

WSR 21-13-057
RULES OF COURT
STATE SUPREME COURT
 [June 4, 2021]

IN THE MATTER OF THE SUGGESTED) ORDER
 AMENDMENT TO APR 11—MANDA-) NO. 25700-A-1349
 TORY CONTINUING LEGAL EDUCA-)
 TION)

The Mandatory Continuing Legal Education Board, having recommended the adoption of the suggested amendment to APR 11—Mandatory Continuing Legal Education, 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 shown below is adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the suggested amendment will be published in the Washington Reports and will become effective September 1, 2021.

DATED at Olympia, Washington this 4th day of June, 2021.

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

GR 9 COVER SHEET
Suggested Amendments
ADMISSION AND PRACTICE RULE (APR) 11
Mandatory Continuing Legal Education
Submitted by the Mandatory Continuing Legal
Education Board

A. Name of Proponent:

Mandatory Continuing Legal Education (MCLE) Board
 Staff Liaison/Contact:
 Adelaine Shay, MCLE Manager
 Washington State Bar Association (WSBA)

B. Spokesperson:

Ayanna Colman
 Chair of MCLE Board

C. Purpose:

This suggested amendment is to ensure that licensed legal professionals in Washington State are adequately educated in order to protect the public and improve each licensed legal professional's ability to render competent and effective legal services to clients.

This suggested amendment will enable licensed legal professionals to better serve their clients by requiring that one of the required ethics credits be in the category of equity, inclusion and the mitigation of bias. The MCLE Board has identified this category as necessary to the practice of law

that all lawyers, LLLTs, and LPOs should be required to be educated in this area in order to protect the public and work with clients in an ethical manner. The suggested amendment has been discussed and reviewed at length by the MCLE Board and is designed to enhance the existing ethics requirements of legal practitioners in Washington State.

Background

Pursuant to Washington Supreme Court Admission and Practice Rule (APR) 11 (d)(2)(i), Rules and Regulations, "The MCLE Board shall review and suggest amendments or make regulations to APR 11 as necessary to fulfill the purpose of MCLE Suggested amendments are subject to review by the Board of Governors and approval by the Supreme Court." The purpose of MCLE is "to enhance lawyers', LLLTs', and LPOs' legal services to their clients and protect the public by assisting lawyers, LLLTs, and LPOs in maintaining and developing their competence ..." (APR 11(a)). Therefore, the MCLE Board is continuing its work to address systemic inequities, by suggesting a single, narrow amendment of the APR 11 ethics and professional responsibility requirement focused on equity, inclusion, and mitigation of bias. The need for this requirement is highlighted by increased demand for the legal profession to refresh its commitment to address systemic inequities, as recently noted by statements made by the WSBA President and the Washington Supreme Court.¹ The MCLE Board believes that this suggested amendment is a valuable step toward realizing the necessary change called for by our profession's leaders.

¹ The June 3rd, 2020 statement from the WSBA President may be viewed here: https://www.wsba.org/docs/default-source/about-wsba/governance/civil-unrest.pdf?sfvrsn=1b7809f1_6; the June 4th 2020 open letter from the Washington Supreme Court may be viewed here: <http://www.courts.wa.gov/content/publicUpload/Supreme%20Court%20News/Judiciary%20Legal%20Community%20SIGNED%20060420.pdf>

The MCLE Board previously submitted a suggested amendment of the ethics requirement to the Washington Supreme Court in 2019 that would have required additional ethics credits in three specific topics. The Supreme Court rejected that suggested amendment. This year, the MCLE Board began seeking a narrower amendment to the ethics requirement, addressing one topic and specifying one credit of the existing ethics requirement. The MCLE Board created an MCLE Board Rules Subcommittee, tasked with drafting a suggested amendment focused solely on the topic of diversity. This suggested amendment more closely aligns with the original proposal heard by the MCLE Board in October 2018, as presented by the WSBA Diversity Committee and Washington Women Lawyers, with the support of eight minority bar associations: the Asian Bar Association of Washington, the Cardozo Society of Washington State, Filipino Lawyers of Washington, the Pierce County Minority Bar Association, the Loren Miller Bar Association, the Latina/o Bar Association of Washington, the South Asian Bar Association of Washington, and QLaw. That proposal was to require that at least one of the six ethics credits licensed legal professionals are required to earn each reporting period be on the topic of "equity, inclusion and the mitigation of bias in the legal profession."

Based on an initial draft from the subcommittee, the MCLE Board sought feedback from the WSBA Diversity Committee, the Washington Women Lawyers and other stakeholders including Court-appointed boards, WSBA committees, local and minority bar associations, and CLE sponsors. Based on stakeholder feedback, the MCLE Board again refined the suggested amendment, and posted it for public comment.

As of October 5, 2020, the MCLE Board have received 937 written comments, and four in-person comments during a public comment session held at the MCLE Board meeting on August 7, 2020. Out of the written comments, respondents were near equally split as 'in favor' and 'not in favor', with a slight lean towards 'in favor' of the suggested amendment. Of these 937 comments, 45 identified as members of the public (non-WSBA members); 41 of the 45 responded as 'in favor'. Last year, the compiled feedback for the previous suggested amendment resulted in a large majority opposed. See the attached compiled feedback regarding the current suggested amendment.

The MCLE Board reviewed and considered all written and oral feedback at its August 7, 2020 meeting. After discussing the feedback and hearing public comment, the MCLE Board voted unanimously to continue to move forward with the suggested amendment by sending it to the Board of Governors for review.

On September 18, 2020, MCLE Board member Asia Wright presented the suggested amendment to the WSBA Board of Governors for review. The Board of Governors voted to support the MCLE Board's suggested amendment.² Subsequently, at a special meeting held on September 22, 2020, the MCLE Board voted unanimously to suggest the amendment to the Court.

² WSBA Board of Governors Meeting on September 2020. Video of Review and Comments Re Mandatory Continuing Legal Education (MCLE Board) Suggested Amendment to APR 11 Ethics Requirement: <http://link.videoplatform.limelight.com/media/?channelListId=34d9718a114a453fa4067f9dad13df94&width=960&height=360&player-Form=WidescreenTabbedPlayer>

Suggested Amendment

The role of the MCLE Board is to suggest amendments to APR 11 that support the purpose of mandatory continuing legal education. The MCLE Board believes that the suggested amendment will not only educate Washington licensed legal professionals on the state of the law on various subjects, but also improve inter-cultural communication, improve equitable outcomes, and reduce the risk of potential liability. Further, the MCLE Board has a duty to ensure that Washington licensed legal professionals have the skills and knowledge base to effectively serve their clients, the legal system, and society as a whole. For these reasons, the MCLE Board recommends adopting the suggested amendment.

Many opponents of the suggested amendment are not in favor of mandatory requirements; however, the practice of law is not a right, but a privilege. It is a natural tendency to choose CLEs that seem directly relevant to one's practice or that sound interesting. However, a person who lacks understanding of a topic covered by the suggested amendment might be more likely to discount the value of the topic, and therefore not choose to participate in a given CLE. Accord-

ingly, if this suggested ethics topic is not mandatory, the licensed legal professionals who might benefit most from the training may not receive it.

The suggested requirement is neither burdensome nor onerous. There are currently hundreds of both live and recorded CLE courses from around the world that cover equity, inclusion, and the mitigation of bias; nearly 200 such courses have been approved for credit in Washington in the past year alone. With the recent commitment by the WSBA Board of Governors, free ethics CLEs on the topic of equity, inclusion and the mitigation of bias in the legal profession will be made accessible both in-person and on-demand.³ This eliminates any barriers to accessing the CLE, as this topic will be provided at no cost and offered in multiple formats. On September 15, 2020, the WSBA offered a free CLE, titled "Beyond the Dialogue: From Transphobia to Gender Inclusion in the Practice of Law". This CLE covered equity, inclusion and the mitigation of bias, and was attended by 1,031 licensed legal professionals.

³ On September 27, 2019, the WSBA Board of Governors passed a motion (7-5 vote) directing WSBA CLE to offer free CLEs one credit in each of the following subjects each year: 1) equity, inclusion and the mitigation of bias, 2) mental health, addiction, and stress, and 3) technology education focusing on digital security. The CLEs will be offered in-person and on-demand for free. The Board of Governors confirmed their commitment to offer the equity, inclusion, and mitigation of bias training for free at their September 2020 meeting. The first of the free WSBA CLEs, titled "Ethics Booster", took place on July 21, 2020. This CLE covered the topics of mental health, addiction and stress, and digital security. It was attended by 2,379 licensed legal professionals.

Throughout the amendment process, the MCLE Board was guided by APR 11, which states that the purpose of MCLE is "to enhance lawyers', LLLTs', and LPOs' legal services to their clients and protect the public by assisting lawyers, LLLTs, and LPOs in maintaining and developing their competence as defined in RPC 1.1 or equivalent rule for LLLTs and LPOs, fitness to practice as defined in APR 20, and character as defined in APR 20."

APR 20:

(c) Good Moral Character.

Good moral character is a record of conduct manifesting the qualities of honesty, fairness, candor trustworthiness, observance of fiduciary responsibilities, adherence to the law, and a respect for the rights of other persons and the judicial process.

(d) Fitness to Practice Law.

Fitness to practice law is a record of conduct that establishes that the applicant meets the essential eligibility requirements for the practice of law.

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

APR 11 (c)(1)(ii)

APR 11 (c)(1)(ii) states "at least six credits must be in ethics and professional responsibility, as defined in subsection (f)(2)." The Board suggests an amendment that adds "with at least one credit in equity, inclusion, and the mitigation of both implicit and explicit bias in the legal profession and the practice of law." The amendment would require one credit per three-year reporting period in the subject of equity, inclusion, and the mitigation of both implicit and explicit bias in the legal profession and the practice of law.

This amendment would simply require that one credit of the required six ethics hours be devoted to the subject identified in the suggested amendment. The ethics requirements are a required minimum, and any credits earned above the required minimum of six ethics credits and fifteen law and legal credits can be counted towards the overall 45 credit requirement regardless of the credit category.

The MCLE Board notes that the subject - diversity, equity and inclusion, and implicit/explicit bias⁴ - is a core area in which modern licensed legal professionals must be fluent in order to provide legal services and representation. Furthermore, the Bar has an important role to play in addressing systemic inequities in our society.

⁴ The MCLE Board references the glossary (provided by the WSBA Equity and Justice team) in Just Lead Washington's REJI Equity Organizational Toolkit: 'Diversity', 'Equity', 'Inclusion' and 'Bias'. The glossary is found on pages 107-113 of the toolkit, and may be accessed here: <https://justleadwa.org/wp-content/uploads/2019/08/REJI-Organizational-ToolkitFull-1.pdf>

APR 11 (f)(2)

The Board's suggested amendment to APR 11 (f)(2)(i) strikes a phrase "including diversity and anti-bias with respect to the practice of law or the legal system, and," this phrase would be reworded to "equity, inclusion, and the mitigation of both implicit and explicit bias in the legal profession and the practice of law." This wording replaces the wording "diversity" with "equity, inclusion, and mitigation of implicit and explicit bias" at the suggestion of the Washington Attorneys with Disabilities Association. This wording suggestion was originally made when soliciting stakeholder feedback for the previous rejected suggested amendment in 2019, which held similar language and included the term "diversity". The suggestion was supported by the Korean American Bar Association and the South Asian Bar Association of Washington. Similarly, the Middle Eastern Legal Association of Washington and the Loren Miller Bar Association advised changing the language to incorporate "unconscious bias". The MCLE Board believes the intent of that language is captured by adding "implicit" and "explicit" to the proposed amendment.

Objective data demonstrates that the population of Washington State is rapidly becoming more racially diverse.⁵ Increasing the cultural competencies of our legal professionals will equip each of its members to better serve the public today and in the future.

⁵ Projections of the state population by age, sex, race and Hispanic origin: <https://ofm.wa.gov/washington-data-research/population-demographics/population-forecasts-and-projections/projections-state-population-age-sex-race-and-hispanic-origin>

Given the diversity of our community, it is important to understand the different lived experiences of others. Certain assumptions, attitudes, words, phrases and behaviors can harm others, negatively impact their mental and social well-being, and deny them their due economic wellness. Words can be confusing and change interactions if misused; they can also help persuade a judge or jury, sway negotiations, and determine how we meet our clients' needs. An individual's tone of voice, and non-verbal cues also impact how we interact with others. By understanding and identifying biases and interrupting their adverse impacts on others, the Washington

licensed legal professionals can better understand their clients' needs and other points of view. It is a business imperative to understand bias. Being aware of our own bias and being sensitive to different perspectives can establish communication bridges. Through this communication, a licensed legal professional can become a credible source, build client relationships, and gain others' trust or convince another to see the other side of an argument.

No one is without some sort of bias. Recognizing our own biases, whether they be positive or negative, implicit or explicit, is a continual process. Opponents' claims that such courses would shame or target a particular group are erroneous. The equity requirement is not about shaming a particular group; any attempts to shame are counterproductive and a detour from achieving equitable outcomes. It is about understanding how one's bias can have adverse impact on the equitable practice of law.

Additionally, knowing that a significant segment of our colleagues and clients face unfair treatment in the legal community, including by legal professionals, requires purposeful action. Both racial discrimination and gender bias remain prevalent issues in the legal community. According to the National Association for Law Placement's 2018 Diversity Report, women make up nearly 42% of the profession, but only about 23% are represented at the level of partner. A similar disparity is evident with racial minorities, which comprise nearly 17% of the profession, but only 9% are represented at partner level⁶. Mandatory training in this area is both proper and necessary.

⁶ Nat'l Ass'n for Law Placement, 2018 Report on Diversity in U.S. Law Firms 9 (Jan. 2019) <https://www.nalpl.org/uploads/2018NALPReportonDiversityinUSLawFirmsFINAL.pdf> the

The original report and recommendation of the WSBA Diversity Committee and Washington Women Lawyers (with the support of multiple minority bar associations) demonstrates the need for education within the profession across all categories of Washington licensed legal professionals (private practitioners, government lawyers, professors and instructors, judges, regulators, in house counsel, LLLTs, LPOs etc.), to raise the awareness and sensitivity of Washington lawyers to diversity issues, and particularly with respect to equity, inclusion, and both implicit and explicit biases.⁷ Our role as licensed legal professionals should be to work to eliminate our own biases, and to have a positive effect on both the profession and Washington generally. Intuitively, this is an idea whose time has more than come.

⁷ State of Science "Implicit Bias Review" from The Ohio State University Kirwan Institute for Study of Race and Ethnicity: <http://kirwaninstitute.osu.edu/wp-content/uploads/2017/11/2017-SOTS-final-draft-02.pdf>

Promoting equity and inclusion drives better business outcomes. Having individuals that think differently, by virtue of their distinct backgrounds and experiences, encourages creative thinking and innovation. This is particularly important amongst decision-makers. Conversely, failing to included diverse perspectives can result in a failure to take useful risks and ultimately lead to stagnation. The business sector as a whole has recognized this reality, with many major employers in this state and elsewhere investing in diversity even

when not required by law. The legal profession needs to catch up in this regard.

Addressing issues of equity and inclusion is not political move, but a practical one. It is an undeniable fact that certain communities - such as people of color, those with disabilities, and those with non-majority religions, to name just a few - do not have and have not had the same opportunities as others who have not been marginalized.

Members of the MCLE Board talked to citizens of Washington State, who are not licensed to practice law, about this proposal. Board members heard consistently that this proposal is necessary to ensure appropriate treatment and consideration of the various issues and concerns the general public faces, no matter who is in office, or running local, state, and national government.

Promoting equity and inclusion is appropriate for the Bar. The regulatory objectives outlined in General Rule 12.1 specifically address the topic of diversity and inclusion.

- **GR 12.1:**

Legal services providers must be regulated in the public interest. In regulating the practice of law in Washington, the Washington Supreme Court's objectives include:

...

(j) diversity and inclusion among legal services providers and freedom from discrimination for those receiving legal services and in the justice system.

In addition, the authorized activities of the Washington State Bar Association found in General Rule 12.2 (a)(6) further emphasize this objective:

- **GR 12.2(a):**

(a) **Purposes: In General.** In general, the Washington State Bar Association strives to:

(6) Promote diversity and equality in the courts and the legal profession.

It is therefore both appropriate and beneficial for the Washington Supreme Court to mandate training to help licensed legal professionals gain awareness and understanding of these issues. While it is true that training does not guarantee equitable and inclusive outcomes, training does result in an increased understanding of various topics, especially in a legal context where rules and regulations change constantly. For example, discussion around visible and invisible disabilities allows us, as legal professionals, to better identify legal concerns facing these communities. If we fail to take action while the rest of society engages in this conversation, we risk providing inadequate counsel to our clients as well as the community at large. Given our position in society as rule makers and legal deciders, we cannot afford to sit back and react only when a lawsuit or other grievance takes place.

Conclusion

Washington has an opportunity to take the lead by adopting a requirement that training in all the category of equity, inclusion, and the elimination of bias become mandatory. Education in equity and inclusion is already required in multiple states (eight in total), with more states following their lead. To recognize the importance in this category of continuing legal education and to require it is to identify Washington as a leader in its approach to MCLE.

The MCLE Board recommends that this suggested amendment become effective on September 1, 2022, and that the first group of licensed legal professionals who will be required to report this one ethics credit on this subject be those who are in the 2023-2025 MCLE reporting period. This will allow time for WSBA staff to develop tracking mechanisms in the MCLE database and to notify both licensed legal professionals and CLE sponsors of the new requirement. In addition, an effective date of September prior to the start of the 2023-2025 reporting period allows the Bar's MCLE staff to accredit courses taking place in 2023 according to the new requirements.

D. Hearing: Because of the outreach conducted and input previously received by the MCLE Board, a hearing is not requested.

E. Expedited Consideration: Expedited consideration is not requested.

F. Supporting Material: In addition to the submission of the suggested amendment to APR 11, attached is a letter of support from the WSBA Board of Governors, and the collected public comments on the suggested amendment. The initial MCLE Board report and recommendation may be viewed online.⁸

⁸ The MCLE Board report and recommendation may be viewed here: https://www.wsba.org/docs/default-source/legal-community/committees/mcle-board/mcle-board-report-and-recommendation.pdf?sfvrsn=52e008f1_4

APR 11

Mandatory Continuing Legal Education (MCLE)

(a)-(b) [Unchanged].

(c) Education Requirements.

(1) *Minimum Requirement.* Each lawyer must complete 45 credits and each LLLT and LPO must complete 30 credits of approved continuing legal education by December 31 of the last year of the reporting period with the following requirements:

(i) [Unchanged.]

(ii) at least six credits must be in ethics and professional responsibility, as defined in subsection (f)(2), with at least one credit in equity, inclusion, and the mitigation of both implicit and explicit bias in the legal profession and the practice of law.

(2)-(7) [Unchanged.]

(d)-(e) [Unchanged.]

(f) Approved Course Subjects. Only the following subjects for courses will be approved:

(1) [Unchanged.]

(2) *Ethics and professional responsibility*, defined as topics relating to the general subject of professional responsibility and conduct standards for lawyers, LLLTs, LPOs, and judges, including diversity and antibias with respect to the practice of law or the legal system, and the risks to ethical practice associated with diagnosable mental health conditions, addictive behavior, and stress;

(3)-(7) [Unchanged.]

(g)-(k) [Unchanged.]

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

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.

WSR 21-14-002
NOTICE OF PUBLIC MEETINGS
REDISTRICTING COMMISSION

[Filed June 23, 2021, 1:40 p.m.]

The Washington state redistricting commission has changed the following regular meeting:

From: September 19, 2021 7:00-9:00 p.m. Zoom
 To: September 20, 2021 7:00-9:00 p.m. Zoom

If you need further information contact Lisa McLean, Executive Director, P.O. Box 40948, Olympia, WA 98504-0948, 360-524-4390 lisa.mclean@redistricting.wa.gov, <http://redistricting.wa.gov/>.

WSR 21-14-004
NOTICE OF PUBLIC MEETINGS
REDISTRICTING COMMISSION

[Filed June 23, 2021, 2:55 p.m.]

Following is the schedule of regular meetings for the Washington state redistricting commission for 2022:

Date	Time	Location
January 17, 2022	7:00-9:00 p.m.	Zoom
February 21, 2022	7:00-9:00 p.m.	Zoom
March 21, 2022	7:00-9:00 p.m.	Zoom
April 18, 2022	7:00-9:00 p.m.	Zoom
May 16, 2022	7:00-9:00 p.m.	Zoom

If you need further information contact Lisa McLean, Executive Director, P.O. Box 40948, Olympia, WA 98504-0948, 360-524-4390, lisa.mclean@redistricting.wa.gov, <http://redistricting.wa.gov/>.

WSR 21-14-012
NOTICE OF PUBLIC MEETINGS
WALLA WALLA
COMMUNITY COLLEGE

[Filed June 24, 2021, 1:45 p.m.]

The July 28, 2021, and August 25, 2021, regularly scheduled meetings of the board of trustees of Walla Walla Community College, District Number Twenty, have been canceled.

Please direct any questions to Jerri Ramsey at jerri.ramsey@wwcc.edu or by phone 509-527-4274.

WSR 21-14-016
NOTICE OF PUBLIC MEETINGS
FRUIT COMMISSION

[Filed June 25, 2021, 4:12 p.m.]

CHANGE OF LOCATION - COMMISSION MEETING
 [Memorandum—June 25, 2021]

Due to continued social distancing guidelines, the following scheduled meeting **location** has been CHANGED to:

August 4, 2021 11:00 a.m. Wenatchee Center Hotel
 201 North Wenatchee Avenue
 Wenatchee, WA 98801

The Washington state fruit commission 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 attending and/or listening in, or require alternative means of communication (such as Braille, large print, sign language) or language interpretation or special accommodations, should contact the Washington state fruit commission (WSFC) at 509-453-4837 at least four business days prior to the meeting.

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

WSR 21-14-017
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH

(Board of Osteopathic Medicine and Surgery)

[Filed June 28, 2021, 8:05 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 (DOH), board of osteopathic medicine and surgery, for the year 2021. The board of osteopathic medicine and surgery 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 DOH website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the board of osteopathic medicine and surgery reserves the right to change or amend agendas at the meeting.

Date	Time	Locations
January 7, 2022	9:00 a.m.	Kent
February 25, 2022	9:00 a.m.	Kent
March 28, 2022	9:00 a.m.	Yakima
June 3, 2022	9:00 a.m.	Kent
July 22, 2022	9:00 a.m.	Kent
September 16, 2022	9:00 a.m.	Kent
October 28, 2022	9:00 a.m.	Kent
December 2, 2022	9:00 a.m.	Kent

If you need further information, please contact Tracie Drake, Program Manager, DOH, Board of Osteopathic Medicine and Surgery, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4766, fax 360-236-2901, email Tracie.Drake@doh.wa.gov, web www.doh.wa.gov.

Please be advised the board of osteopathic medicine and surgery 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 board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 21-14-018
AGENDA
UTILITIES AND TRANSPORTATION
COMMISSION
ENERGY FACILITY SITE
EVALUATION COUNCIL

[Filed June 28, 2021, 8:43 a.m.]

The Washington utilities and transportation commission (UTC) submits its semi-annual rule development agenda report for publication in the Washington State Register pursuant to RCW 34.05.314. This report also includes the rule development agenda for the energy facility site evaluation council (EFSEC).

Please direct any questions to Paige Doyle at 360-664-1140 or paige.doyle@utc.wa.gov.

UTC
Semi-Annual Rules Development Agenda
(July 1 - December 31, 2021)

This report is the utilities and transportation commission's semi-annual report rule development agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

Additional rule-making activity not on the agenda may be undertaken to meet conditions not now anticipated.

Dates that are in "bold" print, indicate that filing has occurred. All other dates are projected. The commission maintains a schedule of rule-making activity that is updated several times per month. See www.utc.wa.gov.

WAC CHAPTER	DOCKET	TITLE	AGENCY CONTACT	PROPOSED TIMELINE AND STATUS			DESCRIPTION OF POSSIBLE CHANGES
				CR-101	CR-102 or CR-105	CR-103 HEARING	
CURRENT:							
480-62	TR-200536	HB 1841 rule making	Betty Young 360-664-1202	7/21/20	To be determined	To be determined	Revise chapter 480-62 WAC to implement HB 1841.
480-100-600	UE-210183	Carbon and electricity markets rule making	Brad Cebulko 360-664-1309	5/3/21	To be determined	To be determined	Define the requirements for using markets purchases to meet the standards of RCW 19.405.030, [19.405.]040, and [19.405.]050, and to address to prohibition on double counting of non-power attributes under RCW 19.405.040 with other programs. The commission may also consider the interpretation of the term "use" in RCW 19.405.040 (1)(a)(ii) and the reporting requirements for compliance with RCW 19.405.030.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE			DESCRIPTION OF POSSIBLE CHANGES
			CR-101	CR-102 or CR-105	CR-103 HEARING	
PROPOSED:						
480-100-600	Cumulative impact analysis rule making	Kendra White 360-701-5363	To be determined	To be determined	To be determined	The cumulative impact analysis rule making will incorporate department of health's new analysis on climate change impacts and fossil fuel impacts into commission rules implementing the Clean Energy Transformation Act.

**EFSEC
Semi-Annual Rules Development Agenda
July 1 - December 31, 2021**

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE AND STATUS			DESCRIPTION OF POSSIBLE CHANGES
			CR-101	CR-102 or CR-105	CR-103 HEARING	
CURRENT:						
463-76	NPDES compliance	Sonia Bumpus 360-664-1363	7/26/17	To be determined	To be determined	Adopt ecology water quality rules and additional revisions to ensure consistency with EFSEC statutory authorities, ecology rules, and federal regulations to support environmental protection agency's (EPA) renewal of EFSEC's NPDES delegation.
PROPOSED:						
Title 463 WAC	Administrative updates	Sonia Bumpus 360-664-1363		(CR-105) To be determined	To be determined	Amend multiple chapters of Title 463 WAC to reflect EFSEC's administrative incorporation into UTC, such as EFSEC's street address, and other changes specifically dictated by statutory revisions.
Title 463 WAC	Process updates	Sonia Bumpus 360-664-1363	To be determined	To be determined	To be determined	Inquiry to examine whether EFSEC should adopt new or modify existing rules to address process changes related to siting and compliance monitoring.
463-76	Enforcement and appeals	Sonia Bumpus 360-664-1363	To be determined	To be determined	To be determined	Creates a new chapter of rules and amends multiple chapters of Title 463 WAC to incorporate statutory changes made in 2015 (SB 5310), and to clarify EFSEC's enforcement and appeals process.

WAC CHAPTER	TITLE	AGENCY CONTACT	PROPOSED TIMELINE AND STATUS			DESCRIPTION OF POSSIBLE CHANGES
			CR-101	CR-102 or CR-105	CR-103 HEARING	
463-78	Air quality permitting	Sonia Bumpus 360-664-1363	To be determined	To be determined	To be determined	Amend existing rule: 1. In response to EPA rule revisions in 40 C.F.R. Parts 51, 52, including startup, shutdown and malfunction, as necessary. 2. To be consistent with department of ecology rule revisions addressing new source review and additional prevention of significant deterioration issues in chapters 173-400 and 173-401 WAC including applicable provisions of the governor's proposed clean air rule, as necessary. 3. To support submittal of EFSEC's state implementation plan update to United States EPA.

Mark L. Johnson
Executive Director
and Secretary

WSR 21-14-020
HEALTH CARE AUTHORITY

[Filed June 28, 2021, 11:29 a.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 21-0026 Nursing Facility, Adult Family Home, Individual Provider, and Agency Provider Rates.

Effective Date: January 1, 2021.

Description: The health care authority (HCA) in conjunction with the aging and long-term support administration in the department of social and health services (DSHS) intends to submit medicaid SPA 21-0026 in order to increase the reimbursement rates for individual providers, agency providers, and adult family homes, and raise the nursing facility budget dial and swing bed rates.

This SPA is expected to have the following impacts on rates (these estimates are generated using standard federal match):

- Individual providers: An average increase of \$0.18 per quarter hour across CARE classifications for federal fiscal years 2021 and 2022.
- Agency providers: An average increase of \$0.24 per quarter hour across CARE classifications for federal fiscal years 2021 and 2022.
- Adult family homes: An average increase of \$5.18 per day across CARE classifications for federal fiscal years 2021 and 2022.
- Nursing facility budget dial: Increasing from \$250.71 to \$259.84.
- Nursing facility swing beds: Increasing from \$217.23 to \$232.58.

A copy of proposed SPA 21-0026 is currently under development. HCA and DSHS would appreciate any input or concerns regarding this SPA. To request a copy of the SPA 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).

Interested parties may submit comments and concerns about the rates or the effects the changes may have on beneficiary access to care or continued service access. Please submit comments and concerns to 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: Elizabeth Pashley, Office of Rates Management, Aging and Long-Term Support, DSHS, P.O. Box 45600, Olympia, WA 98504-5600, TRS (TDD/TTY) 711, fax 360-725-2641, email Elizabeth.Pashley@dshs.wa.gov, website <https://www.dshs.wa.gov/altsa/management-services-division/office-rates-management>.

WSR 21-14-021
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE
REHABILITATION COUNCIL

[Filed June 28, 2021, 1:29 p.m.]

People living with disabilities have the influence to shape the vocational rehabilitation services they receive. All are welcome.

On Tuesday, August 3, 2021, at 9:00 a.m. - 12:00 p.m. Meeting will be open starting at 8:50 a.m. if you want to

check your connection. 10:45 - 11:00 a.m. will be open for public comment.

On Wednesday, August 4, 2021, at 9:00 a.m. - 12:00 p.m.

Meeting will be open starting at 8:50 a.m. if you want to check your connection.

Join Zoom meeting <https://dshs-telehealth.zoom.us/j/81462689737?pwd=YUN3S2dJOHdlaXoyK1BvaHpXRko3dz09>, Meeting ID 814 6268 9737, Passcode 000100, Dial-In Alternative +1 253 215 8782 US (Tacoma), Meeting ID 814 6268 9737. Please contact wsrc@dshs.wa.gov for details.

The Washington state rehabilitation council (WSRC) is proud to serve division of vocational rehabilitation (DVR) customers and we continue to pursue the reforms and improvements they deserve. Our goal is to make sure their voice is heard. We provide the customer's perspective to help the DVR deliver effective, equitable, and timely services to increase the number of people with disabilities who become employed.

To request reasonable accommodation, an American sign language interpreter, a spoken language interpreter, or to provide a written comment, please contact the WSRC office by emailing wsrc@dshs.wa.gov, or calling 360-280-2044, no later than Monday, July 19, 2021.

WSR 21-14-024

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF COMMERCE**

[Filed June 28, 2021, 4:20 p.m.]

**Low-Income Home Energy Assistance
Program (LIHEAP) Public Hearing**

The Washington state department of commerce (commerce) plans to hold a public hearing on the proposed Washington state model state plan for the 2022 LIHEAP program year.

The hearing will be held on August 2, 2021, from 11 a.m. - 1 p.m. via Microsoft Teams meeting 1-564-999-2000 ID-321 826 083#.

Written testimony will be accepted up until 5:00 p.m. on August 2, 2021. All written testimony for the LIHEAP hearing should be sent to Lisa Lipsey, Department of Commerce, P.O. Box 42525, Olympia, WA 98504-2525.

If you have any questions or need additional information, please contact Lisa Lipsey at 360-725-2861 or by email at lisa.lipsey@commerce.wa.gov.

WSR 21-14-025

AGENDA

**RECREATION AND CONSERVATION
OFFICE**

(Recreation and Conservation Funding Board)
(Salmon Recovery Funding Board)

[Filed June 28, 2021, 4:38 p.m.]

SEMI-ANNUAL RULE DEVELOPMENT AGENDA

July 1 through December 31, 2021

To comply with RCW 34.05.314, the recreation and conservation office (RCO), on behalf of the recreation and conservation funding board and salmon recovery funding board, has prepared the following agenda for rules under development. As required, filing will be made with the code reviser for publication in the Washington State Register by January 31 and July 31 each year. Within three days of publication, the RCO will provide copies to each person so requesting, the director of the office of financial management, the rules review committee, and other state agencies that may reasonably be expected to have an interest in this subject.

Contact Katie Knight Pruitt, rules coordinator, 360-764-9617, Katie.pruitt@rco.wa.gov.

Rules Development Agenda July 1 through December 31, 2021		
Subject of possible rule making	Purpose	Anticipated public process
COVID-19 rules	Placeholder for rules development in response to the COVID-19 health crisis.	Unknown

WSR 21-14-026
HEALTH CARE AUTHORITY

[Filed June 29, 2021, 7:53 a.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 21-0019 Payment Methodology for Physician, Family Planning, and Mental Health Services.

Effective Date: October 1, 2021.

Description: The health care authority (HCA) intends to submit SPA 21-0019 to update the methodologies for physician, mental health, and family planning services. These updates are to align with the recent 2021-2023 biennial legislative budget, which included increases to these programs.

HCA is in the process of developing the rates; therefore, complete information is not yet available. At this time, rates will increase as follows:

- Mental health services will receive a fifteen percent increase to maintain and increase access for behavioral health services.
- Physician-related services will receive a twenty-one percent increase for enhanced pediatric services and a fifteen percent increase for adult primary care.
- The department of health's sexual reproductive health program providers will receive an increase.

HCA is in the process of developing the SPA. HCA would appreciate any input or concerns regarding this SPA. To request a copy of the SPA when it becomes available or submit comments, you may 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: Wendy Steffens, Financial Services, 626 8th Avenue S.E., Olympia, WA 98504, phone 360-725-5145, TRS 711, email wendy.steffens@hca.wa.gov.

WSR 21-14-027
NOTICE OF PUBLIC MEETINGS
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed June 29, 2021, 8:17 a.m.]

Following is the revised schedule of the 2021 meeting dates for the Washington state criminal justice training commission (WSCJTC).

The meetings will be held virtually and/or at WSCJTC located at 19010 1st Avenue South, Burien, WA 98148. The agendas posted prior to each meeting will indicate whether in-person attendance is authorized and if so, detail the room number.

Date	Time	Location
Wednesday January 27, 2021	10:00 a.m.	Virtual meeting
Wednesday March 10, 2021	10:00 a.m.	WSCJTC or virtual meeting
Wednesday June 9, 2021	10:00 a.m.	WSCJTC or virtual meeting

Date	Time	Location
Wednesday June 30, 2021	9:30 a.m.	WSCJTC or virtual meeting
Wednesday September 8, 2021	10:00 a.m.	WSCJTC or virtual meeting
Wednesday December 8, 2021	10:00 a.m.	WSCJTC or virtual meeting

If you have questions, please call Monica Alexander at 206-835-7372.

WSR 21-14-029
RULES COORDINATOR
RENTON TECHNICAL COLLEGE

[Filed June 29, 2021, 9:50 a.m.]

Pursuant to RCW 34.05.312, the rules coordinator for Renton Technical College is Jacob Jackson, interim vice president [of] administration and finance, effective June 1, 2021. The former rules coordinator Eduardo Rodriguez departed the college May 31, 2021.

Interim vice president Jackson can be reached at jacob.jackson@rtc.edu or 425-235-5846.

Please contact Kevin D. McCarthy at kmccarthy@rtc.edu if you need further information.

Kevin D. McCarthy, Ph.D.
President

WSR 21-14-030
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE

[Filed June 29, 2021, 10:36 a.m.]

INTERPRETIVE STATEMENT ISSUED

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

ETA 3043.2021 - Low-Density Light and Power Utility Deduction

The department of revenue has revised ETA 3043. This ETA explains the public utility tax deduction provided by RCW 82.16.053 to qualifying power and light businesses.

RCW 82.16.053 requires the department to determine the state average electric power rate each year and inform taxpayers of this rate. This rate is used by power and light businesses to compute the amount of the deduction. The revised ETA 3043 updates the information to provide the rate for the period of July 1, 2021, through June 30, 2022.

A copy of this document is available via the Internet at Rule and Tax Advisory Adoptions and Repeals.

Atif Aziz
Tax Policy Manager
Rules Coordinator

WSR 21-14-033
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed June 29, 2021, 11:22 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.

Economic Services Administration
Division of Child Support (DCS)

Document Title: DCS Administrative Policy 1.13: How DCS Develops Policies.

Subject: AP 1.13.

Effective Date: June 10, 2021.

Document Description: This DCS administrative policy explains procedures for how DCS develops policies.

To receive a copy of the interpretive or policy statements, contact Rachel Shaddox, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone 360-664-5073, TDD/TTY 800-833-6384, fax 360-664-5342, email Rachel.Shaddox@dshs.wa.gov, website <http://www.dshs.wa.gov/dcs/>.

WSR 21-14-038
DEPARTMENT OF ECOLOGY
 [Filed June 30, 2021, 7:04 a.m.]

PUBLIC NOTICE

The Reissuance of the Wastewater Operator Certification Program Fee Schedule

The Washington state department of ecology (ecology) certifies wastewater treatment plant operators to ensure they are knowledgeable to properly operate and maintain wastewater treatment plants.

By law, ecology must fund the wastewater operator certification (OpCert) program with fees. These fees are subject to change, dependent upon a budget and workload analysis completed every biennium. On March 31, 2021, ecology published a draft fee schedule for comment. Ecology responded to the comments and is now publishing the final wastewater operator certification program fee schedule. Ecology made no changes from the draft fee schedule published on March 31, 2021.

Based on the estimated administrative costs of the OpCert program and the projected account balance, ecology will maintain wastewater operator certification fees at their current level. The fee schedule is detailed in Table 1.

Table 1 - Fee Schedule for Fiscal Years 2022 and 2023

Category	Fiscal Year 2022 (July 1, 2021 - June 30, 2022)	Fiscal Year 2023 (July 1, 2022 - June 30, 2023)
Group I and Group I OIT Applications	\$50.00	\$50.00
Groups II through IV Applications and Groups II through IV OIT Applications	\$67.00	\$67.00
Renewals	\$98.00	\$98.00

Copies of the Final Fee Schedule: The final fee schedule is available online at <https://ecology.wa.gov/opcert>. You may request hard copies from Torrie Shaul at opcert@ecy.wa.gov.

Ecology Contact: Poppy Carre, Washington State Department of Ecology, P.O. Box 47696, Olympia, WA 98504-7696, email opcert@ecy.wa.gov.

Assistance for Persons with Disabilities: To request an ADA accommodation, contact ecology by phone at 360-407-6600 or email at opcert@ecy.wa.gov, or visit <https://ecology.wa.gov/accessibility>. For relay service or TTY call 711 or 877-833-6341.

En Español: Para información en español, por favor comuníquese con Gustavo Ordóñez al 360-407-6619.

WSR 21-14-041
PUBLIC RECORDS OFFICER
OFFICE OF EQUITY
 [Filed June 30, 2021, 11:53 a.m.]

Pursuant to RCW 42.56.580, the public records officer for the office of equity is Cindy Varley, P.O. Box 43113, Olympia, WA 98504, phone 360-902-3355, email Cynthia.varley@equity.wa.gov.

Karen A. Johnson, PhD
 Director

WSR 21-14-043
AGENDA
OFFICE OF
FINANCIAL MANAGEMENT
 [Filed June 30, 2021, 5:00 p.m.]

Following is the office of financial management's (OFM) semi-annual rule-making agenda for publication in the Washington State Register. This list identifies rules under development and rules with anticipated rule-making action during the next six months.

This agenda is available on OFM's website at <https://ofm.wa.gov/about/rule-making-activities>. The information on the OFM website is updated as rule-making notices are filed. If OFM should begin rule-making activities for a rule not listed on the attached agenda, that information will also be posted.

If you have any questions, please feel free to contact Roselyn Marcus at Roselyn.Marcus@ofm.wa.gov or by 360-688-3462. If you have specific questions about state personnel rules, these can readily be addressed by Brandy Chinn with OFM rules and appeals. Brandy can be reached at Brandy.Chinn@ofm.wa.gov or at 360-407-4141.

Semi-Annual Rule-Making Agenda
July 1 - December 31, 2021

WAC Citation	Subject Matter/Purpose of Rule	Current Activity/ Approximate Filing Date
357-31-005	Juneteenth holiday, amend WAC 357-31-005 to align with the changes in chapter 295, Laws of 2021 (SHB 1016) adding June 19 as a legal holiday in recognition of the date of remembrance for the day African slaves learned of their freedom.	CR-102 filing anticipated in July.
357-31-687 357-31-797	Shared leave pools, amend sections to clarify that an employee may maintain a balance of forty hours of applicable leave types for the uniformed services and veterans' in-state service shared leave pools.	CR-102 filing anticipated in July.
357-46-053 357-46-055	High risk employee seniority, amend sections to state when an employee is on approved leave without pay as a result of the governor issuing a proclamation directly related to health and safety their seniority dates must not be adjusted.	CR-102 filing anticipated in July.
Chapter 357-01 and 357-31 WAC	Part-time employees of institutions of higher education, amend chapters to ensure employees receive holiday and leave accruals.	CR-102 filing anticipated in November.

Roselyn Marcus
 Assistant Director
 Legal and Legislative Affairs

WSR 21-14-048

AGENDA

DEPARTMENT OF AGRICULTURE

[Filed July 1, 2021, 11:30 a.m.]

Following is the department of agriculture's semi-annual rules development agenda for the period of July 1 through December 31, 2021. This document is being sent in compliance with RCW 34.05.314.

The department may undertake additional rule-making activity as conditions warrant. If you have questions regarding the department's rule-making agenda, please contact Gloriann Robinson at 360-902-1802 or grobinson@agr.wa.gov.

SEMI-ANNUAL RULES DEVELOPMENT AGENDA

July 1 - December 31, 2021

WAC Chapter	Rule Title or Subject	Agency Contact	Tentative Timeline			Subject of Rule Making
			CR-101	CR-102 CR-105	CR-103	
16-54	Animal importation	Jodi Jones Animal Services Division Phone 360-902-1889 jjones@agr.wa.gov	February 2019 August 2021	TBD	TBD	Clarifies that dogs imported into Washington state must have a negative heartworm test prior to entry and allows horses to enter the state on an electronic equine certificate of veterinary inspection.
16-70	Animal diseases—Reporting	Jodi Jones Animal Services Division Phone 360-902-1889 jjones@agr.wa.gov	February 2019 August 2021	TBD	TBD	Updates the diseases that need to be reported to the state veterinarians office and the timeframes associated with reporting.
16-80	Swine diseases in Washington state	Jodi Jones Animal Services Division Phone 360-902-1889 jjones@agr.wa.gov	February 2019 August 2021	TBD	TBD	Removes reference to the department's laboratory for blood samples from Washington swine; updates United States Department of Agriculture (USDA) C.F.R. citations.
16-89	Sheep and goat diseases in Washington state	Jodi Jones Animal Services Division Phone 360-902-1889 jjones@agr.wa.gov	February 2019 August 2021	TBD	TBD	Removes Q fever testing requirements; updates USDA C.F.R. citations.
16-160	Registration of materials for organic food production	Brenda Book Organic Program Phone 360-902-2090 bbook@agr.wa.gov	October 2019 May 2021	July 2021	TBD	Increases the registration fees and restructures the fee schedule. Updates the registered material logo.
16-171	Hemp extract certification	David Smith Food Safety Program Phone 360-902-1952 dsmith@agr.wa.gov	July 2021	TBD	TBD	Updates the rule to reflect the restructuring of chapter 69.04 RCW which moved the food related requirements into chapter 15.130 RCW and changes the section titles from a Q&A format to a statement/phrase format.
16-228	General pesticide rules	Christina Zimmerman Pesticide Licensing Phone 360-902-2150 czimmerman@agr.wa.gov	November 2018 July 2020 July 2021	September 2021	TBD	Amends provisions regarding pesticide exams in order to have the option to contract out for third party administration of testing.
16-228	General pesticide rules	Tim Schultz Pesticide Compliance Phone 509-994-0936 tschultz@agr.wa.gov [tschultz@agr.wa.gov]	January 2020 July 2021	TBD	TBD	Modifies the penalty calculation for pesticide violations.

WAC Chapter	Rule Title or Subject	Agency Contact	Tentative Timeline			Subject of Rule Making
			CR-101	CR-102 CR-105	CR-103	
16-232	Use restricted herbicides in certain counties	Tim Schultz Pesticide Compliance Phone 509-994-0936 tschultz@agr.wa.gov [tschultz@agr.wa.gov]	July 2021	TBD	TBD	Updates legal descriptions and area boundaries in Eastern Washington counties regarding phenoxy hormone-type herbicide requirements.
16-240	WSDA grain inspection program—Definitions, standards and fees	Philip Garcia Grain Inspection Program Phone 360-902-1921 pgarcia@agr.wa.gov	January 2020 July 2021	TBD	TBD	Amends the grain inspection fee schedule, updates federal agency references and clarifies language.
16-302	General rules for seed certification	Paula Moore Seed Inspection Program Phone 509-249-6950 pmoore@agr.wa.gov	January 2020 May 2021	August 2021	September 2021	Amends the rule in regards to plants with the AXigen trait, allowances for ascochyta blight in chickpea fields, tolerances for triticale in wheat seed, and amending seed standards regarding CoAXium varieties. <i>Rule making initiated as a result of a petition.</i>
16-303	Seed assessment, fees for seed services and seed certification	Paula Moore Seed Inspection Program Phone 509-249-6950 pmoore@agr.wa.gov	February 2019 April 2021	August 2021	September 2021	Amends the fee schedule in order to recover the costs of providing service.
16-325	Seed potato isolation district	Cindy Cooper Plant Services Program Phone 360-902-2062 ccooper@agr.wa.gov	July 2021	TBD	TBD	Adds requirements for all lots entering the isolation district to be test free of bacterial ring rot. Provides forty-eight hour notification to the department of all shipments entering the isolation district. Adds a new violation section regarding the disposition of material shipped into the isolation district violation. <i>Rule making initiated as a result of a petition.</i>
16-470	Moss ball quarantine	Cindy Cooper Plant Services Program Phone 360-902-2062 ccooper@agr.wa.gov	August 2021	TBD	TBD	Establishes a quarantine on moss balls being shipped into Washington state, as they are a known conveyance of the plant pest, zebra mussels.
16-482	Seed potato quarantine	Cindy Cooper Plant Services Program Phone 360-902-2062 ccooper@agr.wa.gov	July 2021	TBD	TBD	Adds a section stating that potatoes entering the seed potato isolation district are subject to additional requirements under chapter 16-325 WAC. <i>Rule making initiated as a result of a petition.</i>

WAC Chapter	Rule Title or Subject	Agency Contact	Tentative Timeline			Subject of Rule Making
			CR-101	CR-102 CR-105	CR-103	
16-501	WSDA procedural rules—Commodity boards or commissions	Teresa Norman Administrative Regulations Phone 360-902-2043 tnorman@agr.wa.gov	NA	December 2021	TBD	Provides a method to defray expenses incurred by the department when establishing, amending or terminating a marketing order or agreement and other activities conducted on behalf of a commodity board or commission. <i>Expedited rule making.</i>
16-662	Weights and measures—National handbook, sale of motor fuel, and penalties for violations	Brad White Assistant Director Plant Protection Division Phone 360-902-1907 bwhite@agr.wa.gov	August 2021	TBD	TBD	Establishes requirements for electric vehicle supply equipment and electric vehicle service providers as outlined in SB 5192.

Gloriann Robinson
Rules Coordinator

WSR 21-14-052
INTERPRETIVE STATEMENT
DEPARTMENT OF REVENUE

[Filed July 1, 2021, 11:42 a.m.]

INTERPRETIVE STATEMENT ISSUED

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

ETA 3226.2021 *Applicability of Leasehold Excise Tax to Leases of Dark Fiber from Public Owners*

This ETA provides guidance regarding when a lease of dark fiber from a public owner is subject to the leasehold excise tax.

A copy of this document is available via the Internet at Rule and Tax Advisory Adoptions and Repeals.

Atif Aziz
Tax Policy Manager
Rules Coordinator

WSR 21-14-060
HEALTH CARE AUTHORITY

[Filed July 2, 2021, 9:16 a.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 21-0027 Home Health Providers.

Effective Date: July 3, 2021.

Description: The health care authority (HCA) intends to submit medicaid SPA 21-0027 in order to add the provider type of social worker to the list of home health providers, in accordance with ESSB 5092.

SPA 21-0027 will increase payments/expenditures; ESSB 5092 appropriated \$1,131,000 combined state and fed-

eral general funds to add home health social workers as providers of home health services.

SPA 21-0027 is currently under development. To request a copy of the SPA 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: Wendy Steffens, Medicaid Rates, 626 8th Avenue S.E., Olympia, WA 98501, TRS (TDD/TTY) 711, website wendy.steffens@hca.wa.gov.

WSR 21-14-071
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION

[Filed July 2, 2021, 12:35 p.m.]

The following times, dates, and locations are for commission meetings for 2021:

Washington state human rights commission, commission meeting, on July 29, 2021, at 9:30 a.m., via telephone conference, 711 South Capitol Way, Suite 402, Olympia, WA 98504, conference line 360-407-4020, access code 8074251.

Washington state human rights commission, commission meeting, on August 26, 2021, at 9:30 a.m., via telephone conference, 711 South Capitol Way, Suite 402, Olympia, WA 98504, conference line 360-407-4020, access code 8074251.

Washington state human rights commission, commission meeting, on September 23, 2021, at 9:30 a.m., via telephone conference, 711 South Capitol Way, Suite 402, Olympia, WA 98504, conference line 360-407-4020, access code 8074251.

Washington state human rights commission, commission meeting, on October 28, 2021, at 9:30 a.m., via tele-

phone conference, 711 South Capitol Way, Suite 402, Olympia, WA 98504, conference line 360-407-4020, access code 8074251.

WSR 21-14-073
NOTICE OF PUBLIC MEETINGS
TRAFFIC SAFETY COMMISSION
 [Filed July 6, 2021, 7:41 a.m.]

Following is the schedule of regular meetings for the Washington traffic safety commission for 2022:

Date	Time	Location
January 20, 2022	10 a.m. - 12 noon	Virtual via Microsoft Teams AND/OR Washington Traffic Safety Commission Offices 621 8th Avenue S.E. Suite 409 Olympia, WA 98504-0944
April 21, 2022	10 a.m. - 12 noon	Virtual via Microsoft Teams AND/OR Washington Traffic Safety Commission Offices 621 8th Avenue S.E. Suite 409 Olympia, WA 98504-0944

Date	Time	Location
July 21, 2022	10 a.m. - 12 noon	Virtual via Microsoft Teams AND/OR Washington Traffic Safety Commission Offices 621 8th Avenue S.E. Suite 409 Olympia, WA 98504-0944
October 20, 2022	10 a.m. - 12 noon	Virtual via Microsoft Teams AND/OR Washington Traffic Safety Commission Offices 621 8th Avenue S.E. Suite 409 Olympia, WA 98504-0944

COVID[-19] pandemic restrictions will determine whether the meetings are held virtually, in-person, or both. If you need further information, please contact Geri Nelson at 360-725-9898 or gnelson@wtsc.wa.gov.

WSR 21-14-081
AGENDA
BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS

[Filed July 6, 2021, 11:49 a.m.]

Semi-Annual Rules Development Agenda
 July to December 2021

WAC Chapter or Section	Purpose of rule being developed or amended
196-09 Board practices and procedures	Amend language regarding the declaration and purpose of the chapter, brief adjudicative proceedings and board member limitations. Add new sections regarding public records and complaint processing approach.
196-12 Registered professional engineers	Amend/remove/clarify language regarding application references, education and work experience records; and, structural experience. Make other housekeeping changes.
196-20 Engineers-in-training	Better define the requirements need [needed] to take the fundamentals-of-engineering exam as well as clarify language that is no longer effective or needs to be rewritten.

WAC Chapter or Section	Purpose of rule being developed or amended
196-23 Stamping and seals	Amend WAC 196-23-020 to include "legal descriptions" under the definition of document. Additional amendments may be considered by the board.
196-25 Business practices	Make amendments to language that is no longer effective, and include language to better define the types of businesses the board licenses.
196-26A Registered professional engineers and land surveyor fees	Removing reference to the director of the department of licensing. Speak to the legal history questions on the initial and renewal applications for professional engineers and land surveyors.
196-30 Fees for on-site wastewater treatment designers and inspectors	Removing reference to the director of the department of licensing. Speak to the legal history questions on the initial and renewal applications for on-site designers and inspectors (certificate of competency holders).

Additional rule development activity not on the agenda may occur as conditions warrant.

If you have questions about this rule development agenda, please contact Shanan Gillespie, Rules Coordinator, P.O. Box 9025, Olympia, WA 98507-9025, email shanan.gillespie@brpels.wa.gov.

Shanan Gillespie
Rules Coordinator

WSR 21-14-083
NOTICE OF PUBLIC MEETINGS
CRANBERRY COMMISSION

[Filed July 6, 2021, 1:06 p.m.]

2021 MEETING SCHEDULE
REVISED - July 6, 2021

The Washington cranberry commission will hold the following meetings in 2021.

January 20, 2021, at 9:00 a.m. - 10:00 a.m.

July 21, 2021, at 9:00 a.m. - 10:00 a.m. The meeting will be held at the Barge Restaurant, 160 Laurel Avenue, Raymond, WA 98577.

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

WAC Citation	The subject matter of rule	Activity
WAC 179-11-040	Requirements to meet the general paraeducator certificate.	CR-102 is anticipated in July 2021. CR-103P is anticipated in September 2021.

Jack Busbee
Paraeducator Board
Rules Coordinator

WSR 21-14-089
AGENDA
PARAEDUCATOR BOARD

[Filed July 7, 2021, 8:44 a.m.]

Semi-Annual Rule-Making Agenda
July to December 2021

Following is the paraeducator board, Title 179 WAC, semi-annual rules development agenda for publication in the Washington State Register. This list identifies rules under active development and rules that the agency anticipates beginning action on during the next six months.

Current information on our rule-making activity is available on the agency website. As circumstances warrant, there may be additional rule-making activity not on this agenda. That information will be posted on our website.

Jack Busbee is available if you have questions about this agenda, email jack.busbee@k12.wa.us, phone 360-867-8034.

WSR 21-14-090
DEPARTMENT OF ECOLOGY

[Filed July 7, 2021, 9:07 a.m.]

PUBLIC NOTICE

Announcing the Draft Modification of the Phase I Municipal Stormwater General Permit and Fact Sheet for Review and Comment

The Washington state department of ecology (ecology) proposes to modify the **Phase I Municipal Stormwater National Pollutant Discharge Elimination System** and state waste discharge general permit (permit). The current permit was last issued in **July 2019** and is scheduled to expire at the end of **July 2024**. The revised draft modification of the permit and fact sheet, which explains the legal and technical basis for the permit modification, are available with any associated documents for review and public comment from **July 21, through August 27, 2021, at 11:59 p.m.** Ecology will host informational workshops and a public hearing(s) on the draft permit.

Purpose of the Permit: The permit regulates the discharges from storm sewer systems owned or operated by Clark, King, Pierce and Snohomish counties; the cities of Seattle and Tacoma; and public entities located in these cities

and counties. The permit requires these municipalities and secondary permittees to protect surface water and groundwater quality by developing and implementing a stormwater management program to control stormwater runoff into and from their storm sewer systems.

Modifications to the Permit: One of the Phase I Municipal Stormwater Permit requirements is for Phase I municipalities to adopt a stormwater program that will provide equal or similar protection of receiving waters and pollutant control as compared to Appendix 1 of the permit. This modification will incorporate, in Appendix 10 of the permit, ecology's determination of equivalency for these stormwater programs.

Applying for a Permit: Facilities covered under the existing municipal stormwater general permits will continue to be covered under the modified permits. Areas covered by the Phase I Stormwater Permit are shown here <https://waecy.maps.arcgis.com/home/item.html?id=df7f487bf29b4c24bf195146f22c3cb5>.

Copies of the Draft Permit and Fact Sheet: The draft permit and fact sheet are available on-line at <https://ecology.wa.gov/ms4> by end of day on July 20, 2021. You may also request copies from Matthew Tietjen at 360-407-6401 or by email at matthew.tietjen@ecy.wa.gov.

Submitting Written Comments: Ecology will accept written comments on the draft permit modification and fact sheet from **July 21, through August 27, 2021, by 11:59 p.m.** Ecology prefers online comment submission via the eComment form (link below) on the permit webpage. Written comments by mail must be postmarked by August 27, 2021. Comments should reference specific permit text when possible.

Online via the eComment form: <https://wq.ecology.commentinput.com/?id=AmZ57>.

By mail: Send to Emma Trehwitt (see ecology contact).

Ecology Contact: Emma Trehwitt, Washington State Department of Ecology, P.O. Box 47696, Olympia, WA 98504-7696, phone 360-338-5831, email emma.trehwitt@ecy.wa.gov.

Assistance for Persons with Disabilities: To request ADA accommodation for disabilities, call ecology at 360-407-7285 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington relay service at 711. People with speech disability may call TTY at 877-833-6341.

Public Workshop(s) and Hearing(s): The purpose of the workshop is to explain the general permit and to answer questions prior to the formal public hearing. The purpose of the hearing is to provide an opportunity for people to give formal oral testimony and written comments on the proposed draft permit. Oral testimony will receive the same consideration as written comments.

The public hearing will begin immediately following the public workshop and will conclude when public testimony is complete.

The permit modification workshops and hearings will occur at the following dates and times: On August 24, 2021, at **9:00 a.m.**, webinar*. Find the webinar information at <https://ecology.wa.gov/ms4>; and on August 24, 2021, at **5:00 p.m.**, Webinar*. Find the webinar information at <https://ecology.wa.gov/ms4>.

* Workshops and hearings offered via webinar allow individuals to view the presentation and provide testimony via computer or mobile device. *Ecology is not currently offering in-person hearings due to COVID-19 safety concerns.*

Issuing the Permit: After ecology receives and considers all public comments, we will make a final decision on permit issuance. Ecology expects to make a decision in **October 2021**.

WSR 21-14-091

NOTICE OF PUBLIC MEETINGS HEALTH CARE AUTHORITY (School Employees Benefits Board)

[Filed July 7, 2021, 9:16 a.m.]

Proposed School Employees Benefits Board (SEBB) Program Policy Statements

The health care authority (HCA) will hold a public meeting to consider proposed SEBB program administrative policies.

The meeting is scheduled for **Tuesday, August 3, 2021, at 11:00 a.m.** HCA remains closed in response to the coronavirus disease 2019 (COVID-19) public health emergency. Until further notice, HCA continues to hold public hearings virtually without a physical meeting place. This promotes social distancing and the safety of the residents of Washington state. To attend, you must register for the meeting before it starts on August 3, 2021, at 11 a.m., at hca.wa.gov/hca-public-hearing. After registering, you will receive a confirmation email containing information about joining the webinar.

The proposed policies can be downloaded online at hca.wa.gov/sebb-rules. Public comment on these policies can be submitted to Stella Ng at P.O. Box 42720, Olympia, WA 98504-2720 or via email at Stella.Ng@hca.wa.gov. The deadline for public comment is August 3, 2021.

For further information or to receive a hard copy of the proposed policies, please contact Stella Ng at Stella.Ng@hca.wa.gov.

WSR 21-14-092

NOTICE OF PUBLIC MEETINGS HEALTH CARE AUTHORITY (Public Employees Benefits Board)

[Filed July 7, 2021, 9:18 a.m.]

Proposed Public Employees Benefits Board (PEBB) Program Policy Statements

The health care authority (HCA) will hold a public meeting to consider proposed PEBB program administrative policies.

The meeting is scheduled for **Tuesday, August 3, 2021, at 11:00 a.m.** HCA remains closed in response to the coronavirus disease 2019 (COVID-19) public health emergency. Until further notice, HCA continues to hold public hearings

virtually without a physical meeting place. This promotes social distancing and the safety of the residents of Washington state. To attend, you must register for the meeting before it starts on August 3, 2021, at 11 a.m., at hca.wa.gov/hca-public-hearing. After registering, you will receive a confirmation email containing information about joining the webinar.

The proposed policies can be downloaded online at hca.wa.gov/pebb-rules. Public comment on these policies can be submitted to Stella Ng at P.O. Box 42684, Olympia, WA 98504-2684 or via email at Stella.Ng@hca.wa.gov. The deadline for public comment is August 3, 2021.

For further information or to receive a hard copy of the proposed policies, please contact Stella Ng at Stella.Ng@hca.wa.gov.

WSR 21-14-100
RULES OF COURT
STATE SUPREME COURT
[July 1, 2021]

IN THE MATTER OF THE SUGGESTED) ORDER
AMENDMENT TO APR 11—MANDA-) NO. 25700-A-1349
TORY CONTINUING LEGAL EDUCA-)
TION)

The Mandatory Continuing Legal Education Board, having recommended the adoption of the suggested amendment to APR 11—Mandatory Continuing Legal Education, 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 shown below is adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the suggested amendment will be published in the Washington Reports and will become effective September 1, 2022.

DATED at Olympia, Washington this 1st day of July, 2021.

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

APR 11
MANDATORY CONTINUING LEGAL EDUCATION (MCLE)

(a)-(b) [Unchanged.]

(c) Education Requirements.

(1) *Minimum Requirement.* Each lawyer must complete 45 credits and each LLLT and LPO must complete 30 credits of approved continuing legal education by December 31 of

the last year of the reporting period with the following requirements:

(i) [Unchanged.]

(ii) at least six credits must be in ethics and professional responsibility, as defined in subsection (f)(2), with at least one credit in equity, inclusion, and the mitigation of both implicit and explicit bias in the legal profession and the practice of law.

(2)-(7) [Unchanged.]

(d)-(e) [Unchanged.]

(f) Approved Course Subjects. Only the following subjects for courses will be approved:

(1) [Unchanged.]

(2) *Ethics and professional responsibility*, defined as topics relating to the general subject of professional responsibility and conduct standards for lawyers, LLLTs, LPOs, and judges, including ~~diversity and antibias with respect to the practice of law or the legal system~~ equity, inclusion, and the mitigation of both implicit and explicit bias in the legal profession and the practice of law, and the risks to ethical practice associated with diagnosable mental health conditions, addictive behavior, and stress;

(3)-(7) [Unchanged.]

(g)-(k) [Unchanged.]

WSR 21-14-101
RULES OF COURT
STATE SUPREME COURT
[July 1, 2021]

IN THE MATTER OF THE SUGGESTED) ORDER
AMENDMENTS TO GR 22—ACCESS) NO. 25700-A-1358
TO FAMILY LAW AND GUARDIAN-)
SHIP)

The Administrative Office of the Courts' Office of Guardianship and Elder Services, having recommended the adoption of the suggested amendments to GR 22—Access to Family Law and Guardianship, 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 adopted.

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

DATED at Olympia, Washington this 1st day of July, 2021.

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

SUGGESTED AMENDMENTS TO GR 22
ACCESS TO FAMILY LAW AND GUARDIANSHIP COURT
RECORDS

(a) Purpose and Scope of this Rule. This rule governs access to family law and guardianship court records, whether the records are maintained in paper or electronic form. The policy of the courts is to facilitate public access to court records, provided that such access will not present an unreasonable invasion of personal privacy, will not permit access to records or information defined by law or court rule as confidential, sealed, exempted from disclosure, or otherwise restricted from public access, and will not be unduly burdensome to the ongoing business of the courts.

(b) Definition and Construction of Terms.

(1) "Court record" is defined in GR 31 (c)(4).

(2) "Family law case or guardianship case" means any case filed under Chapters 11.88, 11.92, 11.130, 26.09, 26.10, 26.12, 26.18, 26.21, 26.23, 26.26, 26.27, 26.50, 26.52, 73.36 and 74.34 RCW.

(3) "Personal Health Care Record" means any record or correspondence that contains health information that: (1) relates to the past, present, or future physical or mental health condition of an individual including past, present, or future payments for health care; or (2) involves genetic parentage testing.

(4) "Personal Privacy" is unreasonably invaded only if disclosure of information about the person or the family (a) would be highly offensive to a reasonable person and (b) is not of legitimate concern to the public.

(5) "Public access" means unrestricted access to view or copy a requested court record.

(6) "Restricted personal identifiers" means a party's social security number, a party's driver's license number, a party's telephone number, financial account numbers, social security number of a minor child and date of birth of a minor child.

Comment

A party is not required to provide a residence address. Petitioners or counsel to a family law case will provide a service or contact address in accordance with CR 4.1 that will be publicly available and all parties and counsel should provide a contact address if otherwise required. Pattern forms shall be modified, as necessary, to reflect the intent of this rule.

(7) "Retirement plan order" means a supplemental order entered for the sole purpose of implementing a property division that is already set forth in a separate order or decree in a family law case. A retirement plan order may not grant substantive relief other than what is set forth in a separate order. Examples of retirement plan orders are orders that implement a division of retirement, pension, insurance, military, or similar benefits as already defined in a decree of dissolution of marriage.

(8) "Sealed financial source documents" means income tax returns, W-2s and schedules, wage stubs, credit card statements, financial institution statements, checks or the equivalent, check registers, loan application documents, and retirement plan orders, as well as other financial information sealed by court order.

(c) Access to Family Law or Guardianship Court Records.

(1) *General Policy.* Except as provided in ~~RCW 26.26-610(2)~~ 26.26A.500 and subsections (c)(2) and (c)(3) below, all court records shall be open to the public for inspection and copying upon request. The Clerk of the court may assess fees, as may be authorized by law, for the production of such records.

(2) *Restricted Access.* The Confidential Information Form, Sealed Financial Source Documents, Domestic Violence Information Form, Notice of Intent to Relocate required by RCW 26.09.440, Sealed Personal Health Care Record, Retirement Plan Order, Confidential Reports as defined in (e)(2)(B), copies of any unredacted Judicial Information System (JIS) database information considered by the court for parenting plan approval as set forth in (f) of this rule, and any Personal Information Sheet necessary for JIS purposes shall only be accessible as provided in sections (h) and (i) herein.

(3) *Excluded Records.* This section (c) does not apply to court records that are sealed as provided in GR 15, or to which access is otherwise restricted by law.

(d) Restricted Personal Identifiers Not Required—Except. Parties to a family law case or the ~~protected person respondent, individual subject to guardianship, conservatorship or other protective arrangement, or other party~~ in a guardianship case shall not be required to provide restricted personal identifiers in any document filed with the court or required to be provided upon filing a family law or guardianship case, except:

(1) "Sealed financial source documents" filed in accordance with (g)(1).

(2) The following forms: Confidential Information Form, Domestic Violence Information Form, Notice of Intent to Relocate required by RCW 26.09.440, Vital Statistics Form, Law Enforcement Information Form, Foreign Protection Order Information Form, and any Personal Information Sheet necessary for JIS purposes.

(3) Court requested documents that contain restricted personal identifiers, which may be submitted by a party as financial source documents under the provisions of section (g) of this rule.

Comment

Court records not meeting the definition of "Sealed Financial Source Documents," "Personal Health Care Records," Retirement Plan Orders, Confidential Reports or court records that otherwise meet the definition but have not been submitted in accordance with (g)(1) are not automatically sealed. Section (3) provides authority for the court to seal court records containing restricted personal identifiers upon motion of a party, or on the court's own motion during a hearing or trial.

(e) Filing of Reports in Family Law and Guardianship cases—Cover Sheet.

(1) This section applies to documents that are intended as reports to the court in Family law and Guardianship cases including, but not limited to, the following:

(A) Parenting evaluations;

(B) Domestic Violence Assessment Reports created by Family Court Services or a qualified expert appointed by the court;

(C) Risk Assessment Reports created by Family Court Services or a qualified expert;

(D) CPS Summary Reports created by Family Court Services or supplied directly by Children's Protective Services;

(E) Sexual abuse evaluations; and

(F) Reports of a guardian ad litem or Court Appointed Special Advocate or visitor or court visitor.

(2) Reports shall be filed as two separate documents, one public and one sealed.

(A) Public Document. The public portion of any report shall include a simple listing of:

(i) Materials or information reviewed;

(ii) Individuals contacted;

(iii) Tests conducted or reviewed; and

(iv) Conclusions and recommendations.

(B) Sealed Document. The sealed portion of the report shall be filed with a coversheet designated: "Sealed Confidential Report." The material filed with this coversheet shall include:

(i) Detailed descriptions of material or information gathered or reviewed;

(ii) Detailed descriptions of all statements reviewed or taken;

(iii) Detailed descriptions of tests conducted or reviewed; and

(iv) Any analysis to support the conclusions and recommendations.

(3) The sealed portion may not be placed in the court file or used as an attachment or exhibit to any other document except under seal.

(f) Information Obtained from JIS Databases with Regard to Approval of a Parenting Plan.

When a judicial officer proposes to consider information from a JIS database relevant to the placement of a child in a parenting plan, the judicial officer shall either orally disclose on the record or disclose the relevant information in written form to each party present at the hearing, and, on timely request, provide any party an opportunity to be heard regarding that information. The judicial officer has discretion not to disclose information that he or she does not propose to consider. The judicial officer may restrict secondary dissemination of written unredacted JIS database information not available to the public.

(g) Sealing Financial Source Documents, Personal Health Care Records, and Sealed Confidential Reports in Family Law and Guardianship cases—Cover Sheet.

(1) Financial source documents, personal health care records, confidential reports as defined in (e)(2)(B) of this rule, and copies of unredacted JIS database records considered by the court for parenting plan approval as set forth in (f) of this rule, shall be submitted to the clerk under a cover sheet designated "SEALED FINANCIAL SOURCE DOCUMENTS," "SEALED PERSONAL HEALTH CARE RECORDS," "SEALED CONFIDENTIAL REPORT" or "JUDICIAL INFORMATION SYSTEM DATABASE RECORDS" for filing in the court record of family law or guardianship cases.

(2) All financial source documents, personal health care records, confidential reports, or JIS database records so submitted shall be automatically sealed by the clerk. The cover sheet or a copy thereof shall remain part of the public court file.

(3) The court may order that any financial source documents, personal health care records, any report containing information described in (e)(2)(B), or copies of unredacted JIS database records considered by the court for parenting plan approval as described in (f) be sealed, if they have not previously automatically been sealed pursuant to this rule.

(4) These cover sheets may not be used for any documents except as provided in this rule. Sanctions may be imposed upon any party or attorney who violates this rule.

Comment

See comment to (d)(3) above.

(h) Access by Courts, Agencies, and Parties to Restricted Documents.

(1) Unless otherwise provided by statute or court order, the following persons shall have access to all records in family law or guardianship cases:

(A) Judges, commissioners, other court personnel, the Commission on Judicial Conduct, and the Certified Professional Guardian Board may access and use restricted court records only for the purpose of conducting official business of the court, Commission, or Board.

(B) Any state administrative agency of any state that administers programs under Title IV-A, IV-D, IV-E, or XIX of the federal Social Security Act.

(2) Except as otherwise provided by statute or court order, the following persons shall have access to all documents filed in a family law or guardianship case, except the Personal Information Sheet, Vital Statistics Form, Confidential Information Form, Domestic Violence Information Form, Law Enforcement Information Form, and Foreign Protection Order Form.

(A) Parties of record as to their case.

(B) Attorneys as to cases where they are attorneys of record.

(C) Court appointed Title 11 guardians ad litem, visitor or court visitor as to cases where they are actively involved.

(i) Access to Court Records Restricted Under This Rule.

(1) The parties may stipulate in writing to allow public access to any court records otherwise restricted under section (c)(2) above.

(2) Any person may file a motion, supported by an affidavit showing good cause, for access to any court record otherwise restricted under section (c)(2) above, or to be granted access to such court records with specified information deleted. Written notice of the motion shall be provided to all parties in the manner required by the Superior Court Civil Rules. If the person seeking access cannot locate a party to provide the notice required by this rule, after making a good faith reasonable effort to provide such notice as required by the Superior Court Rules, an affidavit may be filed with the court setting forth the efforts to locate the party and requesting waiver of the notice provision of this rule. The court may waive the notice requirement of this rule if the court finds that

further good faith efforts to locate the party are not likely to be successful, or if the motion requests access to redacted JIS database records.

(A) The court shall allow access to court records restricted under this rule, or relevant portions of court records restricted under this rule, if the court finds that the public interests in granting access or the personal interest of the person seeking access outweigh the privacy and safety interests of the parties or dependent children.

(B) Upon receipt of a motion requesting access, the court may provide access to JIS database records described in (f) after the court has reviewed the JIS database records and redacted pursuant to GR 15(c), any data which is confidential or restricted by statute or court rule.

(C) If the court grants access to restricted court records, the court may enter such orders necessary to balance the personal privacy and safety interests of the parties or dependent children with the public interest or the personal interest of the party seeking access, consistent with this rule.

[Adopted effective October 1, 2001; Amended effective July 1, 2006; August 11, 2009.]

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 21-14-102
RULES OF COURT
STATE SUPREME COURT
[July 1, 2021]

IN THE MATTER OF THE SUGGESTED) ORDER
AMENDMENT TO GR 27—COURT-) NO. 25700-A-1359
HOUSE FACILITATORS)

The Superior Court Judges' Association, having recommended the adoption of the suggested amendment to GR 27—Courthouse Facilitators, 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 shown below is adopted.

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

DATED at Olympia, Washington this 1st day of July, 2021.

Johnson, J. _____
Madsen, J. _____
Gonzalez, C.J. _____
Gordon McCloud, J. _____
Yu, J. _____

Owens, J. _____
Stephens, J. _____
Montoya-Lewis, J. _____
Whitener, J. _____

GR 27
COURTHOUSE FACILITATORS

(a) Generally. RCW 26.12.240 and RCW 11.88.170 provide a county may create a courthouse facilitator program to provide basic services to pro se litigants in family law and guardianship cases. This Rule applies only to courthouse facilitator programs created pursuant to RCW 26.12.240 or RCW 11.88.170/RCW 11.130.165.

(b) The Washington State Supreme Court shall create a Courthouse Facilitator Advisory Committee supported by the Administrative Office of the Courts to establish minimum qualifications and develop and administer a curriculum of initial and ongoing training requirements for Family Law and Guardianship Courthouse Facilitators. The Administrative Office of the Courts shall assist counties in administering Family Law Courthouse Facilitator Programs.

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

(1) A Courthouse Facilitator is an individual who has met or exceeded the minimum qualifications and completed the curriculum developed by the Courthouse Facilitator Advisory Committee and who is providing basic services in family law or guardianship cases in a Superior Court.

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

(3) Guardianship cases include cases filed under chapters 11.88, 11.90, 11.92, 11.130 and 73.36.

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

(A) referral to legal and social service resources, including lawyer referral and alternate dispute referral programs and resources on obtaining forms and instructions;

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

(C) processing interpreter requests for facilitator assistance and court hearings;

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

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

(F) explanation of legal terms;

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

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

(I) previewing pro se documents prior to hearings for matters such as dissolution of marriage, review hearings, and show cause and temporary relief motions calendars under the direction of the Clerk or Court to determine whether procedural requirements have been complied with;

(J) attendance at hearings to assist the Court with pro se matters;

(K) assistance with preparation of court orders under the direction of the Court;

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

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

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

(f) Courthouse Facilitators providing basic services under this rule are not engaged in the unauthorized practice of law. Upon a courthouse facilitator's voluntary or involuntary termination from a courthouse facilitator program, that person is no longer a courthouse facilitator providing services pursuant to RCW 26.12.240 or RCW 11.88.170/11.130.165 or this Rule.

WSR 21-14-103
RULES OF COURT
STATE SUPREME COURT
[July 1, 2021]

IN THE MATTER OF THE SUGGESTED) ORDER
AMENDMENT TO SAR 15—COMMIS-) NO. 25700-A-1360
SIONER OF THE SUPREME COURT)

The Chief Justice's Chambers, having recommended the adoption of the suggested amendment to SAR 15—Commissioner of the Supreme Court, 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 shown below is adopted.

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

DATED at Olympia, Washington this 1st day of July, 2021.

Johnson, J. _____
Madsen, J. _____
Gonzalez, C.J. _____
Gordon McCloud, J. _____
Yu, J. _____

Owens, J. _____
Montoya-Lewis, J. _____
Whitener, J. _____

Proposed Amendment:

RULE 15
COMMISSIONER OF THE SUPREME COURT

(a)-(d) [no change]

(e) **Judicial Law Clerks.** Assisted by any senior law clerks. The commissioner will present an annual orientation for the new law clerks. The commissioner and senior law clerks will prepare and periodically revise a manuals for use by the judicial law clerks.

(f)-(l) [no change]

WSR 21-14-104
RULES OF COURT
STATE SUPREME COURT
[July 1, 2021]

IN THE MATTER OF THE SUGGESTED) ORDER
AMENDMENTS TO APR 4; APR 5; APR) NO. 25700-A-1361
25.1; APR 25.2; APR 25.3; AND APR 28)
APPENDIX 28)

The Washington State Supreme Court, having recommended the adoption of the suggested amendments to APR 4; APR 5; APR 25.1; APR 25.2; APR 25.3; and APR 28 Appendix 28, 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 adopted.

(b) That pursuant to the GR 9, the proposed amendments will be published in the Washington Reports and will become effective on September 1, 2021.

DATED at Olympia, Washington this 1st day of July, 2021.

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

APR 4
EXAMINATIONS FOR ADMISSION; NOTIFICATION OF RESULTS

(a)-(b) [Unchanged.]

(c) Repeating Examinations. There is no limitation on the number of times an unsuccessful lawyer or LPO applicant may apply for and take subsequent administrations of an examination for admission. An LLLT applicant may repeat the examination for admission without limitation on the number of times until the final administration of the LLLT examination after which no examination will be administered.

(d)-(f) [Unchanged.]

APR 5

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

(a)-(b) [Unchanged.]

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

(1) [Unchanged.]

(2) demonstrate completion of ~~3,000~~ 1,500 hours of substantive law-related work experience pursuant to APR 28 Regulation 9.

(3) [Unchanged.]

(d) [Unchanged.]

(e) Expiration of Preadmission Requirements. The preadmission requirements must be completed ~~within~~:

(1) within 40 months from the date of the administration of the examination for lawyer applicants;

(2) ~~40 months from the date of the administration of the examination by July 31, 2022,~~ for LLLT applicants;

(3) within 12 months from the date of the administration of the examination for LPO applicants;

(4) within 12 months from the date of filing the application for lawyer applicants who apply by motion or Uniform Bar Examination (UBE) score transfer, except for good cause shown.

(f)-(m) [Unchanged.]

APR 25.1

RESTRICTIONS ON REINSTATEMENT

(a) [Unchanged.]

(b) When Petition May Be Filed. No disbarred LLLT shall be permitted to seek reinstatement to practice as an LLLT. No petition for reinstatement by a disbarred lawyer or LPO shall be filed within a period of five years after disbarment or within a period of two years after an adverse decision of the Supreme Court upon a former petition, or after an adverse recommendation of the Character and Fitness Board or the Disciplinary Board on a former petition when that recommendation is not submitted to the Supreme Court. If prior to disbarment the lawyer, LLLT, or LPO was suspended from the practice of law pursuant to the provisions of Title 7 of the Rules for Enforcement of Lawyer Conduct, or any comparable rule, the period of such suspension shall be credited toward the five years referred to above.

(c) When Reinstatement May Occur. No disbarred lawyer, ~~LLLT,~~ or LPO may be reinstated sooner than six years following disbarment. If prior to disbarment the lawyer, ~~LLLT,~~ or LPO was suspended from the practice of law pursuant to the provisions of Title 7 of the Rules for Enforcement of Lawyer Conduct, or any comparable rule, the period of such suspension shall be credited toward the six years referred to above.

(d) Payment of Obligations. No disbarred lawyer, ~~LLLT,~~ or LPO may file a petition for reinstatement until costs and expenses and restitution ordered by the Disciplinary Board or the Supreme Court have been paid and until amounts paid out of the Client Protection Fund for losses caused by the conduct of the Petitioner have been repaid to the client protection fund, or until periodic payment plans for costs and expenses, restitution and repayment to the client protection fund have been entered into by agreement between the Petitioner and disciplinary counsel. A Petitioner may seek review by the Chair of the Disciplinary Board of an adverse determination by disciplinary counsel regarding the reasonableness of any such proposed periodic payment plan. Such review will proceed as directed by the Chair of the Disciplinary Board and the decision of the Chair of the Disciplinary Board is final unless the Chair of the Disciplinary Board determines that the matter should be reviewed by the Disciplinary Board, in which case the Disciplinary Board review will proceed as directed by the Chair and the decision of the Board will be final.

APR 25.2

REVERSAL OF CONVICTION

If a lawyer, ~~LLLT,~~ or LPO has been disbarred solely because of his or her conviction of a crime and the conviction is later reversed and the charges dismissed on their merits, the Supreme Court may in its discretion, upon direct application by the lawyer, ~~LLLT,~~ or LPO enter an order reinstating the lawyer, ~~LLLT,~~ or LPO upon such conditions as determined by the Supreme Court. At the time such direct application is filed with the court a copy shall be filed with the Bar. The Supreme Court may request a response to the application from the Bar.

APR 25.3

PETITIONS AND INVESTIGATIONS

(a) Form of Petition. A petition for reinstatement after disbarment shall be in writing and filed with the Bar. The petition shall set forth the residence and address of the Petitioner, the date of disbarment, and a concise statement of facts claimed to justify reinstatement. The petition shall be accompanied by the total fees required of a lawyer, ~~LLLT,~~ or LPO Applicant for admission under these rules, and by a completed application for admission.

(b)-(e) [Unchanged.]

APR 28 APPENDIX

REGULATIONS OF THE APR 28 LIMITED LICENSE LEGAL TECHNICIAN BOARD

REGULATION 1. - 2. [Unchanged.]

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

An applicant for admission as an LLLT shall satisfy the following education requirements:

A. [Unchanged.]

B. Practice Area Curriculum. An applicant for licensure in a defined practice area shall have completed the prescribed curriculum and earned course credits for that defined practice area, as set forth below and in APR 3(e). Each practice area curriculum course shall satisfy the curricular

requirements approved by the LLLT Board and published by the Bar.

1. Domestic Relations.

a. Prerequisites: Prior to enrolling in the domestic relations practice area courses, applicants shall complete the following core courses: Civil Procedure; Interviewing and Investigation Techniques; Introduction to Law and Legal Process; Legal Research, Writing, and Analysis; and Professional Responsibility. [RESERVED.]

b. [Unchanged.]

C. [Unchanged.]

REGULATION 4. LIMITED TIME WAIVERS

A. Limited Time Waiver, Defined. For the limited time between the date the Board begins to accept applications and December 31, 2023, the LLLT Board shall grant a waiver of the minimum associate-level degree requirement and/or the core curriculum education requirement set forth in APR 3 if an applicant meets the requirements set forth in Regulation 4(B). The LLLT Board shall not grant waivers for applications filed after December 31, 2023. The LLLT Board shall not waive the practice area curriculum requirement. The limited time waiver application will be separate from the application process for admission set forth in these regulations.

B.-D. [Unchanged.]

E. Expiration of Limited Time Waiver Approval.

Approval of the limited time waiver application shall expire December 31, 2025 July 31, 2022. After expiration of the approval, any subsequent application for licensure by the applicant shall meet all of the standard requirements for admission without waiver.

REGULATION 5. - 8. [Unchanged.]

REGULATION 9. SUBSTANTIVE LAW-RELATED WORK EXPERIENCE REQUIREMENT

Each applicant for licensure as a limited license legal technician shall show proof of having completed 3,000 1,500 hours of substantive law-related work experience supervised by a licensed lawyer as required by APR 5(c). The experience requirement shall be completed no more than three years before and 40 months after the date of the LLLT practice area examination that the applicant passed and must be completed by July 31, 2022. The proof shall be provided in such form as the Bar requires, but shall include at a minimum:

1.-4. [Unchanged.]

REGULATION 10. [RESERVED.] ADDITIONAL PRACTICE AREAS

A. Application for Additional Practice Area. An LLLT seeking admission in an additional practice area must complete and file with the Bar:

- 1. a completed practice area application in a form and manner prescribed by the Bar;
2. evidence in a form and manner prescribed by the Bar demonstrating completion of the practice area curriculum required under Regulation 3(B); and
3. a signed and notarized Authorization, Release, and Affidavit of Applicant.

B. Additional Practice Area Prelicensure Requirements. An LLLT who is seeking licensure in an additional practice area shall:

1. take and pass the additional practice area examination;

2. pay the annual license fee as stated in the fee schedule; and

3. file any and all licensing forms required for active LLLTs.

The requirements above shall be completed within one year of the date the applicant is notified of the practice area examination results. If an LLLT fails to satisfy all the requirements for licensure in an additional practice area within this period, the LLLT shall not be eligible for licensure in the additional practice area without submitting a new application and retaking the practice area examination.

C. Order Admitting LLLT to Limited Practice in Additional Practice Area. After examining the recommendation and accompanying documents transmitted by the Bar, the Supreme Court may enter such order in each case as it deems advisable. For those LLLTs it deems qualified, the Supreme Court shall enter an order admitting them to limited practice in the additional practice area.

D. Voluntary Termination of Single Practice Area License. An LLLT licensed in two or more practice areas may request to voluntarily terminate a single practice area by notifying the Bar in writing. After terminating the practice area license, the LLLT shall not accept any new clients or engage in work as an LLLT in any matter in the terminated practice area. The Bar will notify the LLLT of the effective date of the termination.

REGULATION 11. [Reserved.]

REGULATION 12. [Reserved.]

REGULATION 13. [Reserved.]

REGULATION 14. [Reserved.]

REGULATION 15. [Reserved.]

REGULATION 16. [Reserved.]

REGULATION 17. [Reserved.]

REGULATION 18. [Reserved.]

REGULATION 19. [Reserved.]

REGULATION 20. AMENDMENT AND BOARD POLICIES

These Regulations may be altered, amended, or repealed by vote of the LLLT Board on approval of the Supreme Court. The LLLT Board has ongoing authority to adopt policies for the administration of the LLLT program consistent with APR 28 and these Regulations.

WSR 21-14-105

RULES OF COURT

STATE SUPREME COURT

[July 1, 2021]

IN THE MATTER OF THE SUGGESTED) ORDER
AMENDMENT TO CRLJ 43—TAKING) NO. 25700-A-1362
OF TESTIMONY)

The District and Municipal Court Judges' Association, having recommended the suggested amendment to CRLJ 43—Taking of Testimony, 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 shown below 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 2022.

(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, 2022. 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 1st day of July, 2021.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET
Suggested Amendment to
WASHINGTON STATE COURT RULES:
CIVIL RULES FOR COURTS OF LIMITED JURISDICTION
Amend RULE 43
TAKING OF TESTIMONY
Submitted by the District &
Municipal Court Judges' Association

A. Name of Proponent: District & Municipal Court Judges' Association (DMCJA)

B. Spokesperson: Judge Michelle Gehlsen, President DMCJA

C. Purpose: It was recently brought to the attention of the DMCJA that CR 43 (a)(1) includes a sentence pertaining to remote testimony that is absent from CRLJ 43 (a)(1). The sentence reads, "For good cause in compelling circumstances and with appropriate safeguards, the court may permit testimony in open court by contemporaneous transmission from a different location." Having considered the matter, the DMCJA Board determined that courts of limited jurisdiction would benefit from similar flexibility in permitting remote testimony. Further, it is good practice for the rules of the trial courts to remain congruent. Therefore, the DMCJA requests that an additional sentence be added to CRLJ 43 (a)(1) making it identical to CR 43 (a)(1).

D. Hearing: A hearing is not recommended.

E. Expedited Consideration: Expedited consideration is not requested.

Proposed Amendment:
CRLJ 43
TAKING OF TESTIMONY

(a) Testimony.

(1) *Generally.* In all trials the testimony of witnesses shall be taken orally in open court, unless otherwise directed by the court or provided by rule or statute. For good cause in compelling circumstances and with appropriate safeguards,

the court may permit testimony in open court by contemporaneous transmission from a different location.

(2) *Multiple Examinations.* When two or more attorneys are upon the same side trying a case, the attorney conducting the examination of a witness shall continue until the witness is excused from the stand; and all objections and offers of proof made during the examination of such witness shall be made or announced by the attorney who is conducting the examination or cross examination.

(b)-(k) [Unchanged.]

WSR 21-14-106
RULES OF COURT
STATE SUPREME COURT
[July 1, 2021]

IN THE MATTER OF THE SUGGESTED) ORDER
AMENDMENT TO GR 22—ACCESS TO) NO. 25700-A-1363
FAMILY LAW AND GUARDIANSHIP)
COURT RECORDS)

The District and Municipal Court Judges' Association, having recommended the suggested amendment to GR 22—Access to Family Law and Guardianship Court Records, 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 shown below 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 2022.

(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, 2022. 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 1st day of July, 2021.

For the Court

Gonzalez, C.J.

GR 9 COVER SHEET
Suggested Amendments to
WASHINGTON STATE COURT GENERAL RULES:
RULE 22: ACCESS TO FAMILY LAW AND GUARDIANSHIP
COURT RECORDS
Submitted by the District &
Municipal Court Judges' Association

A. Name of Proponent: District & Municipal Court Judges' Association

B. Spokesperson: Judge Michelle Gehlsen, DMCJA President

C. Purpose: The DMCJA recommends amending GR 22 to include therapeutic court records. Therapeutic courts are defined under RCW 2.30.010. This amendment would further the goal of therapeutic courts to provide individualized treatment intervention. Limited public access to assessments and treatment reports would help encourage defendants to cooperate more honestly with risk/needs assessments, mental health and chemical dependency evaluations, and treatment.

In RCW 2.30.010, the Legislature recognized the unique ability of therapeutic courts to help defendants address their individual treatment needs:

(1) The legislature finds that judges in the trial courts throughout the state effectively utilize what are known as therapeutic courts to remove a defendant's or respondent's case from the criminal and civil court traditional trial track and allow those defendants or respondents the opportunity to obtain treatment services to address particular issues that may have contributed to the conduct that led to their arrest or other issues before the court. Trial courts have proved adept at creative approaches in fashioning a wide variety of therapeutic courts addressing the spectrum of social issues that can contribute to criminal activity and engagement with the child welfare system.

(2) The legislature further finds that by focusing on the specific individual's needs, providing treatment for the issues presented, and ensuring rapid and appropriate accountability for program violations, therapeutic courts may decrease recidivism, improve the safety of the community, and improve the life of the program participant and the lives of the participant's family members by decreasing the severity and frequency of the specific behavior addressed by the therapeutic court.

(3) The legislature recognizes the inherent authority of the judiciary under Article IV, section 1 of the state Constitution to establish therapeutic courts, and the outstanding contribution to the state and local communities made by the establishment of therapeutic courts and desires to provide a general provision in statute acknowledging and encouraging the judiciary to provide for therapeutic court programs to address the particular needs within a given judicial jurisdiction.

Successful completion of a therapeutic court program by a defendant is dependent on the defendant being honest throughout the entire process. Initial evaluations require defendants to be honest about their personal history, their addiction issues, their mental health issues, etc. Having such evaluations and treatment reports be restricted will help facilitate this goal because defendants can speak freely to evaluators, treatment providers and probation counselors without fear their personal private information will be released to the general public.

To further this end, the DMCJA proposes an amendment to GR 22 that would create restricted access to certain critical records used in therapeutic courts. This amendment would facilitate public access to court records while also protecting personal privacy and not unduly burdening the ongoing business of the courts. Please note that this proposal was distrib-

uted to various justice partners, and their input incorporated into the final version. In addition to the DMCJA, this proposal has been reviewed and approved by the Superior Court Judges' Association and the Washington State Association of County Clerks.

D. Proposed Amendments: [set forth below]

E. Hearing: A hearing is not recommended.

F. Expedited Consideration: Expedited consideration is not requested.

PROPOSED AMENDMENT:

GR 22

**ACCESS TO FAMILY LAW, ~~AND~~ GUARDIANSHIP,
AND THERAPEUTIC COURT RECORDS**

(a) Purpose and Scope of this Rule. This rule governs access to family law, ~~and~~ guardianship, and therapeutic court records, whether the records are maintained in paper or electronic form. The policy of the courts is to facilitate public access to court records, provided that such access will not present an unreasonable invasion of personal privacy, will not permit access to records or information defined by law or court rule as confidential, sealed, exempted from disclosure, or otherwise restricted from public access, and will not be unduly burdensome to the ongoing business of the courts.

(b) Definition and Construction of Terms.

(1)-(8) [Unchanged.]

(9) "Therapeutic court cases" means any case in which a party is receiving treatment pursuant to a therapeutic court program under Chapter 2.30 RCW.

(c) Access to Family Law, ~~or~~ Guardianship, and Therapeutic Court Records.

(1) *General Policy.* Except as provided in RCW 26.26-610(2) and subsections (c)(2) and (c)(3) below, all court records shall be open to the public for inspection and copying upon request. The Clerk of the court may assess fees, as may be authorized by law, for the production of such records.

(2) *Restricted Access.* The Confidential Information Form, Sealed Financial Source Documents, Domestic Violence Information Form, Notice of Intent to Relocate required by RCW 26.09.440, Sealed Personal Health Care Record, Retirement Plan Order, Confidential Reports as defined in (e)(2)(B), copies of any unredacted Judicial Information System (JIS) database information considered by the court for parenting plan approval as set forth in (f) of this rule, ~~and~~ any Personal Information Sheet necessary for JIS purposes, and evaluations and reports pursuant to chapter 10.77 RCW, therapeutic court risk/needs assessments, treatment evaluation and treatment compliance forms used in therapeutic court cases or otherwise ordered by a court, shall only be accessible as provided in sections (h) and (i) herein.

(3) *Excluded Records.* This section (c) does not apply to court records that are sealed as provided in GR 15, or to which access is otherwise restricted by law.

(d) Restricted Personal Identifiers Not Required—**Except.** Parties to a family law case or the protected person in a guardianship case or defendants in a therapeutic court or those ordered to do treatment by a therapeutic court shall not be required to provide restricted personal identifiers in any document filed with the court or required to be provided upon filing a family law or guardianship case, except:

(1) "Sealed financial source documents" filed in accordance with (g)(1).

(2) The following forms: Confidential Information Form, Domestic Violence Information Form, Notice of Intent to Relocate required by RCW 26.09.440, Vital Statistics Form, Law Enforcement Information Form, Foreign Protection Order Information Form, and any Personal Information Sheet necessary for JIS purposes.

(3) Court requested documents that contain restricted personal identifiers, which may be submitted by a party as financial source documents under the provisions of section (g) of this rule.

Comment

Court records not meeting the definition of "Sealed Financial Source Documents," "Personal Health Care Records," Retirement Plan Orders, Confidential Reports or court records that otherwise meet the definition but have not been submitted in accordance with (g)(1) are not automatically sealed. Section (3) provides authority for the court to seal court records containing restricted personal identifiers upon motion of a party, or on the court's own motion during a hearing or trial.

(e) Filing of Reports in Family Law, and Guardianship, and Therapeutic Court cases—Cover Sheet.

(1) This section applies to documents that are intended as reports to the court in Family law, ~~and~~ Guardianship, and therapeutic court cases including, but not limited to, the following:

(A) Parenting evaluations;

(B) Domestic Violence Assessment Reports created by Family Court Services or a qualified expert appointed by the court, or created for a therapeutic court purpose or otherwise ordered by a court;

(C) Risk Assessment Reports created by Family Court Services or a qualified expert, or created for a therapeutic court purpose or otherwise ordered by a court;

(D) Treatment evaluation and compliance reports required by a therapeutic court or otherwise ordered by a court;

(E) Mental health competency evaluations;

~~(F)~~ CPS Summary Reports created by Family Court Services or supplied directly by Children's Protective Services;

~~(G)~~ Sexual abuse evaluations; and

~~(H)~~ Reports of a guardian ad litem or Court Appointed Special Advocate.

(2)-(3) [Unchanged.]

(f)-(g) [Unchanged.]

(h) Access by Courts, Agencies, and Parties to Restricted Documents.

(1) Unless otherwise provided by statute or court order, the following persons shall have access to all records in family law, ~~or~~ guardianship, or therapeutic court cases:

(A)-(B) [Unchanged.]

(2) Except as otherwise provided by statute or court order, the following persons shall have access to all documents filed in a family law, ~~or~~ guardianship, or therapeutic court case, except the Personal Information Sheet, Vital Sta-

tistics Form, Confidential Information Form, Domestic Violence Information Form, Law Enforcement Information Form, and Foreign Protection Order Form.

(A)-(C) [Unchanged.]

(i) [Unchanged.]

WSR 21-14-107 RULES OF COURT STATE SUPREME COURT

[July 1, 2021]

IN THE MATTER OF THE SUGGESTED) ORDER
AMENDMENT TO CrRLJ 2.1—COM-) NO. 25700-A-1364
PLAINT—CITATION AND NOTICE)

Chief Justice González's Chambers, having recommended suggested amendment to CrRLJ 2.1—Complaint—Citation and Notice, and a majority of 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 shown below 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 2022.

(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, 2022. 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 1st day of July, 2021.

For the Court

Gonzalez, C.J.

GR 9 COVER SHEET Suggested Amendment to WASHINGTON STATE COURT RULES: CRIMINAL RULES FOR COURTS OF LIMITED JURISDICTION Amend RULE 2.1 COMPLAINT—CITATION AND NOTICE Submitted by the Chief Justice's Chambers

A. Name of Proponent: Chambers of Chief Justice Steven González

B. Spokesperson: Laura Anglin, Justice González's Law Clerk

C. Purpose: CrRLJ 2.1 (c)(7) references a statute that was repealed in 2001, RCW 9.94A.440. The statute has been recodified with amendments at RCW 9.94A.411. The proposed revision reflects that change.

D. Hearing: A hearing is not recommended.

E. **Expedited Consideration:** Expedited consideration is requested given the technical nature of the amendment and because the rule points to a repealed statute.

Proposed Amendment:

RULE 2.1

COMPLAINT—CITATION AND NOTICE

(a)-(b) [no change]

(c) **Citizen Complaints.** Any person wishing to institute a criminal action alleging a misdemeanor or gross misdemeanor shall appear before a judge empowered to commit persons charged with offenses against the State, other than a judge pro tem. The judge may require the appearance to be made on the record, and under oath. The judge may consider any allegations on the basis of an affidavit sworn to before the judge. The court may also grant an opportunity at said hearing for evidence to be given by the county prosecuting attorney or deputy, the potential defendant or attorney of record, law enforcement or other potential witnesses. The court may also require the presence of other potential witnesses.

In addition to probable cause, the court may consider:

(1) Whether an unsuccessful prosecution will subject the State to costs or damage claims under RCW 9A.16.110, or other civil proceedings;

(2) Whether the complainant has adequate recourse under laws governing small claims suits, anti-harassment petitions or other civil actions;

(3) Whether a criminal investigation is pending;

(4) Whether other criminal charges could be disrupted by allowing the citizen complaint to be filed;

(5) The availability of witnesses at trial;

(6) The criminal record of the complainant, potential defendant and potential witnesses, and whether any have been convicted of crimes of dishonesty as defined by ER 609; and

(7) Prosecution standards under ~~RCW 9.94A.440~~ RCW 9.94A.411.

[REMAINDER: NO CHANGE]

(d) [no change]

**WSR 21-14-108
RULES OF COURT
STATE SUPREME COURT**

[July 1, 2021]

IN THE MATTER OF THE SUGGESTED) ORDER
NEW ADMINISTRATIVE RULE FOR) NO. 25700-A-1365
COURTS OF LIMITED JURISDICTION)
(ARLJ) [14]—MANDATORY CON-)
TINUING COURT ADMINISTRATOR)
EDUCATION)

The District and Municipal Court Management Association and the District and Municipal Court Judges' Association, having recommended the suggested new Administrative Rule for Courts of Limited Jurisdiction (ARLJ) [14]—Mandatory Continuing Court Administrator Education, and the

Court having approved the suggested new administrative rule for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested new administrative rule as shown below 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 2022.

(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, 2022. 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 1st day of July, 2021.

For the Court

Gonzalez, C.J.

**GR 9 COVER SHEET
Suggested New
WASHINGTON STATE COURT RULE:
ADMINISTRATIVE RULES FOR COURTS OF LIMITED
JURISDICTION
RULE [14]
MANDATORY CONTINUING COURT ADMINISTRATOR
EDUCATION**

A. Names of Proponents: District & Municipal Court Management Association (DMCMA)

District & Municipal Court Judges' Association (DMCJA)

B. Spokespersons: Margaret Yetter, DMCMA Representative

LaTricia Kinlow, DMCMA Representative

Judge Michelle Gehlsen, President, DMCJA

C. Purpose: The DMCMA and DMCJA recommend adopting a new Administrative Rule for the Courts of Limited Jurisdiction, which would mandate minimum education requirements for court managers. The rule was written to parallel GR 26 regarding mandatory continuing education for judges, but be specific to courts of limited jurisdiction. Both associations have vetted the rule and unanimously recommend adoption.

Court managers are often responsible for ensuring court compliance with the General Rules and other statutes and ordinances. Effective and efficient management of courts requires knowledge and skills in administrative roles and responsibilities, budgeting, human resource management, and related topics. Mandatory training will help address overall court management needs and ongoing education in order to more effectively serve the public and community.

The BJA Court Education Committee Funding Task Force conducted a survey in January 2018 and found that:

1) Training opportunities are limited for court administrators;

2) Court administrators were least likely to receive training early in their tenure - 63% of new court administrators received no training during their first six months on the job.

3) Court administrators should have mandatory training requirements and more training opportunities.

GR 26 established minimum requirements for continuing judicial education of judicial officers. However, there is no rule that establishes minimum requirements for court managers.

The DMCMA currently offers education and training to all court leaders. A rule requiring mandatory education supports ongoing professional development of court leadership and ensures court management efficiencies that are necessary for those court leaders who are responsible for overseeing the advanced functionality in courts of limited jurisdiction, and may enhance fair access to resources. The DMCMA and the DMCJA worked together to craft the language of this new rule, intended to fill this important gap in training for court personnel. Please note the rule contains a proposed effective date of January 1, 2023 to allow time to provide education about and to prepare for implementation of the new rule.

D. Hearing: A hearing is not recommended.

E. Expedited Consideration: Expedited consideration is not requested.

Proposed New:

ARLJ [14]

MANDATORY CONTINUING COURT ADMINISTRATOR EDUCATION

(a) Purpose. The protection of the rights of free citizens depends upon the existence of an independent and competent judiciary. Courts require skilled court administrators to ensure an open, fair and efficient justice system. This is particularly true in courts of limited jurisdiction—the court level the public most often turns to for services. This rule establishes minimum requirements for education and training of court administrators and equivalent employees in courts of limited jurisdiction.

(b) Definitions.

(1) "Court administrator", as used in this rule, means the court administrator or equivalent employee in a court of limited jurisdiction to whom the presiding judge may delegate administrative functions described in GR 29(f). The presiding judge of each district and municipal court shall designate a minimum of one court administrator or equivalent employee per court to comply with this rule.

(2) "Designee", as used in this rule, means the court administrator or equivalent employee as designated by the presiding judge.

(3) "CEC" means the Board for Judicial Administration's Court Education Committee.

(4) "Academy" means the Washington Court Administrator Academy.

(5) "DMCMA" means the District and Municipal Court Management Association.

(6) "AOC" means the Administrative Office of the Courts described in Ch. 2.56 RCW.

(c) Minimum requirement. Each designee shall complete a minimum of fifteen credit hours of continuing education approved by the CEC every three years.

(d) Court Administrator Academy Attendance.

(1) Each designee shall attend and complete the Academy within twelve months of initial appointment.

(2) Each designee holding this position for fewer than four years at the time this rule becomes effective shall attend and complete the Academy within twenty-four months.

(3) The Academy shall consist of no fewer than fifteen hours of education and shall include instruction about roles and responsibilities of court administration, ethics, GR 29, executive branch collaboration, court finances, human resources, and AOC resources and requirements.

(4) The Academy will be offered in conjunction with the annual DMCMA program that receives funding allocated by the CEC. Subject to the availability of CEC and AOC resources, the Academy may also be offered remotely.

(5) In the event of extreme hardship, a presiding judge may request on behalf of their designee a delay of not more than one year to complete the Academy.

(6) The local court jurisdictions lack of adequate budgeting for the designee to attend the Academy shall not constitute an extreme hardship.

(e) Accreditation. The CEC shall, in consultation with the DMCMA and subject to the approval of the Washington Supreme Court, will establish and publish the required curriculum and accreditation standards for the Mandatory Continuing Court Administrator Education.

(f) Compliance. Each designee shall confirm with the AOC on or before January 31 each year, in such form as the AOC shall prescribe, the designee's progress toward the minimum education requirements of section (c) of this rule during the previous calendar year. If the designee does not respond by January 31, their credits will be confirmed by default. A designee who does not have the requisite number of hours at the end of their three-year reporting period will have until March 1 to make up the credits for the previous three-year reporting period. These credits will not count toward their current three-year reporting period.

(g) Non-Compliance. Notification of non-compliance shall be reported to the chair(s) of the CEC and the presiding judge of the appropriate court.

(h) Effective date. This rule becomes effective January 1, 2023.

WSR 21-14-109

**RULES OF COURT
STATE SUPREME COURT**

[July 1, 2021]

IN THE MATTER OF THE SUGGESTED) ORDER
AMENDMENTS TO CrR 3.1—RIGHT) NO. 25700-A-1366
TO AND ASSIGNMENT OF LAWYER)
AND CrR 7.8—RELIEF FROM JUDG-)
MENT OR ORDER)

The Washington State Office of Public Defense, the Washington Defender Association, and the Washington Association of Criminal Defense Lawyers, having recommended the suggested amendments to CrR 3.1— Right to and Assignment of Lawyer and CrR 7.8—Relief From Judgment

or Order, and a majority of 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 shown below are to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites with an end date of September 30, 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 September 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 1st day of July, 2021.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

**ATTACHMENT 1 -
SUGGESTED AMENDMENTS TO CrR 3.1 AND CrR 7.8**

CrR 3.1

RIGHT TO AND ASSIGNMENT OF LAWYER

(b) Stage of Proceedings.

(1) The right to a lawyer shall accrue as soon as feasible after the defendant is taken into custody, appears before a committing magistrate, or is formally charged, whichever occurs earliest.

(2) A lawyer shall be provided at every stage of the proceedings, including sentencing, appeal, and post-conviction review. A lawyer shall be provided without regard to a prior finding of indigence for any person (i) serving a sentence for a conviction based upon a statute determined to be void, invalid, or unconstitutional, or (ii) serving a sentence which was calculated under RCW 9.94A.525 using a prior conviction based upon a statute determined to be void, invalid, or unconstitutional. A lawyer initially appointed shall continue to represent the defendant through all stages of the proceedings unless a new appointment is made by the court following withdrawal of the original lawyer pursuant to section (e) because geographical considerations or other factors make it necessary.

CrR 7.8

RELIEF FROM JUDGMENT OR ORDER

(c) Procedure on Vacation of Judgment.

(1) Motion. Application shall be made by motion stating the grounds upon which relief is asked, and supported by affidavits setting forth a concise statement of the facts or errors upon which the motion is based.

(2) Transfer to Court of Appeals. The court shall transfer a motion filed by a defendant to the Court of Appeals for consideration as a personal restraint petition unless the court determines that the motion is not barred by RCW 10.73.090 and either (i) the defendant has made a substantial showing that he or she is entitled to relief or (ii) resolution of the motion will require a factual hearing. For purposes of subsection (i), a defendant necessarily makes a substantial showing that he or she is entitled to relief where the motion contends the person (A) is serving a sentence for a conviction based upon a statute determined to be void, invalid, or unconstitutional, or (B) is serving a sentence which was calculated under RCW 9.94A.525 using a prior or current conviction based upon a statute determined to be void, invalid, or unconstitutional.

(3) Order to Show Cause. If the court does not transfer the motion to the Court of Appeals, it shall enter an order fixing a time and place for hearing and directing the adverse party to appear and show cause why the relief asked for should not be granted.

WSR 21-14-110

INTERPRETIVE OR POLICY STATEMENT

LIQUOR AND CANNABIS

BOARD

[Filed July 7, 2021, 11:43 a.m.]

NOTICE OF ADOPTION OF POLICY STATEMENT

Title of Policy Statement: Title Certificates for Cannabis Retail Licensees in Jurisdictions Where Local Ordinances Prohibit Cannabis Sales - Policy Statement Number PS21-03.

Issuing Entity: Washington state liquor and cannabis board.

Subject Matter: This policy statement is intended to reaffirm application criteria for a cannabis (marijuana) retail license title certificate, conditions and requirements for maintenance of a cannabis (marijuana) retail license title certificate, criteria for transferring a cannabis (marijuana) retail license title certificate, and parameters for reinstating a cannabis (marijuana) retail license title certificate.

Effective Date: July 7, 2021.

Contact Person: Katherine Hoffman, policy and rules manager, 360-664-1622.

WSR 21-14-114

AGENDA

HEALTH CARE AUTHORITY

[Filed July 7, 2021, 11:56 a.m.]

The following is the Washington health care authority's (HCA) 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 2021**

WAC Citation	Subject Matter	Current Activity		
		CR-101	CR-102 or CR-105	CR-103E
WASHINGTON PRESCRIPTION DRUG PRICING TRANSPARENCY PROGRAM				
182-51-0100	Definitions—Cross reference fix		CR-105 WSR 21-13-167 Filed 6/23/2021	
PATIENT DECISION AIDS				
182-60-027, 182-60-040	Patient decision aid review advisory panel; agency medical director certification	WSR 21-10-030 Filed 4/27/2021		
ALL PAYER HEALTH CARE CLAIMS DATABASE				
182-70-040	Registration requirements	WSR 21-04-121 Filed 2/1/2021		
BEHAVIORAL HEALTH				
182-115 (new chapter)	Certified peer counseling	<i>HCA intends to file for rule making soon.</i>		
182-120 (new chapter)	Antipsychotic medication rights and less restrictive alternative treatment	WSR 20-09-130 Filed 4/21/2020		
182-125-0100 (new chapter)	Tribal designated crisis responder	WSR 20-15-124 Filed 7/20/2020	CR-102 WSR 21-14-011 Public hearing scheduled for 8/10/2021	
182-130-0100 (new chapter)	Family initiated treatment (FIT)	WSR 21-11-003 Filed 5/12/2021		
182-135 (new chapter)	Recovery residences loan	WSR 21-05-065 Filed 2/16/2021	CR-102 WSR 21-13-143 Public hearing scheduled for 7/27/2021	
WASHINGTON APPLE HEALTH				
182-500-0015, 182-500-0050	Medical definitions		<i>HCA intends to file housekeeping changes soon.</i>	
182-503-0060	Application processing times		CR-105 WSR 21-10-003 Filed 4/22/2021	
182-503-0515	Washington apple health—Social Security number requirements	WSR 21-12-010 Filed 5/20/2021		
182-503-0535	Citizenship and immigration status	WSR 21-07-066 Filed 3/16/2021		WSR 21-12-078 Effective 6/1/2021

WAC Citation	Subject Matter	Current Activity		
		CR-101	CR-102 or CR-105	CR-103E
182-504-0015, 182-550-0115, 182-550-0017, 182-509-0305, 182-514-0263	Eligibility—Postpartum coverage	<i>HCA intends to file for rule making soon.</i>		
182-507-0115, 182-507-0120	Alien emergency medical program	WSR 20-15-077 Filed 7/14/2020	CR-102 WSR 21-13-049 Public hearing scheduled for 7/27/2021	WSR 21-14-070 Effective 7/2/2021
182-508-0005, 182-508-0150	Apple health medical care services - eligibility and scope of coverage and enrollment cap	WSR 21-13-047 Filed 6/11/2021		
182-509-0325, 182-509-0375, 182-509-0380	Lottery winnings and hardship exemptions	WSR 20-14-033 Filed 6/24/2020		
182-509-0365, 182-509-0370, 182-509-0375	MAGI income—Self-employment income, how self employment income is counted, and lump sums	WSR 21-03-068 Filed 1/19/2021	CR-102 WSR 21-13-163 Public hearing scheduled for 7/27/2021	
182-513 (new rules)	Presumptive eligibility—Discharge from acute care hospitals and state hospitals	WSR 21-07-023 Filed 3/8/2021		
182-513-1230	Program of all-inclusive care for the elderly		CR-105 WSR 21-13-171 Filed 6/23/2021	
182-521-0100 (new chapter/ section)	Disregarded income and resources	WSR 20-15-141 Filed 7/21/2020		WSR 21-11-002 Effective 5/6/2021
182-521 (new section)	Post public health emergency medicaid coverage	<i>HCA intends to file for rule making soon.</i>		
182-526-0010, 182-526-0030, 182-526-0040, 182-526-0070, 182-526-0340	Administrative hearing rules for medical services programs—Definitions; contacting the board of appeals; service of documents on another party; filing documents; hearing location	WSR 21-11-028 Filed 5/12/2021		
182-526-0195	Prehearing conference	WSR 21-11-029 Filed 5/12/2021		
182-531-0425, 182-531-1710	Collaborative care; alcohol and substance misuse counseling		<i>HCA intends to file for rule making soon.</i>	
182-531-1730	Telemedicine	<i>HCA intends to file for rule making soon.</i>		

WAC Citation	Subject Matter	Current Activity		
		CR-101	CR-102 or CR-105	CR-103E
182-531-1850	Payment methodology for physician-related services—General and billing modifiers	<i>HCA intends to file for rule making soon.</i>		
182-531A-0400, 182-501-0060	Applied behavioral analysis; health care coverage—Program benefit packages—Scope of service categories	WSR 21-04-112 Filed 2/1/2021		WSR 21-12-071 Effective 5/28/2021
182-535-1245	Access to baby and child dentistry program	WSR 21-13-050 Filed 6/11/2021		
182-535-1270	Oral health connections pilot project	WSR 21-13-155 Filed 6/22/2021		
182-535A	Orthodontic services	WSR 21-10-096 Filed 5/5/2021	CR-102 WSR 21-14-047 Public hearing scheduled for 8/10/2021	
182-543-2000, 182-551-2010, 182-551-2210	Medical equipment, supplies and appliances—Eligible providers and provider requirements; home health services—Definitions and provider requirements	WSR 21-14-007 Filed 6/24/2021		
182-546-0125, 182-546-4700 (new), 182-546-4725 (new)	Ambulance transport fund—Quality assurance fee	WSR 20-19-013 Filed 9/3/2020	CR-102 WSR 21-12-055 Public hearing held on 7/6/2021	
182-550-1050, 182-550-1100, 182-550-1400, 182-550-2400, 182-550-2650, 182-550-3000, 182-550-4300, 182-550-4400	Hospital services		CR-105 WSR 21-11-081 Filed 5/18/2021	
182-550-1700, 182-550-2900, 182-550-6250	Authorization and utilization review of inpatient and outpatient hospital services; payment limits—Inpatient hospital services; pregnancy—Enhanced outpatient benefits	WSR 21-12-057 Filed 5/27/2021		
182-550-2600	Inpatient psychiatric services	WSR 20-21-106 Filed 10/21/2020		
182-550-3800, 182-550-3830, 182-550-7500	Rebasing; adjustments to inpatient rates; OPPS rates	<i>HCA intends to file for rule making soon.</i>		
182-550-4100	Payment method—New hospitals	<i>HCA intends to file for rule making soon.</i>		

WAC Citation	Subject Matter	Current Activity		
		CR-101	CR-102 or CR-105	CR-103E
182-550-4550	Administrative day rate	WSR 21-13-051 Filed 6/11/2021		
182-550-4800	Hospital payment methods—State-administered programs	<i>HCA intends to file for rule making soon.</i>		
182-559	Foundational community supports	WSR 21-10-068 Filed 5/3/2021 WSR 21-10-017 Filed 4/23/2021		

Wendy Barcus
Rules Coordinator