (CR-101)	Proposed (CR-102) or Expedited (CR-105)	Permanent (CR-103)
4-30-120	I am a CPA-Inactive certificate holder—Prior to July 1, 2001, I held a license—How do I apply to return to my previous April 2021 status as a licensee?	April 2021	May 2021	August 2021
4-30-122	If I retire my license or CPA-Inactive certificate, how do I apply to renew my license or CPA-Inactive certificate out of retirement?	April 2021	May 2021	August 2021
4-30-124	How do I reinstate a lapsed license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner?	April 2021	May 2021	August 2021
4-30-126	How do I reinstate a revoked or suspended license, CPA-Inactive certificate, or registration as a resident nonlicensee firm owner?	April 2021	May 2021	August 2021
4-30-134	Continuing professional education (CPE) requirements.	April 2021	May 2021	August 2021
4-30-136	Reporting continuing professional education (CPE) to the board.	April 2021	May 2021	August 2021
4-30-142	What are the bases for the board to impose discipline?	April 2021	May 2021	August 2021

Charles E. Satterlund, CPA  
Executive Director

**WSR 20-22-004**  
**NOTICE OF PUBLIC MEETINGS**  
**ANDY HILL CANCER**  
**RESEARCH ENDOWMENT BOARD**  
[Filed October 21, 2020, 1:39 p.m.]

2021 Meeting Schedule

The following is the schedule of regular meetings for the Andy Hill cancer research endowment board for 2021:

Date	Time	Location
2/24/2021	3:00 - 5:00 p.m.	Zoom: <a href="https://us02web.zoom.us/j/88516188191">https://us02web.zoom.us/j/88516188191</a> Meeting ID: 885 1618 8191 Phone: 253-215-8782
4/28/2021	3:00 - 5:00 p.m.	Zoom: <a href="https://us02web.zoom.us/j/86967239925">https://us02web.zoom.us/j/86967239925</a> Meeting ID: 869 6723 9925 Phone: 253-215-8782
6/9/2021	3:00 - 5:00 p.m.	Thomas Building, Sze East and West Conference Room (D1-084) Zoom: <a href="https://us02web.zoom.us/j/89681263424">https://us02web.zoom.us/j/89681263424</a> Meeting ID: 896 8126 3424 Phone: 253-215-8782
6/30/2021	8:30 a.m. - 2:30 p.m.	Physical Location: To be determined Zoom: <a href="https://us02web.zoom.us/j/86810777769">https://us02web.zoom.us/j/86810777769</a> Meeting ID: 868 1077 7769 Phone: 253-215-8782
9/15/2021	3:00 - 5:00 p.m.	Thomas Building, Sze East and West Conference Room (D1-084) Zoom: <a href="https://us02web.zoom.us/j/88264018483">https://us02web.zoom.us/j/88264018483</a> Meeting ID: 882 6401 8483 Phone: 253-215-8782

Date	Time	Location
12/8/2021	3:00 - 5:00 p.m.	Thomas Building, Sze East and West Conference Room (D1-084) Zoom: <a href="https://us02web.zoom.us/j/84831051035">https://us02web.zoom.us/j/84831051035</a> Meeting ID: 848 3105 1035 Phone: 253-215-8782

**WSR 20-22-010**  
**NOTICE OF PUBLIC MEETINGS**  
**YAKIMA VALLEY COLLEGE**  
[Filed October 22, 2020, 10:45 a.m.]

Following is the schedule of regular meetings for Yakima Valley College for 2019-20:

Date	Time	Location
<b>2020</b>		
Thursday August 13, 2020	4:30 p.m.	King Room HUB Yakima Campus CANCELLED
Thursday September 10, 2020	4:30 p.m.	King Room HUB Yakima Campus
Thursday October 8, 2020	4:30 p.m.	King Room HUB Yakima Campus

Date	Time	Location
Thursday November 12, 2020	4:30 p.m.	King Room HUB Yakima Campus
Thursday December 10, 2020	4:30 p.m.	King Room HUB Yakima Campus CANCELLED
<b>2021</b>		
Thursday January 14, 2021	4:30 p.m.	King Room HUB Yakima Campus
Thursday February 11, 2021	4:30 p.m.	King Room HUB Yakima Campus
Thursday March 11, 2021	4:30 p.m.	King Room HUB Yakima Campus
Thursday April 8, 2021	4:30 p.m.	Library Meeting Room Grandview Campus
Thursday May 13, 2021	4:30 p.m.	King Room HUB Yakima Campus
Thursday June 10, 2021	4:30 p.m.	King Room HUB Yakima Campus
Thursday July 8, 2021	4:30 p.m.	King Room HUB Yakima Campus CANCELLED
Thursday August 12, 2021	4:30 p.m.	King Room HUB Yakima Campus CANCELLED
Thursday September 9, 2021	4:30 p.m.	King Room HUB Yakima Campus
Thursday October 14, 2021	4:30 p.m.	King Room HUB Yakima Campus
Wednesday November 10, 2021	4:30 p.m.	King Room HUB Yakima Campus
Thursday December 9, 2021	4:30 p.m.	King Room HUB Yakima Campus CANCELLED

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

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

**WSR 20-22-011**  
**NOTICE OF PUBLIC MEETINGS**  
**OFFICE OF**  
**PUBLIC DEFENSE**

[Filed October 22, 2020, 10:53 a.m.]

Advisory Committee Special Meeting

The Washington state office of public defense (OPD) advisory committee has scheduled an additional, special meeting on **Thursday, October 29, 2020**.

The meeting will begin at 11:30 a.m. and a draft agenda will be posted at [www.opd.wa.gov](http://www.opd.wa.gov) one business day prior to the meeting. The meeting will be held via Zoom. Persons wishing to attend the video conference should contact Nicole Dodge at [Nicole.dodge@opd.wa.gov](mailto:Nicole.dodge@opd.wa.gov) to receive the meeting ID and password.

**WSR 20-22-019**  
**ATTORNEY GENERAL'S OFFICE**

[Filed October 23, 2020, 11:24 a.m.]

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

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

If you are interested in commenting on a request listed in this volume of the register, you should notify the attorney general's office of your interest by November 25, 2020. This is not the due date by which comments must be received, and we will consider any comments we receive before we complete our opinion. However, if you do not notify the attorney general's office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the attorney general's office of your intention to comment by email to [OpinionComments@atg.wa.gov](mailto:OpinionComments@atg.wa.gov) or by writing to the Office of the Attorney General, Solicitor General Division, Attention Opinions Chief, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you may be provided with a copy of the opinion request in which you are interested, information about the attorney

general's opinion process, information on how to submit your comments, and a due date by which your comments must be received to ensure that they are fully considered.

If you are interested in receiving notice of new formal opinion requests via email, you may visit the attorney general's website at <http://www.atg.wa.gov/ago%E2%80%9900> opinions for more information on how to join our AGO Opinions List.

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

**Opinion Docket No. 20-07-01**

**Request by Lin-Marie Nacht, Chair, Commission on Judicial Conduct**

**QUESTION:**

Absent a constitutional amendment, can the Commission on Judicial Conduct create a rule, consistent with Article IV § 31, to request the Washington Supreme Court to order the interim suspension of a judge or justice charged with or convicted of a felony or any judge or justice suffering from a mental, emotional, psychological, or physical disability that renders them unable to fulfill their judicial duties, and whose continued service would pose an immediate and substantial harm to the public or to the administration of justice?

**WSR 20-22-021**

**NOTICE OF PUBLIC MEETINGS**

**ATTORNEY GENERAL'S OFFICE**

(Public Records Exemptions Accountability Committee)

[Filed October 23, 2020, 2:23 p.m.]

The 2021 regular meeting schedule for the public records exemptions accountability committee (sunshine committee) is as follows:

Date	Time	Location
February 23, 2021	9 a.m. - 1 p.m.	John A. Cherberg Building Conference Room ABC Olympia, Washington
May 18, 2021	9 a.m. - 1 p.m.	John A. Cherberg Building Conference Room ABC Olympia, Washington
August 17, 2021	9 a.m. - 1 p.m.	John A. Cherberg Building Conference Room ABC Olympia, Washington
October 19, 2021	9 a.m. - 1 p.m.	John A. Cherberg Building Conference Room ABC Olympia, Washington

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

Please feel free to contact Elaine Ganga, phone 360-753-9672, email [elaine.ganga@atg.wa.gov](mailto:elaine.ganga@atg.wa.gov), with any questions.

**WSR 20-22-027**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF HEALTH**

(Board of Optometry)

[Filed October 26, 2020, 10:04 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 schedule of regular meetings for the department of health, board of optometry for the year 2021. The board meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via listserv and the department of health 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.

Date	Time	Location
March 12, 2021	9:00 a.m.	Webinar only
June 11, 2021	9:00 a.m.	Webinar only
September 10, 2021	9:00 a.m.	Webinar Possible location to be disclosed
December 10, 2021	9:00 a.m.	Webinar Possible location to be disclosed

If you need further information, please contact Lorelei Walker, Program Manager, Washington Department of Health, Board of Optometry, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4947, fax 360-236-2901, email [loralei.walker@doh.wa.gov](mailto:loralei.walker@doh.wa.gov), web [www.doh.wa.gov](http://www.doh.wa.gov).

Please be advised the board of optometry 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 20-22-028**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF HEALTH**

(Pharmacy Quality Assurance Commission)

[Filed October 26, 2020, 10:23 a.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, pharmacy quality assurance commission (commission) for the year 2021. The commission 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 email list and the department of health website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the commission reserves the right to change or amend agendas at the meeting.

Date	Time	Location
January 21-22, 2021	9:00 a.m.	Webinar
March 4-5, 2021	9:00 a.m.	Webinar
April 22-23, 2021	9:00 a.m.	Webinar
June 3-4, 2021	9:00 a.m.	Webinar To be disclosed
July 15-16, 2021	9:00 a.m.	Webinar To be disclosed
September 2-3, 2021	9:00 a.m.	Webinar To be disclosed
October 21-22, 2021	9:00 a.m.	Webinar To be disclosed
December 16-17, 2021	9:00 a.m.	Webinar To be disclosed

If you need additional information, please contact Doreen E. Beebe, Health Services Consultant 4, Washington Department of Health, Pharmacy Quality Assurance Commission, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4834, fax 360-236-2260, email [wspqac@doh.wa.gov](mailto:wspqac@doh.wa.gov), web [www.doh.wa.gov](http://www.doh.wa.gov).

Please be advised the pharmacy quality assurance commission is required to comply with the Public Disclosure [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 commission, including personal information, may ultimately be subject to disclosure as a public record.

**WSR 20-22-029**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF HEALTH**  
 (Orthotics and Prosthetics Advisory Committee)  
 [Filed October 26, 2020, 1:51 p.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, orthotics and prosthetics advisory committee for the year 2021. The orthotics and prosthetics advisory committee meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via listserv and the department of health website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the orthotics and prosthetics advisory committee reserve the right to change or amend agendas at the meeting.

Date	Time	Location
April 16, 2021	9:00 a.m.	<b>Webinar only</b>
October 15, 2021	9:00 a.m.	Department of Health Creekside Two at CenterPoint 20425 72nd Avenue South Room 307 Kent, WA 98032

If you need further information, please contact Kim-Boi Shadduck, Program Manager, Washington Department of Health, Orthotics and Prosthetics Advisory Committee, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2912, fax 360-236-2901, email [kimboi.shadduck@doh.wa.gov](mailto:kimboi.shadduck@doh.wa.gov), web [www.doh.wa.gov](http://www.doh.wa.gov).

Please be advised the orthotics and prosthetics advisory committee is required to comply with the Public Disclosure [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 committee, including personal information, may ultimately be subject to disclosure as a public record.

**WSR 20-22-030**  
**POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**  
 [Filed October 26, 2020, 2:21 p.m.]

**NOTICE OF ADOPTION OF A POLICY STATEMENT**

Title of Policy Statement: EMS Providers and Emergency Vaccinations, Policy Number: EMS20-01.

Issuing Entity: Office of community health systems, emergency medical services (EMS) and trauma care system.

Subject Matter: Use of EMS personnel to provide emergency vaccinations.

Effective Date: October 1, 2020.

Contact Person: Catie Holstein, EMS Manager, 360-236-2841, [Catie.holstein@doh.wa.gov](mailto:Catie.holstein@doh.wa.gov).

**WSR 20-22-033**  
**RULES OF COURT**  
**STATE SUPREME COURT**  
 [August 6, 2020]

IN THE MATTER OF SUSPENDING A ) ORDER  
 PROVISION OF APR 28—LIMITED ) NO. 25700-A-1304  
 PRACTICE RULE FOR LIMITED )  
 LICENSE LEGAL TECHNICIANS: APR )  
 28, APPENDIX REGULATION 3 )  
 (B)(1)(a)—EDUCATION REQUIRE- )  
 MENTS FOR LLLT APPLICANTS AND )  
 APPROVAL OF EDUCATIONAL PRO- )  
 GRAMS )

The Washington State Supreme Court considered the request by the Limited License Legal Technician (LLLT) Board to waive the requirement in APR 28, Regulation 3 (B)(1)(a) that a candidate for the license complete all the core

courses prior to enrollment in the domestic relations practice area courses. Because of the impact of COVID-19 on the colleges and the pending deadline for completion of the LLLT requirements, some students may not be able to complete the core coursework by September, 2020, which is when the last series of domestic relations practice area courses begins. Waiver of that requirement in the rule would assist eligible candidates in timely completing all education requirements.

Now, therefore, it is hereby

ORDERED:

That the provision in APR 28, Regulation (B)(1)(a), which requires that core courses be completed prior to enrolling in the domestic relations practice area courses, is hereby suspended.

DATED at Olympia, Washington this 6th day of August, 2020.

For the Court

Stephens, C.J.

CHIEF JUSTICE

**WSR 20-22-043**  
**RULES OF COURT**  
**STATE SUPREME COURT**

[September 10, 2020]

IN THE MATTER OF SUGGESTED ) ORDER  
AMENDMENTS TO APR 3 AND APR 5 ) NO. 25700-A-1305

The Washington State Supreme Court considered the request by the Limited License Legal Technician (LLLT) Board to change the requirement of a LLLT candidate to take the specific Paralegal Core Competency Exam cited in APR 3 (e)(3), to completing a LLLT Board approved paralegal certification examination instead. Further, the court reviewed the requirement to take such an exam prior to sitting for the LLLT exam and determined that the LLLT Board approved paralegal certification examination requirement should be required for licensure only. Because of the impact of COVID-19 and the pending deadline for completion of the LLLT requirements, some students may not be able to complete the paralegal certification examination prior to sitting for the LLLT examination. Requiring proof of completion of a LLLT Board approved paralegal certification examination prior to licensing, instead of prior to the LLLT examination, would assist eligible candidates in completing all requirements for LLLT licensure.

Having recommended the expeditious adoption of the suggested amendments, and the Court having considered the suggested amendments to APR 3 and APR 5, 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 proposed amendments as shown below 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 immediately.

DATED at Olympia, Washington this 10th day of September, 2020.

Stephens, C.J.

CHIEF JUSTICE

**APR 3**

**APPLICANTS FOR ADMISSION TO PRACTICE LAW**

**(a) - (d) [Unchanged.]**

**(e) Qualification for Limited License Legal Technician (LLLT) examination.** To qualify to sit for the LLLT examination, a person must;

(1) be at least 18 years of age and

(2) have the following education, unless waived through regulation:

(A) an associate level degree or higher;

(B) 45 credit hours of core curriculum instruction in paralegal studies pursuant to APR 28 Regulation 3 with instruction to occur at an American Bar Association (ABA) approved law school, an educational institution with an ABA approved paralegal education program, or an educational institution with an LLLT core curriculum program approved by the LLLT Board; and

(C) in each practice area in which an applicant seeks licensure, instruction in the approved practice area based on a curriculum developed by or in conjunction with an ABA approved law school, covering the key concepts or topics and the number of credit hours of instruction required for licensure in that practice area, as determined by the LLLT Board.

~~(3) present original proof of passing the Paralegal Core Competency Exam administered by the National Federation of Paralegal Associations.~~

**(f) - (i) [Unchanged.]**

**APR 5**

**PREADMISSION REQUIREMENTS; OATH; RECOMMENDATION FOR ADMISSION; ORDER ADMITTING TO PRACTICE LAW**

**(a) Preadmission Requirements.** Before an applicant who has passed an examination for admission, or who qualifies for admission without passing an examination, may be admitted, the applicant must:

(1) pay to the Bar the annual license fee and any mandatory assessments ordered by the Supreme Court for the current year;

(2) file any and all licensing forms required of active lawyers, limited license legal technicians (LLLTs), or limited practice officers (LPOs);

(3) take the Oath of Attorney, the Oath of LPOs, or the Oath of LLLTs; and

(4) designate a resident agent if required to do so by APR 13.

**(b) Lawyer applicants.** In addition to the requirements in subsection (a) above, lawyer applicants must:

(1) take and pass the Washington Law Component (WLC). The duration, form, and manner of the WLC shall be

as prescribed by the Bar. The WLC minimum pass score is 80 percent; and

(2) complete a minimum of 4 hours of education in a curriculum and under circumstances approved by the Bar.

(c) **LLLT Applicants.** In addition to the requirements in subsection (a) above, LLLT applicants must:

(1) demonstrate financial responsibility pursuant to APR 28(1); and

(2) demonstrate completion of 3,000 hours of substantive law-related work experience pursuant to APR 28 Regulation 9; and

(3) present proof of passing a LLLT Board approved paralegal examination.

(d) - (m) [Unchanged.]

**WSR 20-22-044  
RULES OF COURT  
STATE SUPREME COURT**

[October 7, 2020]

IN THE MATTER OF THE SUGGESTED ) ORDER  
AMENDMENTS TO APR 1—IN GEN- ) NO. 25700-A-1306  
ERAL; SUPREME COURT; PREREQUI- )  
SITES TO THE PRACTICE OF LAW; )  
COMMUNICATIONS TO THE BAR; )  
CONFIDENTIALITY; DEFINITIONS, )  
APR 3—APPLICANTS FOR ADMIS- )  
SION TO PRACTICE LAW, AND GR )  
24—DEFINITION OF THE PRACTICE )  
OF LAW )

The Washington State Bar Association Board of Governors, having recommended the expeditious adoption of the suggested amendments to APR 1—In General; Supreme Court; Prerequisites to the Practice of Law; Communications to the Bar; Confidentiality; Definitions, APR 3—Applicants for Admission to Practice Law, and GR 24—Definition of the Practice of Law, 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 shown below are expeditiously adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the suggested rule amendments are effective immediately.

(c) The rule amendments will be published expeditiously in the Washington Reports.

DATED at Olympia, Washington this 7th day of October, 2020.

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

**ADMISSION AND PRACTICE RULES (APR)**

**APR 1IN GENERAL; SUPREME COURT; PREREQUISITES TO THE PRACTICE OF LAW; COMMUNICATIONS TO THE BAR; CONFIDENTIALITY; DEFINITIONS**

(a) - (d) [Unchanged.]

(e) Definitions. The following definitions apply throughout these Admission and Practice Rules except where otherwise stated:

(1) "Active legal experience."

(A) When used to describe a requirement for admission or licensure as, or otherwise regarding, a lawyer means experience in the active practice of law as a lawyer, including practice as a Pro Bono Status Lawyer licensed under APR 3(g), or as a teacher at an approved law school, or as a judge of a court of general or appellate jurisdiction or any combination thereof, in a state or territory of the United States or in the District of Columbia or in any jurisdiction where the common law of England is the basis of its jurisprudence;

(B) when used to describe a requirement for licensing as, or otherwise regarding, an LLLT, means active experience practicing law as an LLLT, including practice as a Pro Bono Status LLLT Licensed under APR 3(g);

(C) when used to describe a requirement for licensing as, or otherwise regarding, an LPO means active experience practicing law as an LPO, including as a Pro Bono Status LPO licensed under APR 3(g).

(2) - (9) [Unchanged.]

**APR 3 APPLICANTS FOR ADMISSION TO PRACTICE LAW**

(a) - (f) [Unchanged.]

(g) ~~Emeritus~~ Pro Bono Admission. A lawyer, LLLT, or LPO admitted to practice law in Washington State may apply for ~~emeritus~~ pro bono status when the lawyer, LLLT, or LPO is inactive or otherwise fully retired from the practice of law. ~~An emeritus~~ pro bono status lawyer, LLLT, or LPO shall provide legal services in Washington State only for a qualified legal service provider as defined in these rules.

(1) To apply, the lawyer, LLLT, or LPO shall:

(A) file an application in such form and manner as prescribed by the Bar;

~~(B) present satisfactory proof of active legal experience as defined in APR 1 or at least 5 of the 10 years immediately preceding the filing of the application;~~

~~(C)(B)~~ file a certification from a one or more qualified legal services provider(s) that the applicant's practice of law will comply with the terms of this rule;

~~(D)(C)~~ comply with training requirements prescribed by the Bar; and

~~(E)(D)~~ furnish whatever additional information or proof that may be required in the course of investigating the applicant.

(2) Upon approval of the application by the Bar, the lawyer, LLLT, or LPO shall pay the current year's annual license fee in the amount required of inactive lawyers, LLLTs, or LPOs, whichever is the applicable license type. This fee shall be waived if the pro bono status lawyer, LLLT, or LPO provided at least 30 hours of pro bono service through a qualified legal service provider in the previous calendar year. ~~Emeritus~~ pro bono status lawyers, LLLTs, or LPOs are subject to

annual license renewal as provided by the Board of Governors.

(3) Upon admission under this section, the practice of law by a lawyer, LLLT, or LPO shall be limited to:

(A) providing legal service for no fee through a qualified legal services provider; or

(B) serving as an unpaid governing or advisory board member or trustee of or providing legal counsel or service for no fee to a qualified legal services provider.

The prohibition against compensation for ~~emeritus~~ pro bono status lawyers, LLLTs, or LPOs shall not prevent a qualified legal services provider from reimbursing an ~~emeritus~~ status lawyer, LLLT, or LPO for actual expenses incurred while rendering legal services under this rule. A qualified legal services provider shall be entitled to receive all court awarded attorney fees for any representation rendered by the ~~emeritus~~ pro bono status lawyer, LLLT, or LPO.

(4) ~~Emeritus p~~Pro bono status lawyers, LLLTs, or LPOs shall pay to the Bar an annual license fee in the amount required of inactive lawyers, LLLTs, or LPOs, whichever is the applicable license type. This fee shall be waived if the pro bono status lawyer, LLLT, or LPO provided at least 30 hours of pro bono service through a qualified legal service provider in the previous calendar year.

(5) The practice of a lawyer, LLLT, or LPO admitted under this section shall be subject to the applicable Rules of Professional Conduct, disciplinary rules, and to all other laws and rules governing lawyers, LLLTs, or LPOs admitted to the Bar.

(6) ~~Emeritus p~~Pro bono status lawyers, LLLTs, or LPOs shall be exempt from compliance with APR 11 concerning mandatory continuing legal education.

(7) ~~Emeritus p~~Pro bono admission shall be automatically terminated and converted to inactive status when the lawyer, LLLT, or LPO fails to comply with the terms of this rule.

(h) - (i) [Unchanged.]

**GENERAL RULES (GR) 24**

**GR 24 DEFINITION OF THE PRACTICE OF LAW**

(a) [Unchanged.]

(b) Exceptions and Exclusions: Whether or not they constitute the practice of law, the following are permitted:

(1) Practicing law authorized by a limited license to practice pursuant to Admission to Practice Rules 8 (special admission for: a particular purpose or action; indigent representation; educational purposes; ~~emeritus~~ pro bono status membership; house counsel), 9 (legal interns), 12 (limited practice for closing officers), or 14 (limited practice for foreign law consultants).

(2) - (11) [Unchanged.]

(c) - (f) [Unchanged.]

**WSR 20-22-045  
RULES OF COURT  
STATE SUPREME COURT**

[October 7, 2020]

IN THE MATTER OF THE APPROVAL ) ORDER  
OF AMENDMENTS TO WSBA ) NO. 25700-A-1307  
BYLAWS )

The Washington Supreme Court has plenary authority over the practice of law in Washington. The Washington State Bar Association (WSBA) serves under the delegated authority of the Court in regulating and administering licenses to practice law in Washington and effectuating other purposes and functions as set forth in General Rule (GR) 12 and 12.1 - 12.5. All amendments to the WSBA's bylaws are subject to Supreme Court approval.

The court received notice and explanation of the WSBA's actions to adopt amendments to Art. III.B.4 of its Bylaws in the form of a letter dated August 21, 2020 from WSBA President Majumdar. The Bylaws amendments are required to implement recommended changes related to Emeritus Pro Bono licensure.

Now, therefore, it is hereby

ORDERED:

That the WSBA Bylaws Amendments as described above are approved by this Court and shall be given full force and effect.

DATED at Olympia, Washington this 7th day of October, 2020.

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

**WSR 20-22-047**

**NOTICE OF PUBLIC MEETINGS  
FRUIT COMMISSION**

[Filed October 29, 2020, 9:21 a.m.]

2020

**CHANGE OF LOCATION - COMMISSION MEETING**

Due to the governor's proclamation and social distancing guidelines, the following scheduled meeting has been CHANGED from in-person to December 2, 2020, at 10:00 a.m., conference call/webinar meeting.

The Washington state fruit commission (WSFC) complies with the Americans with Disabilities Act. 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 the 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 the WSFC offices at 509-453-4837.

130 (*The reporting list of chemicals of high concern to children (CHCC list)*). The Governor's Office denied the appeal on October 27, 2020.

DATE: October 29, 2020

Taylor K. Wonhoff  
Deputy General Counsel  
to the Governor

**WSR 20-22-048**  
**NOTICE OF PUBLIC MEETINGS**  
**BELLINGHAM TECHNICAL COLLEGE**

[Filed October 29, 2020, 9:57 a.m.]

**NOTICE**  
Cancelled and Rescheduled

The regularly scheduled meeting of the board of trustees of Bellingham Technical College scheduled for Thursday, November 19, 2020, has been **cancelled** and rescheduled for **Wednesday, November 18, 2020, 9:00 - 11:00 a.m.** The board of trustees will conduct a study session from 8:00 - 9:00 a.m. to review the 2019-20 KPI results and draft 2020-21 KPI targets, and the 2020-21 college operating budget; the regular meeting will begin at approximately 9:00 a.m. The meeting will be conducted via Zoom (<https://btc-tech.zoom.us/j/89330530070>). Call 752-8334 for information.

**WSR 20-22-055**  
**NOTICE OF PUBLIC MEETINGS**  
**HEALTH CARE AUTHORITY**

(Governor's Indian Health Advisory Council)

[Filed October 29, 2020, 3:10 p.m.]

Following is a schedule of regular meetings for the governor's Indian health advisory council:

Date	Time	Location
December 1, 2020	1:00 - 4:00 p.m.	This meeting will be held as a webinar only. To attend, please register at <a href="https://attendee.gotowebinar.com/register/7041012290491029004">https://attendee.gotowebinar.com/register/7041012290491029004</a>

If you need further information, contact Lena Nachand, 626 8th Avenue S.E., Olympia, WA 98501, phone 360-701-6926, fax 360-586-9551, [tribalaffairs@hca.wa.gov](mailto:tribalaffairs@hca.wa.gov), <https://www.hca.wa.gov/about-hca/tribal-affairs>.

**WSR 20-22-056**  
**NOTICE OF APPEAL**  
**OFFICE OF THE GOVERNOR**

[Filed October 29, 2020, 3:47 p.m.]

**NOTICE OF APPEAL**  
RCW 34.05.330(3)

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

On September 18, 2020, the Governor's Office received an appeal from Loren R. Dunn, Principal, Beveridge & Diamond, relating to the Washington State Department of Ecology's denial of a petition to repeal or amend WAC 173-334-

**WSR 20-22-057**  
**NOTICE OF PUBLIC MEETINGS**  
**HUMAN RIGHTS COMMISSION**

[Filed October 30, 2020, 8:03 a.m.]

**REVISED: November 2020 Commission Meeting**

The following REVISED location and times:

Washington state human rights commission, commission meeting information, November 19, 2020, at 9:30 a.m., via telephone conference, phone 360-407-4020, Access Code: 96305, 711 South Capitol Way, Suite 402, Olympia, WA 98504.

**WSR 20-22-060**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF COMMERCE**

(Achieving a Better Life Experience Governing Board)

[Filed October 30, 2020, 9:24 a.m.]

Following is the schedule of regular meetings for the Washington state department of commerce, achieving a better life experience governing board for 2021.

Date	Time	Location
January 25, 2021	9:30 - 11:30 a.m.	Washington Department of Commerce* Join Zoom meeting <a href="https://wastatecommerce.zoom.us/j/84605749273?pwd=R2VQWTKzSjc3bWpDejIVckZBNlFYZz09">https://wastatecommerce.zoom.us/j/84605749273?pwd=R2VQWTKzSjc3bWpDejIVckZBNlFYZz09</a> Meeting ID: 846 0574 9273 Passcode: 783574
April 26, 2021	9:30 - 11:30 a.m.	Washington Department of Commerce Join Zoom meeting <a href="https://wastatecommerce.zoom.us/j/81209136320?pwd=cEQ2bEJ3L09iTk8zbVFobzdCaHU5UT09">https://wastatecommerce.zoom.us/j/81209136320?pwd=cEQ2bEJ3L09iTk8zbVFobzdCaHU5UT09</a> Meeting ID: 812 0913 6320 Passcode: 105838
July 26, 2021	9:30 - 11:30 a.m.	Washington Department of Commerce Join Zoom meeting <a href="https://wastatecommerce.zoom.us/j/83203645785?pwd=WWk5Qys1RWdiOENrWW4rWmZ-pe2h6UT09">https://wastatecommerce.zoom.us/j/83203645785?pwd=WWk5Qys1RWdiOENrWW4rWmZ-pe2h6UT09</a> Meeting ID: 832 0364 5785 Passcode: 218050

Date	Time	Location
October 25, 2021	9:30 - 11:30 a.m.	Washington Department of Commerce Join Zoom meeting <a href="https://wastatecommerce.zoom.us/j/84757797848?pwd=aWNRamRablzde1Yc293c2ZvM3dpdz09">https://wastatecommerce.zoom.us/j/84757797848?pwd=aWNRamRablzde1Yc293c2ZvM3dpdz09</a> Meeting ID: 847 5779 7848 Passcode: 054796

\* 1011 Plum Street S.E., Olympia, WA 98504-2525.

If you need further information, contact Peter Tassoni, Disabilities Workgroup Manager, Community Services Housing Division, Washington State Department of Commerce, P.O. Box 42525, Olympia, WA 98504-2525 [98504-2525], 360-725-3125, peter.tassoni@commerce.wa.gov, www.commerce.wa.gov.

Date	Time	Location
December 2, 2021	10:00 a.m. - 12:00 p.m.	Washington Department of Commerce Join Zoom meeting <a href="https://wastatecommerce.zoom.us/j/82131346648?pwd=alJcQUhvUUczYkZUejZtU0JYUUFzd09">https://wastatecommerce.zoom.us/j/82131346648?pwd=alJcQUhvUUczYkZUejZtU0JYUUFzd09</a> Meeting ID: 821 3134 6648 Passcode: 582081

\* 1011 Plum Street S.E., Olympia, WA 98504-2525

If you need further information contact Peter Tassoni, Disabilities Workgroup Manager, Community Services Housing Division, Washington State Department of Commerce, P.O. Box 42525, Olympia, WA 98504-2525 [98504-2525], 360-725-3125, peter.tassoni@commerce.wa.gov, www.commerce.wa.gov.

**WSR 20-22-061**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF COMMERCE**

(Developmental Disabilities Endowment Trust Fund)

[Filed October 30, 2020, 9:24 a.m.]

Following is the schedule of regular meetings for the Washington state department of commerce, developmental disabilities endowment trust fund governing board for 2021.

Date	Time	Location
March 4, 2021	10:00 a.m. - 12:00 p.m.	Washington Department of Commerce* Join Zoom meeting <a href="https://wastatecommerce.zoom.us/j/81967216995?pwd=NG9WdnRpbWdUSX-crYlpYY1R3N1ZUQT09">https://wastatecommerce.zoom.us/j/81967216995?pwd=NG9WdnRpbWdUSX-crYlpYY1R3N1ZUQT09</a> Meeting ID: 819 6721 6995 Passcode: 596071
June 3, 2021	10:00 a.m. - 12:00 p.m.	Washington Department of Commerce Join Zoom meeting <a href="https://wastatecommerce.zoom.us/j/82765595195?pwd=eWtwYTVzNDFQelRlRkRHo1N0tzMmV-Vdz09">https://wastatecommerce.zoom.us/j/82765595195?pwd=eWtwYTVzNDFQelRlRkRHo1N0tzMmV-Vdz09</a> Meeting ID: 827 6559 5195 Passcode: 065621
September 2, 2021	10:00 a.m. - 12:00 p.m.	Washington Department of Commerce Join Zoom meeting <a href="https://wastatecommerce.zoom.us/j/81110943363?pwd=SzIL0RsQ2lRaDh6Z3RuVnNlaWewdz09">https://wastatecommerce.zoom.us/j/81110943363?pwd=SzIL0RsQ2lRaDh6Z3RuVnNlaWewdz09</a> Meeting ID: 811 1094 3363 Passcode: 304103

**WSR 20-22-063**

**ATTORNEY GENERAL'S OFFICE**

[Filed October 30, 2020, 10:25 a.m.]

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

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

If you are interested in commenting on a request listed in this volume of the register, you should notify the attorney general's office of your interest by November 25, 2020. This is not the due date by which comments must be received, and we will consider any comments we receive before we complete our opinion. However, if you do not notify the attorney general's office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the attorney general's office of your intention to comment by email to [OpinionComments@atg.wa.gov](mailto:OpinionComments@atg.wa.gov) or by writing to the Office of the Attorney General, Solicitor General Division, Attention Opinions Chief, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you may be provided with a copy of the opinion request in which you are interested, information about the attorney general's opinion process, information on how to submit your comments, and a due date by which your comments must be received to ensure that they are fully considered.

If you are interested in receiving notice of new formal opinion requests via email, you may visit the attorney general's website at <http://www.atg.wa.gov/ago%E2%80%99>

Opinions for more information on how to join our AGO opinions list.

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

**Opinion Docket No. 20-10-02**  
**Request by Mark Hugh**  
**Chair, Board of Accountancy**

**QUESTION:**

**Does the Board of Accountancy have disciplinary authority for violations of the Public Accountancy Act and Board rules over a Certified Public Accountant licensee who is an employee of a state agency for acts performed within the scope of employment?**

**WSR 20-22-064**  
**RULES COORDINATOR**  
**EASTERN WASHINGTON UNIVERSITY**

[Filed October 30, 2020, 11:33 a.m.]

Pursuant to RCW 34.05.312, the rules coordinator for Eastern Washington University is Annika Scharosch, 211 Tawanka Hall, Cheney, WA 99004, phone 509-359-6724, email ascharosch@ewu.edu.

Annika Scharosch, J.D.  
 Associate Vice President for Civil Rights  
 Compliance and Enterprise Risk Management

**WSR 20-22-068**  
**INTERPRETIVE STATEMENT**  
**STUDENT ACHIEVEMENT COUNCIL**

[Filed October 30, 2020, 12:58 p.m.]

**NOTICE OF INTERPRETIVE STATEMENT**

The Washington student achievement council (WSAC) has issued an interpretive statement regarding operational flexibility for state work study in the 2020-21 academic year in accordance with RCW 34.05.230.

The interpretive statement sets forth WSAC's interpretation of chapter 28B.12 RCW governing the state work-study program, and administrative rules adopted in chapter 250-40 WAC, to provide guidance to financial aid administrators at participating higher education institutions for carrying out the purposes of the program during the unique circumstances of the global pandemic in the 2020-21 academic year.

A copy of the interpretive statement may be obtained from Becky Thompson, director of student financial assistance. Submit request by email to StudentFinancialAssistance@wsac.wa.gov.

The interpretive statement is also available for download at <https://wsac.wa.gov/sites/default/files/SWS%20Interpretive%20Statement%2010%2023%2020.pdf>.

**WSR 20-22-070**  
**HEALTH CARE AUTHORITY**

[Filed October 30, 2020, 3:06 p.m.]

**NOTICE**

Title or Subject: Request for Public Comments - Washington State Managed Care Quality Strategy.

Effective Date: October 2020 (revises current quality strategy (QS), effective October 2017).

Description: The term "apple health" includes both medicaid and children's health insurance program (CHIP) populations. The Washington state QS outlines a comprehensive plan that incorporates assessment, monitoring, coordination and ongoing performance improvement processes and activities that are directed at continually improving the medicaid apple health managed care program. The QS is the vehicle used by the Washington state health care authority (HCA) to communicate the vision, goals and monitoring strategies addressing health care quality, timeliness, and access. The QS also serves to meet the requirements specified by C.F.R. 438.340, which requires the development and maintenance of a medicaid quality strategy.

The purpose of the QS includes:

- Articulating guiding principles for developing and implementing a quality strategy and prioritizing activities related to quality management;
- Describing activities related to the development, evaluation and updating of the strategy to reflect stakeholder input and continuous improvement;
- Providing structure and assignment of responsibilities for implementing the activities as described in the QS;
- Identifying procedures for assessment of quality and appropriateness of care delivered by managed care organizations;
- Establishing clear aims and objectives to drive improvements in care delivery and outcomes, and identifying the metrics by which progress will be measured;
- Outlining the monitoring activities that will be used to ensure that the services provided to medicaid managed care members conform to professionally recognized standards of practice, contract requirements, and state and federal rules and regulations;
- Describing processes used to identify and pursue opportunities for improvements in health outcomes, accessibility, and value-based payment methodologies;
- Clearly articulating the complex set of programs and populations that require support as part of an integrated managed care delivery system.

The public comment period for the Washington state managed care QS document is from November 2 through December 2, 2020, at 5 p.m. (Pacific). You can email comments to [larita.paulsen@hca.wa.gov](mailto:larita.paulsen@hca.wa.gov).

The QS document can be found at the following link: <https://www.hca.wa.gov/assets/program/13-0053-washingt-on-state-managed-care-quality-strategy.pdf>.

For additional information, contact Larita L.M. Paulsen, BSN, MPA, Supervisor, Medicaid Compliance Review Unit, HCA, email [larita.paulsen@hca.wa.gov](mailto:larita.paulsen@hca.wa.gov).

**WSR 20-22-073**  
**HEALTH CARE AUTHORITY**

[Filed November 2, 2020, 1:52 p.m.]

**NOTICE**

Subject: Washington state medicaid transformation project (MTP) waiver—Notice of 1-year extension application.

Effective Date: The current MTP waiver went into effect in January 2017.

The Washington state health care authority (HCA) will submit a one-year extension and amendment request to the Centers for Medicare and Medicaid Services (CMS) for the MTP.

MTP is a five-year Section 1115 waiver from CMS. This extension, if approved, would create a sixth year.

An extension would allow Washington state to continue its COVID-19 relief efforts through each of the MTP initiatives. It would also serve to further the continued implementation of MTP's transformational goals and progress toward value-based care. This extension, if approved, would create a sixth year for MTP.

In addition to the extension, HCA is seeking CMS approval to amend the existing waiver to: (1) Provide flexibility related to long-term services and supports; and (2) align the value-based payment target for year five of MTP because of state adjustments due to COVID-19.

Public comment is open to anyone who would like to share feedback. We encourage health care and social service providers, managed care organizations, hospitals and health systems, medical associations, tribes, accountable communities of health, and the public to provide input.

HCA will accept public comment through December 2, 2020, at 5 p.m. (Pacific). Submit public comment at <https://hca.surveymonkey.com/r/JNQXZVM>, or email comments to [medicaidtransformation@hca.wa.gov](mailto:medicaidtransformation@hca.wa.gov). More information is available at <https://www.hca.wa.gov/about-hca/healthier-washington/one-year-extension-and-amendment>.

For additional information, contact Bonnie Wennerstrom, policy connector, policy division, HCA, email [medicaidtransformation@hca.wa.gov](mailto:medicaidtransformation@hca.wa.gov).

**WSR 20-22-082**  
**POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**

[Filed November 3, 2020, 8:54 a.m.]

**NOTICE OF ADOPTION OF A POLICY STATEMENT**

Title of Policy Statement: Dental Hygiene Temporary Practice Permit, Scope of Practice Limitations During the COVID-19 Response. Policy Number: HSQA OAS E04.

Issuing Entity: Department of health.

Subject Matter: Prohibiting certain expanded function duties of dental hygienists who hold a temporary practice permit until all licensing requirements have been completed and a nontemporary dental hygiene credential has been issued.

Effective Date: June 19, 2020.

Contact Person: Bruce Bronoske, [Bruce.bronoske@doh.wa.gov](mailto:Bruce.bronoske@doh.wa.gov), 360-236-4843.

**WSR 20-22-083**  
**DEPARTMENT OF HEALTH**

[Filed November 3, 2020, 8:57 a.m.]

This memo serves as notice that the department of health (department) is withdrawing the policy statement for dental hygiene temporary practice permit - scope of practice limitations during the COVID-19 response. The policy statement was filed on July 30, 2020, and published as WSR 20-16-090.

The department filed a policy statement to limit the scope of practice for dental hygienists who hold a temporary practice permit in support of Governor's Proclamation 20-59. Dental hygienists working under a temporary practice permit are not allowed to administer local anesthesia, or to perform restorative duties including, but not limited to, placing restorations into the cavity, and carving, contouring, and adjusting contacts and occlusion of restorations. These duties are prohibited until dental hygienists complete all licensing requirements and [are] issued a nontemporary credential.

The policy statement incorrectly addresses the practice of administering local anesthetic for dental hygienists working under a temporary practice permit. Administering topical local anesthesia is permitted, but current language suggests administering local anesthetic of any kind is prohibited. This inconsistency creates confusion for dental hygienists working with a temporary practice permit. The department has decided to withdraw the current policy statement and to file a new policy statement to clarify the local anesthesia restriction. The new policy statement clarifies that dental hygienists are not allowed to give injections of local anesthesia. Specifying "injection" allows dental hygienists to administer topical local anesthesia.

Individuals requiring information on this policy statement should contact Bruce Bronoske Jr., dental hygiene examining committee program manager, at 360-236-4843.

**WSR 20-22-084**  
**DEPARTMENT OF ECOLOGY**

[Filed November 3, 2020, 9:06 a.m.]

**PUBLIC NOTICE**  
**Announcing the Reissuance of the Construction Stormwater General Permit**

The Washington state department of ecology (ecology) is reissuing the construction stormwater national pollutant discharge elimination system (NPDES) and state waste discharge general permit (permit) on November 18, 2020. The permit becomes effective on January 1, 2021, and expires on December 31, 2025.

**Purpose of the Permit:** The permit addresses various legal requirements and responsibilities, and regulates the discharge of pollutants to protect water quality in Washington state. The permit authorizes the discharge of stormwater and

authorized non-stormwater associated with construction activity. The permit is a combined NPDES and state waste discharge permit that limits the discharge of pollutants to surface waters under the authority of the federal Water Pollution Control Act (33 U.S.C 1251) and limits the discharge of pollutants to surface and groundwater under the authority of the state Water Pollution Control Act (chapter 90.48 RCW).

**Public Notice Process and Comments:** Ecology accepted public comments on the draft permit and fact sheet from *July 1 through August 14, 2020*. Ecology held informational public workshops and hearings during this time via online statewide webinars on August 4 and 6, 2020. Ecology received written public comments and emails. The comments and ecology's responses are included as Appendix D of the fact sheet.

**Copies of the Permit:** The final permit, fact sheet, and response to comments are available online at <https://ecology.wa.gov/constructionstormwaterpermit>. You may request hard copies from Dena Jaskar at [dena.jaskar@ecy.wa.gov](mailto:dena.jaskar@ecy.wa.gov) or 360-407-6401.

**Applying for Coverage under the Permit:** Construction sites covered under the existing permit that reapplied for permit coverage will be covered under the new permit. New or unpermitted construction sites may obtain coverage under the permit by submitting a complete permit application to ecology and satisfying all applicable public notice and State Environmental Policy Act requirements (WAC 173-226-200). The application is available online at <https://secureaccess.wa.gov>.

**Ecology Contact:** Noel Tamboer, Washington State Department of Ecology, P.O. Box 47696, Olympia, WA 98504-7696, phone 360-701-6171, email [noel.tamboer@ecy.wa.gov](mailto:noel.tamboer@ecy.wa.gov).

**Your Right to Appeal:** You have a right to appeal the final general permit and general permit coverage for a specific facility to the pollution control hearings board. The appeal process is governed by chapters 43.21B RCW and 371-08 WAC.

- Appeals of the general permit issuance must be filed **within thirty days of issuance** of the general permit. See the *Appeal of the General Permit Focus Sheet* for more information at <https://fortress.wa.gov/ecy/publications/documents/1710009.pdf>.
- Appeals of general permit coverage for a specific facility must be filed **within thirty days of the effective date of coverage**. See the *Appeal of a General Permit Coverage Focus Sheet* for more information at <https://fortress.wa.gov/ecy/publications/documents/1710007.pdf>.

If you have questions, please contact Noel Tamboer at [noel.tamboer@ecy.wa.gov](mailto:noel.tamboer@ecy.wa.gov) or 360-701-6171.

## WSR 20-22-085

### INTERPRETIVE AND POLICY STATEMENT DEPARTMENT OF ECOLOGY

[Filed November 3, 2020, 9:07 a.m.]

#### Notice of Interpretive and Policy Statements

Under chapter 42.56 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 (URL) 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>.

Rescinded Statements:

Title of Interpretive/ Policy Statement	Web Link (if applicable)
Interim Policy for the Collection and Disposal of Airbag Waste	<a href="https://fortress.wa.gov/ecy/publications/SummaryPages/2004013.html">https://fortress.wa.gov/ecy/publications/SummaryPages/2004013.html</a>
Nicotine Vaping Waste Interim Policy	<a href="https://fortress.wa.gov/ecy/publications/SummaryPages/1904032.html">https://fortress.wa.gov/ecy/publications/SummaryPages/1904032.html</a>
Interim Pharmaceutical Waste Policy - Pharmaceutical Waste Management in Health Care	<a href="https://fortress.wa.gov/ecy/publications/SummaryPages/0704024.html">https://fortress.wa.gov/ecy/publications/SummaryPages/0704024.html</a>

## WSR 20-22-086

### NOTICE OF PUBLIC MEETINGS SHORELINE COMMUNITY COLLEGE

[Filed November 3, 2020, 9:44 a.m.]

This letter is to notify the Washington State Register and the office of the code reviser that the date of the December 2020 Shoreline Community College board of trustees regular meeting, has been changed from Wednesday, December 2, 2020, to Thursday, December 3, 2020. The regular meeting start time remains the same: 4:30 p.m.

Please email [lyonemitsu@shoreline.edu](mailto:lyonemitsu@shoreline.edu) for further information.

## WSR 20-22-087

### INTERPRETIVE OR POLICY STATEMENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

[Filed November 3, 2020, 10:42 a.m.]

#### Notice of Interpretive or Policy Statement

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

**Aging and Long-Term Support Administration  
Division of Home and Community Services (HCS)**

Document Title: Public Notice.

Subject: 1915 (b)(4) Waiver application for selective contracting to enact the consumer directed employer program.

Effective Date: July 1, 2021.

Document Description: In 2018, the Washington state legislature passed SB 6199 authorizing DSHS to create a consumer-directed employer program. To implement this program, the state intends to file a 1915 (b)(4) waiver application for selective contracting, which will apply to the following home and community-based services waiver programs effective July 1, 2021:

Waivers:

- 1915(c) New Freedom Waiver.
- 1915(c) Individual and Family Services Waiver.
- 1915(c) Basic Plus Waiver.
- 1915(c) Children's Intensive In-home Behavior Support Waiver.
- 1915(c) Core Waiver.

All programs listed in this notice will be amended to reflect the concurrent operation with the 1915 (b)(4) waiver.

To receive a copy of the interpretive or policy statements, contact Jamie Tong, HCS, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-3293, TDD/TTY 1-877-905-0454, fax 360-438-8633, email [Jamie.tong@dshs.wa.gov](mailto:Jamie.tong@dshs.wa.gov), website <http://www.dshs.wa.gov/altsa>.

**WSR 20-22-091**

**NOTICE OF PUBLIC MEETINGS  
PUBLIC EMPLOYMENT  
RELATIONS COMMISSION**

[Filed November 3, 2020, 12:02 p.m.]

The following is the schedule of regular meetings of the public employment relations commission in 2021, **all to be tentatively held via Zoom with location and format subject to change:**

Date	Time
January 5, 2021	10:00 a.m.
February 9, 2021	10:00 a.m.
March 9, 2021	10:00 a.m.
April 13, 2021	10:00 a.m.
May 11, 2021	10:00 a.m.
June 8, 2021	10:00 a.m.
July 13, 2021	10:00 a.m.
August 10, 2021	10:00 a.m.
September 14, 2021	10:00 a.m.
October 12, 2021	10:00 a.m.
November 9, 2021	10:00 a.m.

Date	Time
December 2021	No Meeting

If you need further information contact Vanessa Smith at [vanessa.smith@perc.wa.gov](mailto:vanessa.smith@perc.wa.gov) or 360-570-7332.

**WSR 20-22-099**

**NOTICE OF PUBLIC MEETINGS  
RED RASPBERRY COMMISSION**

[Filed November 3, 2020, 2:56 p.m.]

**2021 MEETING SCHEDULE**

The Washington red raspberry commission (WRRC) will hold the following meetings in 2021. Each meeting begins at 1:00 p.m., with the exception of the annual meeting, which begins at 8:00 a.m. All meetings will be conducted via Zoom until COVID restrictions are lifted. Contact the WRRC for meeting invitation one day prior to the meeting.

January 20	WRRC Office 204 Hawley Street Lynden, Washington
April 14	WRRC Office 204 Hawley Street Lynden, Washington
September 8	WRRC Office 204 Hawley Street Lynden, Washington
October 27	WRRC Office 204 Hawley Street Lynden, Washington
December 1	Annual meeting N.W. Washington Fairgrounds Lynden, Washington

For more information, please contact Henry Bierlink at 360-354-8767 or [henry@red-raspberry.org](mailto:henry@red-raspberry.org).