

WSR 24-14-001
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-103—Filed June 20, 2024, 2:33 p.m., effective June 21, 2024]

Effective Date of Rule: June 21, 2024.

Purpose: This emergency rule is necessary to open salmon fishing in Catch Record Card Area 11, seven days per week, and will allow up to two hatchery Chinook to be retained.

Citation of Rules Affected by this Order: Repealing WAC 220-313-06000V; and amending WAC 220-313-060.

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

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

Reasons for this Finding: Catch estimates for the Marine Area 11 June Chinook fishery indicate the fishery has reached 30 percent of the harvest quota (425 of 1,423), 13 percent of the unmarked encounter limit (122 of 910), and two percent of sublegal encounter limit (41 of 2,608), through June 15. Based on estimates to date, sufficient catch and encounters remain under fishery guidelines for additional days of fishing to be added to the June Chinook season, and to allow retention of more than one Chinook per day.

This rule also carries forward salmon seasons for the Tulalip terminal area, previously announced in WSR 24-11-145.

There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 20, 2024.

Kelly Susewind
Director

NEW SECTION

WAC 220-313-06000W Puget Sound salmon—Saltwater seasons and daily limits. Effective immediately, through September 2, 2024, salmon rules for Catch Record Card Area 8-2 Tulalip Terminal Area and Catch Record Card Area 11, shall be modified as described herein. All

other provisions of WAC 220-313-060 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

(1) Catch Record Card Area 8-2; the Tulalip Terminal Area:

(a) Tulalip Terminal Area is defined as: Waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point and not including waters east of a line drawn from Mission Point to Hermosa Point.

(b) Salmon: Effective immediately, through September 2, 2024:

(i) Open from 12:01 a.m. Friday through 11:59 a.m. Monday each week: Daily limit 2. Release Chinook and chum.

(ii) Closed from 12:00 p.m. Monday through 12:00 a.m. Friday each week.

(2) Catch Record Card Area 11, except year-round piers (Des Moines Pier, Les Davis Pier, and Point Defiance Boathouse Dock):

(a) Effective June 21 through June 30, 2024:

(i) Salmon: Open daily; daily limit 2. Release wild Chinook and chum.

(ii) Commencement Bay (east of a line from Cliff House Restaurant to Sperry Ocean Dock): Closed to fishing for or retention of salmon.

(b) Effective July 1 through July 17, 2024: Salmon: Closed.

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

REPEALER

The following section of Washington Administrative Code is repealed, effective June 20, 2024:

WAC 220-313-06000V Puget Sound salmon—Saltwater seasons and daily limits. (24-75)

WSR 24-14-002
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-104—Filed June 20, 2024, 2:46 p.m., effective July 7, 2024]

Effective Date of Rule: July 7, 2024.

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

Citation of Rules Affected by this Order: Amending WAC 220-340-420.

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

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

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

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

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

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

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

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

Date Adopted: June 20, 2024.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-42000Z Commercial crab fishery—Unlawful acts. Notwithstanding the provisions of WAC 220-340-420, effective 12:01 a.m. July 7 through September 15, 2024:

(1) Effective 12:01 A.M. July 7, 2024, until further notice, it is unlawful for any person licensed to fish under a coastal Dungeness crab fishery license to possess or land crab in excess of 2,500 pounds taken during each of the following coastal crab accounting periods:

- July 7 - July 13, 2024
- July 14 - July 20, 2024
- July 21 - July 27, 2024
- July 28 - August 3, 2024

- August 4 - August 10, 2024
- August 11 - August 17, 2024
- August 18 - August 24, 2024
- August 25 - August 31, 2024
- September 1 - September 7, 2024
- September 8 - September 15, 2024

(2) Any crab taken prior to July 7, 2024, and not landed before 11:59 p.m. July 6, 2024, become part of the July 7 through July 13, 2024, accounting period catch.

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

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

WSR 24-14-007

EMERGENCY RULES

HEALTH CARE AUTHORITY

(School Employees Benefits Board)

[Admin #2024-03.01—Filed June 21, 2024, 10:27 a.m., effective June 21, 2024, 10:27 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The health care authority (agency) is refiling new WAC 182-30-5000 School employees benefits board employer groups and 182-30-5010 School board members participation in school employees benefits board health plans, as authorized in SSB 5275, chapter 13, Laws of 2023, 68th legislature, 2023 regular session.

Citation of Rules Affected by this Order: New WAC 182-30-5000 and 182-30-5010.

Statutory Authority for Adoption: SSB 5275, chapter 13, Laws of 2023, 68th legislature, 2023 regular session.

Other Authority: RCW 41.05.021, 41.05.160.

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

Reasons for this Finding: This emergency rule making is necessary to implement SSB 5275, chapter 13, Laws of 2023, by establishing rules for the school employees benefits board employer groups and the school board members while the agency conducts the permanent rule-making process.

This filing continues the emergency rules under WSR 24-06-011. Since the filing of this emergency rule, the agency filed CR-102 under WSR 24-11-094 on May 16, 2024, as part of the permanent rule-making process.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, Amended 0, Repealed 0.

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

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

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

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 0, Repealed 0.

Date Adopted: June 21, 2024.

Wendy Barcus
Rules Coordinator

OTS-4678.1

NEW SECTION**WAC 182-30-5000 School employees benefits board employer groups.**

(1) The following definitions apply to this section:

(a) "School employee" means an employee of an employee organization representing school employees and an employee of a tribal school as defined in RCW 28A.715.010.

(b) "Employer group" has the same meaning as defined in RCW 41.05.011 (9)(b).

(2) This section applies to all employer group applications received through December 31, 2024.

(3) Employer groups may apply to obtain school employees benefits board (SEBB) insurance coverage through a contract with the authority for SEBB insurance coverage to begin January 1, 2024, if they meet the group application process and requirements in a similar way as described in WAC 182-08-235. All documents and information required with the application must be submitted to the SEBB program.

(4) Employer groups that apply for participation in SEBB insurance coverage as described in subsection (3) of this section will have a one-time opportunity to request inclusion of retired employees who are covered under its retiree health plan at the time of application in a similar way as described in WAC 182-08-237. The retirees included will be enrolled in public employees benefits board (PEBB) retiree insurance coverage.

(5) The authority will review the employer group application based on the documents submitted by the employer group and the employer group evaluation criteria in a similar way as described in WAC 182-08-240.

(6) Employer groups must meet the participation requirements, including requirements for terminating participation in SEBB insurance coverage, in a similar way as described in WAC 182-08-245.

(7) Employer groups that enter into a contractual agreement with the authority on or after May 4, 2023, and whose contractual agreement is subsequently terminated, shall make a one-time payment to the authority for each of the employer group's retired or disabled employees who continue their participation in insurance plans and contracts under RCW 41.05.080 (1)(a)(ii).

(a) For each of the employer group's retired or disabled employees who will be continuing their participation, the authority shall determine the one-time payment by:

(i) Calculating the difference in cost between the rate charged to retired or disabled employees as described in RCW 41.05.080(2); and

(ii) The actuarially determined value of the medical benefits for retired and disabled employees who are not eligible for Parts A and B of medicare; and

(iii) Multiplying that difference by the number of months until the retired or disabled employee would become eligible for medicare.

(b) Employer groups shall not be entitled to any refund of the amount paid to the authority as described in this subsection.

(8) Employer groups may appeal a decision of the authority to deny an employer group application in a similar way as described in WAC 182-16-2060. The appeal must be sent to the SEBB appeals unit.

(9) School employees may appeal a decision made by the employer group in a similar way as described in WAC 182-16-2010(2), 182-16-2030(2), and chapter 182-32 WAC.

(10) All rules in chapters 182-30, 182-31, and 182-32 WAC apply to employer groups and enrollees, except for WAC 182-30-100, 182-30-120, 182-30-130, 182-30-140, 182-31-030, and 182-31-060.

NEW SECTION

WAC 182-30-5010 School board members participation in school employees benefits board health plans. (1) In this section, "school board member" means the board of directors of a school district as governed by chapter 28A.343 RCW or the board of directors of an educational service district as governed by chapter 28A.310 RCW.

(2) Effective January 1, 2024, a school board member may enroll in health plans offered by the school employees benefits board (SEBB) by self-paying the premium and applicable premium surcharges set by the health care authority (HCA). A school board member must enroll in SEBB medical, SEBB dental, and SEBB vision.

(3) A school board member may participate in SEBB health plan coverage for the duration of their elected term as a school board member as long as premiums and applicable premium surcharges continue to be paid as described in WAC 182-30-040 and may renew their participation at the start of each subsequent term as a school board member.

(4) A school board member may elect to enroll in SEBB health plan coverage by submitting the required forms and first premium payments to the SEBB program, and they must be received as follows:

(a) Currently elected or appointed school board members have between November 1, 2023, and February 29, 2024, to submit the required forms to the SEBB program.

(i) If the required forms are received on or before December 31, 2023, SEBB health plan coverage will begin January 1, 2024. The first premium payment and applicable premium surcharges must be received no later than 45 days after January 1, 2024.

(ii) If the required forms are received between January 1, 2024, and February 29, 2024, SEBB health plan coverage will begin the first day of the month following the day the SEBB program receives the required forms. The first premium payment and applicable premium surcharges must be received no later than 45 days after the 60-day election period ends.

(b) Newly elected school board members must submit their required forms no later than 60 days from the beginning of their elected or appointed term. The school board member's SEBB health plan coverage will begin the first day of the month following the day the SEBB program receives the required forms. The first premium payment and applicable premium surcharges must be received no later than 45 days after the 60-day election period ends.

(5) A school board member's account may incur the tobacco use premium surcharge or the spousal premium surcharge in addition to their monthly medical premium, and the subscriber must attest as described in WAC 182-30-050 (1) and (2). A premium surcharge will be applied if the school board member does not attest. If the attestation results in a premium surcharge, it will take effect the same date as SEBB medical begins.

(6) If a school board member is reelected for a new term consecutive from their previous term, the school board member will not be required to make new elections.

(7) A school board member may enroll eligible dependents as described in WAC 182-31-140 and must include the dependent's enrollment information on the required form. If the school board member elects to enroll a dependent in SEBB health plan coverage, the dependent will be enrolled in the same SEBB medical, SEBB dental, and SEBB vision plans as the school board member.

(8) If a school board member is terminated due to no longer paying the premium and applicable premium surcharges as described in WAC 182-30-040 (1)(c) or requests to voluntarily terminate their enrollment in SEBB health plan coverage prior to the end of their elected term, they are no longer eligible under this section to participate in SEBB health plan coverage for the remainder of their elected term. Those who request to voluntarily terminate their SEBB health plan coverage must do so in writing. SEBB health plan coverage will end on the last day of the month in which the SEBB program receives the termination request or on the last day of the month specified in the school board member's termination request, whichever is later. If the termination request is received on the first day of the month, SEBB health plan coverage will end on the last day of the previous month.

(9) A school board member may make enrollment changes on the same terms and conditions as a continuation coverage subscriber as described in WAC 182-30-085, 182-30-090, and 182-31-150.

(10) A school board member must update their address with the SEBB program as described in WAC 182-30-075.

(11) A school board member is limited to one enrollment per individual in SEBB health plan coverage, as described in WAC 182-31-070.

(12) A school board member may appeal a decision made by the SEBB program as described in chapter 182-32 WAC.

(13) The requirements in WAC 182-31-160 about National Medical Support Notice apply.

(14) A school board member may receive the SEBB wellness incentive as described in WAC 182-31-190.

(15) A school board member is not eligible for public employees benefits board retiree insurance coverage.

(16) The eligibility criteria for a school board member in this section replaces the eligibility criteria found in WAC 182-08-235, 182-08-245, 182-12-111, and 182-12-146 effective January 1, 2024.

WSR 24-14-011
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-105—Filed June 24, 2024, 8:35 a.m., effective June 24, 2024, 8:35 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This rule is needed to set gear restrictions and open seasons in the Reiter Ponds area of the Skykomish River.

Citation of Rules Affected by this Order: Repealing WAC 220-312-04000K; and amending WAC 220-312-040.

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

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

Reasons for this Finding: This rule is needed to impose night closure and antisnagging rules in a portion of the Skykomish River. This rule will also close the Reiter Ponds area of Skykomish River beginning July 11, 2024. These gear restrictions and seasons were agreed to during the North of Falcon season setting process and are interim until permanent rules take effect.

This rule also carries forward closures in the Snohomish system, previously announced in WSR 24-11-072, and gear restrictions, announced in WSR 24-13-086.

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

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

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

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

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

Date Adopted: June 21, 2024.

Kelly Susewind
Director

[NEW SECTION]

WAC 220-312-04000L Freshwater exceptions to statewide rules—Puget Sound. Effective immediately, until further notice, provisions of WAC 220-312-040 regarding recreational fishing seasons for the Snohomish River system shall be modified as described below. All other provisions of WAC 220-312-040 not addressed herein, or unless otherwise amended by emergency rule remain in effect:

- (1) The following waters are closed to all fishing immediately, until further notice:
- (a) **Cherry Creek**, from mouth upstream
 - (b) **Raging River**, from mouth upstream
 - (c) **Skykomish River**, from mouth to Hwy. 2 Bridge
 - (d) **Skykomish River, North Fork**, from mouth upstream to Bear Creek Falls
 - (e) **Skykomish River, South Fork**, from mouth to 600' downstream of Sunset Falls Fishway
 - (f) **Snohomish River**, from mouth to confluence of Skykomish and Snoqualmie rivers
 - (g) **Snoqualmie River**, from mouth to Snoqualmie Falls
 - (h) **Sultan River**, from mouth upstream
 - (i) **Tolt River**, from mouth to confluence of North and South forks
 - (j) **Wallace River**, from mouth to 200' upstream of water intake of salmon hatchery
- (2) **Skykomish River**, from Hwy. 2 Bridge to confluence of North and South forks:
- (a) Effective immediately, through July 10, 2024, until further notice: Night closure, Anti-snagging rule, and Selective gear rules in effect for all species.
 - (b) Effective July 11, 2024, until further notice: All species: Closed.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

REPEALER

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

WAC 220-312-04000K Freshwater exceptions to statewide rules—Puget Sound. (24-100)

WSR 24-14-016

EMERGENCY RULES

STATE BOARD OF HEALTH

[Filed June 24, 2024, 12:54 p.m., effective June 24, 2024, 12:54 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Testing of drinking water contaminants; state action levels (SALs) and state maximum contaminant levels (MCLs) in WAC 246-290-315.

The state board of health (board) has authority under RCW 43.20.050 to adopt rules for group A public water systems that are necessary to ensure safe and reliable public drinking water and to protect the public health. Chapter 246-290 WAC, Group A public water supplies, establishes standards and requirements for these water systems. The department of health (department) administers the rules.

To ensure safe drinking water, water must be tested for contaminants. The board establishes SALs and MCLs to ensure contaminate levels are below a certain threshold. The board sets criteria for the adoption of SALs and MCLs in WAC 246-290-315, and includes criteria that would apply upon federal adoption of MCLs. WAC 246-290-315(8) states that upon federal adoption of an MCL, the MCL will supersede a less stringent SAL and associated requirements, including monitoring and public notice.

The Environmental Protection Agency published new federal standards for per- and polyfluoroalkyl substances (PFAS) on April 10, 2024, with an adoption date of June 25, 2024. These new standards include MCLs. This affects the board's rule and triggers the provision in WAC 246-290-315(8). The federal standards, however, have delayed effective dates for criteria and public health protections that are currently in place for Washington. According to the Washington state rules associated with the SALs, public water systems must notify customers of detections of PFAS above the SAL within 30 days of that detection. This is necessary to allow people the opportunity to protect themselves by using bottled water, securing a filter, or taking other measures. Thirty-day public notification is not effective for MCLs in the federal standard until April 2029. Without this amendment to WAC 246-290-315, customers served by group A public water systems will no longer be notified of dangerous levels of PFAS in their drinking water, which is a significant reduction in protections.

The board adopted an emergency rule on June 12, 2024, to amend WAC 246-290-315 such that the criteria would apply on the effective date of an MCL as set in the federal standard, not the adoption date, in order to maintain vital public health protections for drinking water safety. Along with the emergency rule making, the board initiated a permanent rule making to amend the rule language to align with the emergency provision and explore other protections.

Citation of Rules Affected by this Order: Amending WAC 246-290-315.

Statutory Authority for Adoption: RCW 43.20.050 (2)(a).

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

Reasons for this Finding: The federal adoption date of the standards is June 25, 2024, at which point the MCLs and relative protec-

tions will supersede the SALs. Because of the delayed effective date, currently active public health protections will end on that date. The board finds that emergency adoption of this rule is necessary to preserve public health.

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

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

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

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

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

Date Adopted: June 24, 2024.

Michelle A. Davis, MPA
Executive Director

OTS-5531.1

AMENDATORY SECTION (Amending WSR 21-23-097, filed 11/17/21, effective 1/1/22)

WAC 246-290-315 State action levels (SALs) and state maximum contaminant levels (MCLs). (1) The department shall consider the following criteria to select a contaminant for developing a SAL:

(a) Drinking water contributes to human exposure to the contaminant.

(b) The contaminant is known or likely to occur in public water systems at levels of public health concern. Sources of occurrence information include, but are not limited to:

(i) Washington state department of agriculture;

(ii) Washington state department of ecology; and

(iii) Monitoring results reported in accordance with 40 C.F.R. 141.35.

(c) The contaminant has a possible adverse effect on the health of persons exposed based on peer-reviewed scientific literature or government publications, such as:

(i) An EPA health assessment such as an Integrated Risk Information System assessment;

(ii) Agency for Toxic Substances and Disease Registry toxicological profiles;

(iii) State government science assessment; and

(iv) EPA guidelines for exposure assessment such as the EPA exposure factors handbook.

(d) A certified drinking water lab can accurately and precisely measure the concentration of the contaminant in drinking water at and below the level of public health concern using EPA-approved analytical methods.

(2) After consideration of the criteria in subsection (1) of this section, the department may develop a SAL based on the following:

(a) Evaluation of available peer-reviewed scientific literature and government publications on fate, transport, exposure, toxicity and health impacts of the contaminant and relevant metabolites;

(b) An assessment based on the most sensitive adverse effect deemed relevant to humans and considering susceptibility and unique exposures of the most sensitive subgroup such as pregnant women, fetuses, young children, or overburdened and underserved communities; and

(c) Technical limitations to achieving the SAL such as insufficient analytical detection limit achievable at certified drinking water laboratories.

(3) The state board of health shall consider the department's findings under subsections (1) and (2) of this section when considering adopting a SAL under this chapter.

(4) Contaminants with a SAL.

(a) If a SAL under Table 9 of this section is exceeded, the purveyor shall take follow-up action as required under WAC 246-290-320. For contaminants where the SAL exceedance is determined based upon an RAA, the RAA will be calculated consistent with other organic contaminants per WAC 246-290-320(6) or other inorganic contaminants per WAC 246-290-320(3).

TABLE 9
STATE ACTION LEVELS

Contaminant or Group of Contaminants	SAL	SAL Exceedance Based On:
Per- and polyfluoroalkyl substances (PFAS)		
PFOA	10 ng/L	Confirmed detection
PFOS	15 ng/L	Confirmed detection
PFHxS	65 ng/L	Confirmed detection
PFNA	9 ng/L	Confirmed detection
PFBS	345 ng/L	Confirmed detection

(b) If a system fails to collect and submit a confirmation sample to a certified lab within ten business days of notification of the sample results, or as required by the department, the results of the original sample will be used to determine compliance with the SAL.

(5) The department shall consider the following when developing a state MCL:

(a) The criteria in subsection (1) of this section;

(b) Whether regulating the contaminant presents a meaningful opportunity to reduce exposures of public health concern for persons served by public water systems;

(c) The need for an enforceable limit to achieve uniform public health protection in Group A public water systems; and

(d) The need for an enforceable limit to support source water investigation and clean-up of a contaminant in drinking water supplies by responsible parties.

(6) In addition to the requirements in subsection (5) of this section, the department shall:

(a) Meet the requirements of subsection (2) of this section;
(b) Comply with the requirements in RCW 70A.130.010 to establish standards for chemical contaminants in drinking water;

(c) Consider the best available treatment technologies and affordability taking into consideration the costs to small water systems; and

(d) Determine that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs.

(7) The state board of health shall consider the department's findings under subsections (5) and (6) of this section and follow the requirements under chapters 34.05 and 19.85 RCW when adopting a state MCL under this chapter.

(8) (~~Upon federal adoption of an MCL~~) When a federal MCL takes effect, the federal MCL will supersede a SAL or a less stringent state MCL, and the associated requirements, including for monitoring and public notice. If the federally adopted MCL is less stringent than a SAL or state MCL, the board may take one of the following actions:

(a) Adopt the federal MCL; or

(b) Adopt a state MCL, at least as stringent as the federal MCL, using the process in subsections (6) and (7) of this section.

WSR 24-14-021
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-106—Filed June 24, 2024, 1:57 p.m., effective June 28, 2024]

Effective Date of Rule: June 28, 2024.

Purpose: The purpose of this emergency rule is to open recreational shrimp seasons in Marine Areas 8-1, 8-2, 10, and 12.

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

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

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

Reasons for this Finding: Harvestable amounts of spot shrimp are available, but recreational shares will only support a limited number of open days in the marine areas listed in this section. In addition to recreational seasons previously scheduled in WSR 24-09-024 (filed April 9, 2024), WSR 24-12-030 (filed May 28, 2024), and WSR 24-13-035 (filed June 10, 2024), this emergency rules opens all-species shrimp seasons in Marine Areas 8-1 and 8-2, and the Elliott Bay portion of Marine Area 10 on July 10; and in Marine Area 12 on June 28. This rule is needed to ensure an orderly fishery, manage the fishery within court-ordered sharing requirements, and meet conservation objectives. There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: June 24, 2024.

Kelly Susewind
Director

NEW SECTION

WAC 220-330-07000Z Shrimp—Areas and seasons. Notwithstanding the provisions of WAC 220-330-070, effective June 28, 2024, until further notice, it is unlawful to fish for or possess shrimp taken for personal use in all waters of Marine Areas 4 (east of the Bonilla-Ta-

toosh line), 5, 6, 7, 8-1, 8-2, 9, 10, 11, 12, 13 and the Discovery Bay Shrimp District, except as provided for in this section:

(1) Marine Areas 4 (east of the Bonilla-Tatoosh line) and 5: Open daily, from 1 hour before official sunrise to 1 hour after official sunset, until further notice for all shrimp species.

(2) Marine Area 6 (excluding the Discovery Bay Shrimp District): Open from 1 hour before official sunrise to 1 hour after official sunset June 28 through June 30, and July 12 through July 15 for all shrimp species.

(3) Marine Area 7 East: Open daily through October 15 for shrimp species other than spot shrimp with a 200-foot maximum fishing depth restriction. During this time, it is unlawful to set or pull shrimp gear in waters greater than 200 feet deep. All spot shrimp caught must be immediately returned to the water unharmed.

(4) Marine Area 7 West: Open from 1 hour before official sunrise to 1 hour after official sunset June 28 through 30 and July 12 through 14 for all shrimp species.

(5) Marine Areas 8-1 and 8-2:

(a) Open July 10 from 9:00 a.m. through 3:00 p.m. for all shrimp species.

(b) Divers may take shrimp by hand or hand-held device from 7:00 p.m. until midnight on July 10 in Marine Area 8-2.

(6) Marine Area 10 east of a line from West Point to Alki Point (inside Elliott Bay): Open July 10 from 9:00 a.m. through 3:00 p.m. for all shrimp species.

(7) Marine Area 11: Open daily through October 15 for shrimp species other than spot shrimp with a 150-foot maximum fishing depth restriction. During this time, it is unlawful to set or pull shrimp gear in waters greater than 150 feet deep. All spot shrimp caught must be immediately returned to the water unharmed.

(8) Marine Area 12: Open June 28 from 9:00 a.m. through 1:00 p.m. for all shrimp species.

(9) Marine Area 13: Open daily through October 15 for shrimp species other than spot shrimp with a 200-foot maximum fishing depth restriction. During this time, it is unlawful to set or pull shrimp gear in waters greater than 200 feet deep. All spot shrimp caught must be immediately returned to the water unharmed.

REPEALER

The following section of Washington Administrative Code is repealed, effective June 28, 2024:

WAC 220-330-07000Y Shrimp—Areas and seasons. (24-93)

WSR 24-14-035
EMERGENCY RULES
DEPARTMENT OF

CHILDREN, YOUTH, AND FAMILIES

[Filed June 25, 2024, 2:52 p.m., effective July 1, 2024]

Effective Date of Rule: July 1, 2024.

Purpose: The early learning division is revising the infant enhancement rate and nonstandard hours bonus rate to align with legislative requirements by July 1, 2024.

Citation of Rules Affected by this Order: Amending WAC 110-15-0215 and 110-15-0249.

Statutory Authority for Adoption: Chapter 34.05 RCW; RCW 43.216.020, 43.216.065; ESSB 5950, section 229, chapter 376, Laws of 2024.

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

Reasons for this Finding: These emergency rules are needed to comply with ESSB 5950, section 229, chapter 376, Laws of 2024, which go into effect July 1, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

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

Date Adopted: June 25, 2024.

Brenda Villarreal
Rules Coordinator

OTS-5517.1

AMENDATORY SECTION (Amending WSR 22-12-072, filed 5/27/22, effective 7/1/22)

WAC 110-15-0215 Infant enhanced rate. Licensed and certified child care providers accepting state subsidy may receive an infant enhancement payment of (~~(\$90)~~) \$300 per month for each infant who is enrolled in their child care and attends at least one day per month.

AMENDATORY SECTION (Amending WSR 23-23-083, filed 11/13/23, effective 12/14/23)

WAC 110-15-0249 Nonstandard hours bonus. (1) Consumers' providers may receive a nonstandard hours bonus (NSHB) payment(~~(s)~~) per child per month for care provided if:

(a) The providers are licensed or certified;

(b) They provide at least 30 hours of nonstandard hours care during one month; and

(c) The total cost of the state's NSHB payments do not exceed the amount appropriated for this purpose by the legislature for the current fiscal year.

(2) Nonstandard hours are defined as:

(a) Before 6 a.m. or after 6 p.m.;

(b) Any hours on Saturdays and Sundays; and

(c) Any hours on legal holidays, as defined in RCW 1.16.050.

(3) NSHB amounts are:

(a) One hundred (~~(thirty-five)~~) fifty dollars for family homes; and

(b) One hundred (~~(thirty-five)~~) fifty dollars for centers.

WSR 24-14-038
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-110—Filed June 25, 2024, 4:48 p.m., effective June 25, 2024, 4:48 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: This emergency rule closes Catch Area 20B within Subregion 1B to commercial trawl harvest.

Citation of Rules Affected by this Order: Repealing WAC 220-340-53000B; and amending WAC 220-340-530.

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

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

Reasons for this Finding: Permanent rules regulating state commercial shrimp harvest in Puget Sound and the Strait of Juan de Fuca require the adoption of harvest seasons contained in this emergency rule. This emergency rule is necessary to prosecute state commercial shrimp pot fisheries in Puget Sound. This rule closes a quota area to commercial trawl harvest following the projected attainment of the available harvest. These rules are in congruence with comanager agreements. There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: June 25, 2024.

Kelly Susewind
Director

NEW SECTION

WAC 220-340-53000C Commercial shrimp trawl fishery—Puget Sound. Notwithstanding the provisions of WAC 220-340-530, effective immediately until further notice, it is unlawful to fish for shrimp for commercial purposes using beam trawl gear in Puget Sound except as provided for in Tables a, b, and c of this section:

(a) Non-spot shrimp beam trawl harvest is permitted starting one hour before official sunrise on the hard season opening dates listed for each of the areas detailed below.

Geographic Area Description (WAC 220-320-140(3); WAC 220-320-120)	Open period
Catch Area 20A outside of those waters north and east of a line from Point Roberts Light (48.9716°, -123.0838°) to Sandy Point Light at the Lummi Reservation (48.7868°, -122.7124°)	August 1, 2024, until further notice.
Those waters within the Lummi-Sinclair Triangle.	July 1, 2024, until further notice.
Those waters of South Lopez Sound.	July 10, 2024, until further notice.
All waters within subregion 1B, excluding those waters of South Lopez Sound, the Lummi-Sinclair Triangle, and Catch Area 20B.	Immediately, until further notice.
Subarea 23A East, MFSF Catch Areas 23B, and MFSF Catch Area 25A outside of the Discovery Bay Shrimp District.	Immediately, until further notice.
Subarea 23A West	Immediately, until further notice.
MFSF Catch Area 23C	Immediately, until further notice.
MFSF Catch Area 29	Immediately, until further notice.

(b) Non-spot shrimp beam trawl harvest is permitted starting one hour before official sunrise in the areas detailed below contingent on the harvester bringing a WDFW on-board observer on the first trip of the area. If by-catch sampling criteria are not met these areas will open on the later dates described in WAC 220-340-530 (5) (d) and (5) (e) .

Geographic Area Description (WAC 220-320-140(3); WAC 220-320-120)	Open period
Those waters within the Rosario Box.	Immediately, until further notice.
Those waters of Catch Area 22A within subregion 1B, excluding the Rosario Box and South Lopez Sound.	Immediately, until further notice.
Those waters of Catch Area 20B within subregion 1B.	Closed, effective immediately.

(c) Non-spot shrimp beam trawl harvest is not permitted in the areas of Shrimp Management Regions 1 and 3 detailed below.

Geographic Area Description (WAC 220-320-140(3); WAC 220-320-120)
Discovery Bay Shrimp District
Sequim Bay CSMA
MFSF Catch Area 23D
Subregion 1A

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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-340-53000B Commercial shrimp trawl fishery—Puget Sound. (24-62)

WSR 24-14-041
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-108—Filed June 26, 2024, 9:36 a.m., effective July 1, 2024]

Effective Date of Rule: July 1, 2024.

Purpose: The purpose of this emergency rule is to modify recreational salmon rules in Puget Sound Catch Record Card Areas 5, 6, 7, 9, 10, 12, and 13 to reflect rules agreed to during the 2024 North of Falcon season setting process.

Citation of Rules Affected by this Order: Amending WAC 220-313-060.

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

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

Reasons for this Finding: This emergency rule is necessary to modify salmon seasons in Catch Record Card Areas 5, 6, 7, 9, 10, 12, and 13 to conform with seasons and rules agreed to with comanagers during the 2024 North of Falcon season setting process. This rule is interim until permanent rules in WSR 24-13-054 take effect on July 15, 2024.

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

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

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

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

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

Date Adopted: June 25, 2024.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

WAC 220-313-06000X Puget Sound salmon—Saltwater seasons and daily limits. Effective July 1 through July 14, 2024, salmon rules for Catch Record Card areas 5, 6, 7, 9, 10, 12, and 13 shall be modified as described herein. All other provisions of WAC 220-313-060 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

(1) Catch Record Card Area 5: Salmon:

Daily limit 2 including no more than 1 Chinook. Release chum, sockeye, wild coho, and wild Chinook.

(2) Catch Record Card Area 6: Salmon:

(a) Daily limit 2. Release chum, sockeye, wild Chinook, and wild coho.

(b) Waters east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook: Release all Chinook.

(c) Waters of Port Angeles Harbor west of a line from the tip of Ediz Hook to the ITT Rayonier Dock: Closed.

(d) Waters of Dungeness Bay inside a line from Dungeness Spit Lighthouse to the Number 2 Red Buoy, and then to the Port Williams Boa Ramp: Closed.

(3) Catch Record Card Area 7: Salmon:

Closed.

(4) Catch Record Card Area 9: Salmon:

Closed.

(5) Catch Record Card Area 10, except year-round piers (Seacrest Pier, Waterman Pier, Bremerton Boardwalk, and Illahee State Park Pier): Salmon:

(a) Daily limit 2. Release Chinook and chum.

(b) Waters of Shilshole Bay southeast of a line from Meadow Point to West Point: Closed.

(c) Elliott Bay: Waters of Elliott Bay east of a line from West Point to Alki Point up to the mouth of the Duwamish River including Harbor Island: Closed.

(6) Catch Record Card Area 12: Salmon:

(a) Waters north of Ayock Point: Closed.

(b) Waters south of Ayock Point: Daily limit 4. Release chum and wild Chinook.

(7) Catch Record Card Area 13: All waters within channels created by exposed tidelands at the mouth of Minter Creek are closed to fishing.

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 24-14-045
EMERGENCY RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 26, 2024, 11:57 a.m., effective July 1, 2024]

Effective Date of Rule: July 1, 2024.

Purpose: The department of social and health services (department) is adopting emergency amendments to WAC 388-310-0300 WorkFirst—Infant care exemptions for mandatory participants, 388-310-1450 Pregnancy to employment, and 388-484-0006 TANF/SFA time limit extension.

These amendments support implementation of SHB 2007 (chapter 181, Laws of 2024), effective July 1, 2024, which creates a TANF time limit extension for households caring for a child under the age of two that qualify for an infant, toddler, or postpartum exemption from WorkFirst activities.

Citation of Rules Affected by this Order: Amending WAC 388-310-0300, 388-310-1450, and 388-484-0006.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090.

Other Authority: SHB 2007 (chapter 181, Laws of 2024).

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

Reasons for this Finding: These amendments are required to implement SHB 2007 (chapter 181, Laws of 2024), effective July 1, 2024, which creates a TANF time limit extension for households caring for a child under the age of two that qualify for an infant, toddler, or postpartum exemption from WorkFirst activities.

The department is actively undertaking appropriate procedures to permanently adopt these amendments. Refer to CR-101 filed as WSR 24-10-030, and CR-102 filed as WSR 24-13-123.

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

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

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

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

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

Date Adopted: June 25, 2024.

Katherine I. Vasquez
Rules Coordinator

SHS-5039.3

AMENDATORY SECTION (Amending WSR 22-20-017, filed 9/22/22, effective 10/23/22)

WAC 388-310-0300 WorkFirst—Infant care exemptions for mandatory participants. (1) **When may I be exempted from participating in WorkFirst activities if I am a mandatory participant?**

Either you or the other parent, living in the household, may claim an infant exemption from participating in WorkFirst activities provided you:

- (a) Have a child under two years of age;
- (b) Choose to not fully participate in the WorkFirst program (see WAC 388-310-0400); and
- (c) Have not used up your lifetime 24 month infant care exemption ~~((-))~~; or
- (d) You have used your lifetime 24 month infant care exemption, but have a child under the age of 12 weeks.

(2) **If I choose my infant exemption, may I still be required to participate in the WorkFirst program?**

You are required to participate up to 20 hours per week in mental health treatment, ~~((chemical dependency))~~ substance use disorder treatment, or a combination of these, if:

- (a) The comprehensive evaluation or assessment indicates a need; and
- (b) Services are available in your community.

(3) **May I volunteer to participate in WorkFirst while I have a child under two years of age?**

You may choose to fully participate in WorkFirst (see WAC 388-310-0400) while you have a child under two years of age. If you decide later to stop participating and you still qualify for an exemption, you will return to exempt status with no financial penalty provided you meet the conditions of subsections (1) and (2) of this section.

(4) **Does an infant exemption from participation affect my 60 month time limit for receiving temporary assistance for needy families (TANF) or state family assistance (SFA) benefits?**

Even if you are exempt from participation, each month you receive a TANF/SFA grant counts toward your 60 month limit (see WAC 388-484-0005).

AMENDATORY SECTION (Amending WSR 22-20-017, filed 9/22/22, effective 10/23/22)

WAC 388-310-1450 Pregnancy to employment. (1) **How do I know if I am eligible to participate in pregnancy to employment?**

If you are on temporary assistance for needy families (TANF) or state family assistance (SFA) and are pregnant or have a child under the age of two years, you are a participant in the pregnancy to employment pathway.

(2) **What services are provided to the pregnancy to employment pathway?**

(a) The pregnancy to employment pathway provides you with services, when available in your community, to look and prepare for work while supporting your child's needs. You and your WorkFirst worker will decide which variety of services you need. Service may include one or more of the items listed in (i) through (vi) of this section:

- (i) Home visiting or other parent supports;
- (ii) Safe and appropriate child care;
- (iii) Mental health treatment;
- (iv) ~~((Chemical dependency))~~ Substance use disorder treatment;
- (v) Domestic violence services; or
- (vi) Employment services.

(b) The WorkFirst worker will contact you every three months to offer you services if you are not required to participate and choose to claim ~~((the))~~ an infant exemption under WAC 388-310-0300(1).

(c) You will be offered a voluntary referral to either home visiting or other parent supports at various times in the pregnancy to employment pathway.

(3) What am I required to do while I am in the pregnancy to employment pathway?

You must participate in an assessment with a DSHS social service specialist and based on the results you will:

(a) Work with your WorkFirst worker to decide which required activities best meet your needs (these activities will depend on where you are in the pregnancy or the age of your child and will be added to your individual responsibility plan (IRP)); and

(b) Be required to participate in those activities, as identified in your IRP.

(4) What am I required to do while I am pregnant?

Based upon the results of your assessment, your participation:

(a) During your first and second trimester of pregnancy will be full-time work, looking for work, or preparing for work unless you have a good reason to participate fewer hours as described under WAC 388-310-1600.

(b) During your third trimester of pregnancy will be up to 20 hours per week in either mental health treatment or ~~((chemical dependency))~~ substance use disorder treatment, if:

- (i) The comprehensive evaluation or assessment indicates a need; and
- (ii) Services are available in your community.

(5) What am I required to do after my child is born?

After the birth of your child, you may choose to take the infant exemption under WAC 388-310-0300 or volunteer to participate in WorkFirst activities to the fullest of your abilities under WAC 388-310-0400.

(6) What if I have used my 24 month lifetime infant exemption?

If you have another child after using all 24 months of the infant exemption, you will be:

(a) Eligible for a 12 week postpartum ~~((deferral))~~ exemption period to personally take care of an infant less than 12 weeks of age but will be required to participate up to 20 hours per week in mental health or ~~((chemical dependency))~~ substance use disorder treatment, or a combination of these, if the comprehensive evaluation or assessment indicates a need and services are available in your community.

(b) Required to participate full time, unless otherwise exempt or you have good reason to participate fewer hours, once your child turns 12 weeks old in one or more of the following activities:

- (i) Work;

(ii) Looking for work;

(iii) Preparing for work by participating in a combination of activities based upon the results of your assessment.

(7) **Will I be sanctioned if I refuse to participate?**

(a) You are required to participate in the WorkFirst program under WAC 388-310-0200 subject to sanction under WAC 388-310-1600 unless you have good reason and you:

(i) Are in your third trimester of pregnancy;

(ii) Have not used up your 24 month lifetime infant exemption and have a child under the age of two years old; or

(iii) Have used up your 24 month lifetime infant exemption and have a child under 12 weeks.

(b) You may be sanctioned if you stop participating in required mental health or (~~chemical dependency~~) substance use disorder treatment when you are:

(i) In your third trimester of pregnancy;

(ii) Claiming the infant exemption; or

(iii) Using a 12 week postpartum (~~deferral~~) exemption period.

AMENDATORY SECTION (Amending WSR 23-24-036, filed 11/30/23, effective 12/31/23)

WAC 388-484-0006 TANF/SFA time limit extensions. (1) What happens after I receive 60 or more months of TANF/SFA cash assistance?

After you receive 60 or more months of TANF/SFA cash assistance according to WAC 388-484-0005, you may qualify for additional months of cash assistance. We call these additional months of TANF/SFA cash assistance a hardship TANF/SFA time limit extension.

(2) Who is eligible for a hardship TANF/SFA time limit extension?

You are eligible for a hardship TANF/SFA time limit extension if you are on TANF, are otherwise eligible for TANF, received 60 cumulative months of TANF and you:

(a) Are approved for one of the exemptions from mandatory participation according to WAC 388-310-0350 (1)(a) through (d); or

(b) Are a Social Security disability insurance recipient; or

(c) Are at least 65 years old, blind as defined by the Social Security Administration or disabled as determined under chapter 388-449 WAC; or

(d) Have an open child welfare case with a state or tribal government and this is the first time you have had a (~~child~~) dependent child under RCW 13.34.030 in (~~this~~) Washington or another state or had a child a ward of a tribal court; or

(e) Are working in unsubsidized employment for 32 hours or more per week; or

(f) Document that you meet the family violence option criteria in WAC 388-61-001 and are participating satisfactorily in specialized activities needed to address your family violence according to a service plan developed by a person trained in family violence or have a good reason, as described in WAC 388-310-1600(3) for failure to participate satisfactorily in specialized activities; or

(g) Are homeless by reason of hardship, including when your family includes a child or youth who is without a fixed regular, and adequate nighttime residence as described in the federal McKinney-Vento Homeless Assistance Act (Title 42, U.S.C. 11434a(2), chapter 119, subchapter VI, part B) as it existed on January 1, 2020; or

(h) Have a child under the age of two years old who lives in the same household and you qualify for any of the infant related exemptions from WorkFirst activities as defined in WAC 388-310-0300(1), or

(i) Were an active TANF recipient from July 1, 2021, through June 30, 2023; or

~~((i))~~ (j) Were an active TANF recipient, beginning July 1, 2022, when Washington state employment security department's most recently published unemployment rate is seven percent or above.

~~((j))~~ (k) Do not qualify for other time limit extension criteria in this section and received TANF during a month on or after March 1, 2020, when the Washington state employment security department's unemployment rate was at seven percent or above. ~~((The extension provided for under this subsection (2)(b)(ix) is equal to the number of months that you received TANF on or after March 1, 2020, when the Washington state employment security department's unemployment rate was at seven percent or above.))~~ The duration of this extension criteria is equal to the number of months that you received TANF on or after March 1, 2020, when the Washington state employment security department's unemployment rate was at seven percent or above.

(3) Who reviews and approves a hardship time limit extension?

(a) Your case manager or social worker will review your case and determine whether a hardship time limit extension type will be approved.

(b) This review will not happen until after you have received at least 52 months of assistance but before you reach your time limit or lose cash assistance due to the time limit.

(c) Before you reach your time limit or lose cash assistance due to the time limit, the department will send you a notice that tells you whether a hardship time limit extension will be approved, when your time limit expires, and how to request an administrative hearing if you disagree with the decision.

(4) When I have an individual responsibility plan, do my WorkFirst participation requirements change when I receive a hardship TANF/SFA time limit extension?

(a) Even if you qualify for a hardship TANF/SFA time limit extension you will still be required to participate as required in your individual responsibility plan (WAC 388-310-0500). You must still meet all of the WorkFirst participation requirements listed in chapter 388-310 WAC while you receive a hardship TANF/SFA time limit extension.

(b) If you do not participate in the WorkFirst activities required by your individual responsibility plan, and you do not have a good reason under WAC 388-310-1600, the department will follow the sanction rules in WAC 388-310-1600.

(5) Do my benefits change if I receive a hardship TANF/SFA time limit extension?

(a) You are still a TANF/SFA recipient and your cash assistance, services, or supports will not change as long as you continue to meet all other TANF/SFA eligibility requirements.

(b) During the hardship TANF/SFA time limit extension, you must continue to meet all other TANF/SFA eligibility requirements. If you no longer meet TANF/SFA eligibility criteria during your hardship time limit extension, your benefits will end.

(6) How long will a hardship TANF/SFA time limit extension last?

(a) We will review your hardship TANF/SFA time limit extension and your case periodically for changes in family circumstances:

(i) If you are extended under WAC 388-484-0006 (2) (a) then we will review your extension at least every 12 months;

(ii) If you are extended under WAC 388-484-0006 (2) (b), (2) (c), (2) (d), or (2) (e) then we will review your extension at least every six months.

(b) Your hardship TANF/SFA time limit extension may be renewed for as long as you continue to meet the criteria to qualify for a hardship time limit extension.

(c) If during the extension period we get proof that your circumstances have changed, we may review your case and determine if you continue to qualify for a hardship TANF/SFA time limit extension. When you no longer qualify for a hardship TANF/SFA time limit extension we will stop your TANF/SFA cash assistance. You will be notified of your case closing and will be given the opportunity to request an administrative hearing before your benefits will stop.

WSR 24-14-046
EMERGENCY RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 26, 2024, 12:01 p.m., effective July 1, 2024]

Effective Date of Rule: July 1, 2024.

Purpose: The department of social and health services (department) is adopting emergency amendments to WAC 388-310-0800 WorkFirst—Support services.

Effective July 1, 2024, these amendments will restore WorkFirst support services to address housing and utility needs for participants. Funding for these services is supported within the WorkFirst spending plan for state fiscal year 2025.

Citation of Rules Affected by this Order: Amending WAC 388-310-0800.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, 74.08A.120, and 74.08A.250.

Other Authority: ESSB 5950 (chapter 376, Laws of 2024).

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

Reasons for this Finding: The 2024 supplemental operating budget and the WorkFirst spending plan provided a reinvestment of support services funds to be allocated towards housing and utility needs of WorkFirst participants. The department is concurrently proceeding with the permanent rule-making process. Refer to CR-101 filed as WSR 24-09-048.

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

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

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

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

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

Date Adopted: June 25, 2024.

Katherine I. Vasquez
Rules Coordinator

SHS-5042.1

AMENDATORY SECTION (Amending WSR 22-20-016, filed 9/22/22, effective 10/23/22)

WAC 388-310-0800 WorkFirst—Support services. (1) Who can get support services?

People who can get support services include:

- (a) WorkFirst participants who receive a TANF cash grant;
- (b) Sanctioned WorkFirst participants during the required participation before the sanction is lifted or applicants who were terminated while in noncompliance sanction who are doing activities required to reopen cash assistance (WAC 388-310-1600);
- (c) TANF/SFA applicants as needed to meet the WorkFirst orientation requirements under WAC 388-400-0005(2) or 388-400-0010(3);
- (d) Unmarried or pregnant minors who are income eligible to receive TANF and are:
 - (i) Living in a department approved living arrangement (WAC 388-486-0005) and are meeting the school requirements (WAC 388-486-0010); or
 - (ii) Are actively working with a social worker and need support services to remove the barriers that are preventing them from living in a department approved living arrangement or meeting the school requirements.
- (e) American Indians who receive a TANF cash grant and have identified specific needs due to location or employment.

(f) Former WorkFirst participants who are working at least 15 hours per week or more, for up to three months after leaving TANF if they need employment-related transportation support services to meet a temporary need or emergency.

(2) Why do I receive support services?

Although not an entitlement, you may receive support services for the following reasons:

- (a) To help you participate in work and WorkFirst activities that lead to independence.
- (b) To help you to participate in job search, accept a job, keep working, advance in your job, or increase your wages.
- (c) You can also get help in paying your child care expenses through the working connections child care assistance program. (Chapter 110-15 WAC describes the rules for this child care assistance program.)

(3) What type of support services may I receive and what limits apply?

There is a limit of \$5,000 per person per program year (July 1st to June 30th) for WorkFirst support services you may receive.

The chart below shows the types of support services that are available for the different activities (as indicated by an "x") and the restrictions that apply.

Definitions:

- Work-related activities include looking for work or participating in workplace activities, such as community jobs or a work experience position.
- Safety-related activities include meeting significant or emergency family safety needs, such as dealing with family violence.
- Some support services are available if you need them for other required activities in your IRP.

Type of Support Service	Restrictions	• Work	•• Safety	••• Other
Reasonable accommodation for employment		x		
Clothing/uniforms		x		
Diapers		x	x	x
Haircut		x		
Lunch	Same rate as established by OFM for state employees	x		
Personal hygiene		x	x	x
Professional, trade, association, union, and bonds		x		x
Relocation related to employment or safety (can include rent, housing, and deposits)		x	x	
Short-term lodging and meals in connection with job interviews/tests	Same rate as established by OFM for state employees	x		
Tools/equipment		x	x	x
Car repair needed to restore car to operable condition		x	x	x
License/fees		x	x	x
Mileage reimbursement	Same rate as established by OFM for state employees	x	x	x
Transportation allotment, including fuel support		x	x	x
Counseling		x	x	x
Educational expenses		x	x	x
Medical exams (not covered by medicaid)		x	x	x
Public transportation		x	x	x
Testing-diagnostic		x	x	x
Housing and utilities	Funding allocated for ((07/01/2022)) 07/01/2024 - ((06/30/2023)) 06/30/2025 only	x	x	x

(4) What are the other requirements to receive support services?

Other restrictions on receiving support services are determined by the department or its agents. They will consider whether:

- (a) It is within available funds; and
- (b) It does not assist, promote, or deter religious activity; and
- (c) There is no other way to meet the cost.

(5) What happens to my support services if I do not participate as required?

The department will give you 10 days notice, following the rules in WAC 388-310-1600, then discontinue your support services until you participate as required.

WSR 24-14-047
EMERGENCY RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Economic Services Administration)

[Filed June 26, 2024, 12:04 p.m., effective July 1, 2024]

Effective Date of Rule: July 1, 2024.

Purpose: The department of social and health services (department) is adopting emergency amendments to WAC 388-412-0040 Can I get my benefits replaced?

Effective July 1, 2024, these amendments support funding provided in the operating budget (chapter 376, Laws of 2024) to replace cash benefits stolen by skimming, cloning, or other fraudulent methods up to two times each federal fiscal year.

Citation of Rules Affected by this Order: Amending WAC 388-412-0040.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, and 74.08.090.

Other Authority: ESSB 5950 (chapter 376, Laws of 2024).

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

Reasons for this Finding: These amendments support funding provided in the operating budget (chapter 376, Laws of 2024) to replace cash benefits stolen by skimming, cloning, or other fraudulent methods, and the receipt of funds appropriated for this purpose is effective July 1, 2024.

The department is concurrently proceeding with the permanent rule-making process. Refer to CR-101 filed as WSR 24-07-005 on March 6, 2024; and CR-102 filed as WSR 24-11-140 on May 21, 2024.

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

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

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

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

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

Date Adopted: June 25, 2024.

Katherine I. Vasquez
Rules Coordinator

SHS-5030.2

AMENDATORY SECTION (Amending WSR 23-23-129, filed 11/17/23, effective 12/18/23)

WAC 388-412-0040 Can I get my benefits replaced? Under certain conditions, we may replace your benefits.

(1) You may get either your EBT cash or food assistance, or both replaced if:

(a) We make a mistake that causes you to lose benefits;

(b) The EBT card mailed to you is stolen from the mail, you never had the ability to use the benefits, and you lost benefits;

(c) You left a drug or alcohol treatment facility on or before the 15th of the month and the facility does not have enough food assistance benefits in their EBT account for one-half of the allotment that they owe you;

(d) Your EBT benefits that were recently deposited into an inactive EBT account were canceled by mistake; or

(e) The food that your household purchased with food assistance benefits was destroyed in a household disaster or misfortune.

(i) For us to replace your benefits, you must report the loss to the department within 10 days from the date of the loss.

(ii) We replace the amount of your loss up to a one-month benefit amount.

(iii) There is no limit to the number of replacements for food destroyed in a household misfortune.

(f) Your food benefits were stolen, despite your EBT card being in your possession, via card skimming, cloning, or other similar fraudulent method between October 1, 2022, and September 30, 2024; and

(i) The head of household of your assistance unit submitted a completed and signed claim within 30 days of discovering the loss; and

(ii) You have not already received two food replacements in the current federal fiscal year.

(iii) We replace the amount of your loss or the amount of twice your food assistance allotment that was issued immediately prior to the date of the theft, whichever is less.

(iv) Retroactive claims for food assistance stolen between October 1, 2022, and August 22, 2023, must be reported no later than October 22, 2023.

(v) Replacement of benefits stolen via card skimming, cloning, or other similar method is contingent upon federal approval.

(g) Your cash benefits were stolen, despite your EBT card being in your possession, via card skimming, cloning, or other similar fraudulent method on or after July 1, 2024; and

(i) The head of household of your assistance unit submitted a completed and signed claim within 30 days of discovering the loss; and

(ii) You have not already received two cash replacements in the current federal fiscal year; and

(iii) You received cash benefits through one of these programs: temporary assistance for needy families (TANF), state family assistance (SFA), pregnant women assistance (PWA), refugee cash assistance (RCA), or aged, blind, or disabled (ABD) cash assistance.

(iv) We replace the amount of your loss or the amount of twice your cash assistance allotment that was issued immediately prior to the date of the theft, whichever is less.

(v) Replacement of cash benefits stolen via card skimming, cloning, or other similar method will end on September 30, 2024, or on the date that the federal government ends the requirement that food benefits must be replaced, whichever is later.

(vi) Replacement of cash benefits stolen via card skimming, cloning, or other similar method will end if state funds appropriated for this purpose are exhausted.

(2) We will not replace your benefits if:

(a) We decided that your request is fraudulent or skimming is not validated;

(b) Your EBT card was lost, stolen, or misplaced except for (1)(b) of this section;

(c) You are pending an administrative hearing decision regarding a denial of replacement benefits. You have the right to an administrative hearing if your request for replacement benefits is denied; or

(d) You received disaster supplemental nutrition assistance program (D-SNAP) benefits for the same month you requested a replacement for food assistance.

(3) It is your responsibility to keep track of your household's EBT card.

(a) If you have multiple EBT cards replaced, we may suspect you to be trafficking benefits as described under WAC 388-412-0046 (2)(d).

(b) If we suspect trafficking, we will refer your case for investigation by the office of fraud and accountability. Persons trafficking in food assistance benefits may be subject to fines, disqualification from food assistance, and legal action including criminal prosecution.

WSR 24-14-048
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-111—Filed June 26, 2024, 3:02 p.m., effective June 27, 2024]

Effective Date of Rule: June 27, 2024.

Purpose: This emergency rule is needed to return Drano Lake and Wind River to permanent rules via repealer and to set the return of Klickitat River to permanent rules beginning July 2, 2024.

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

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

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

Reasons for this Finding: Sufficient broodstock has been collected at Little White Salmon and Carson National Fish hatcheries to ensure that broodstock collection goals will be met; therefore, reduced salmon limits are no longer necessary for Drano Lake or Wind River recreational salmon fisheries.

Lower Klickitat River salmon seasons will return to permanent rules July 2, 2024. Reduced limits will no longer be necessary as a majority of spring Chinook returns will have passed above Lyle Falls by the end of June. Salmon seasons upstream of the #5 Fishway (Lyle Falls Fishway) remain closed through July 31, 2024.

Cowlitz River and Lewis River rules remain in place from WSR 24-06-039, 24-12-012, and 24-13-045.

There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: June 26, 2024.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

WAC 220-312-03000U Freshwater exceptions to statewide rules—Southwest. Effective June 27, 2024, until further notice, the provisions of WAC 220-312-030 regarding Cowlitz River, Klickitat River, and Lewis River salmon seasons shall be modified during times and as described below. All other provisions of WAC 220-312-030 not addressed herein remain in effect unless otherwise amended by emergency rule:

(1) Cowlitz River (Cowlitz/Lewis Co.): Effective immediately, until further notice:

From boundary markers at the mouth to the fishing boundary markers below Barrier Dam: Salmon: Daily limit 6 including no more than 1 adult. Release all salmon other than hatchery Chinook and hatchery coho.

(2) Klickitat River (Klickitat Co.):

(a) From the mouth (Burlington Northern Railroad Bridge) to Fisher Hill Bridge: Effective immediately, until further notice:

Effective immediately, through July 1, 2024: Salmon: Closed

(b) From 400 feet upstream from #5 fishway to boundary markers below Klickitat Salmon hatchery:

Effective immediately, through July 31, 2024: Salmon: Closed.

(3) Lewis River (Clark/Cowlitz Co.): Effective immediately, through July 31, 2024:

From mouth to Colvin Creek: Salmon: Daily limit 6 including no more than 1 adult. Release all salmon other than hatchery Chinook.

REPEALER

The following section of Washington Administrative Code is repealed, effective June 27, 2024:

WAC 220-312-03000T Freshwater exceptions to statewide rules—Southwest. (24-98)

WSR 24-14-051
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-107—Filed June 26, 2024, 4:05 p.m., effective July 1, 2024]

Effective Date of Rule: July 1, 2024.

Purpose: Additional rules are needed to prevent wildfires on Washington department of fish and wildlife (department) lands during the current period of high fire danger. The new rules will help reduce the threat of wildfires on department lands and provide protection of human health, safety, and wildlife habitat.

Citation of Rules Affected by this Order: Amending WAC 220-500-030, 220-500-040, 220-500-110, and 220-500-140.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240.

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

Reasons for this Finding: An emergency rule is necessary to protect department lands from imminent risk of wildfire damage during a high fire danger period, which is occurring currently, before permanent rules can be adopted. These rules are needed immediately to protect humans, wildlife, and property.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, Amended 0, Repealed 0.

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

Date Adopted: June 26, 2024.

Kelly Susewind
Director

NEW SECTION

WAC 220-500-03000F Behavior and conduct. Notwithstanding the provisions of WAC 220-500-030, effective July 1, 2024, until further notice, rules regarding allowable behavior in wildlife areas and access areas in Eastern Washington (as described in WAC 220-200-020) owned or controlled by the department shall be modified as follows, other provisions of WAC 220-500-030 not addressed herein remain in effect unless otherwise amended by emergency rule:

(1) In wildlife areas and access areas in Eastern Washington owned or controlled by the department, it is unlawful to:

(a) Operate a chainsaw without a permit or approval from the director; or

(b) Weld or operate an acetylene torch or other open flame without a permit or approval from the director.

(2) A violation of this section is an infraction punishable under RCW 77.15.1606

NEW SECTION

WAC 220-500-04000N Regulating public access. Notwithstanding the provisions of WAC 220-500-040, effective July 1, 2024, until further notice, rules regarding operating motor vehicles off of developed roadways in department managed wildlife and access areas shall be modified as follows, other provisions of WAC 220-500-040 not addressed herein remain in effect unless otherwise amended by emergency rule:

(1) It is unlawful to operate a motor vehicle off developed roadways in wildlife areas and access areas owned or controlled by the department in Eastern Washington. However, it is permissible to park in an area devoid of vegetation within 10 feet of the roadway, and to park overnight in developed campgrounds and at trailheads unless otherwise posted.

(2) A violation of this section is an infraction punishable under RCW 77.15.160.

NEW SECTION

WAC 220-500-11000F Fire and campfires. Notwithstanding the provisions of WAC 220-500-110, effective July 1, 2024, until further notice, rules regarding fires, campfires, and smoking in wildlife areas and access areas owned or controlled by the department shall be modified as follows, other provisions of WAC 220-500-110 not addressed herein remain in effect unless otherwise amended by emergency rule:

(1) It is unlawful to build, start, or maintain fires or campfires in wildlife areas and access areas owned or controlled by the department in Eastern Washington without a permit or approval from the director. However, it is permissible to use personal camp stoves or lanterns fueled by liquid petroleum, liquid petroleum gas, or propane.

(2) It is unlawful to smoke in wildlife areas and access areas owned or controlled by the department in Eastern Washington, except in an enclosed vehicle.

(3) A violation of this section is an infraction punishable under RCW 77.15.160.

NEW SECTION

WAC 220-500-14000F Firearms and target practicing. Notwithstanding the provisions of WAC 220-500-140, effective July 1, 2024, until further notice, rules regarding the discharge of firearms on department owned or controlled land shall be modified as follows, other provisions of WAC 220-500-140 remain in effect unless otherwise amended by emergency rule:

(1) It is unlawful to discharge firearms on department owned or controlled lands in Eastern Washington except at the following department shooting ranges through August 15 between sunrise and 10:00 a.m. unless otherwise posted:

(a) Methow Shooting Range on the Methow Wildlife Area Unit

(b) Asotin Creek Shooting Range on the Asotin Creek Wildlife Area Unit

(2) It is unlawful to discharge firearms on all department owned or controlled lands in Eastern Washington from August 16 through September 15 unless otherwise posted.

(3) The provisions of subsections (1) and (2) of this emergency rule do not apply if engaged in lawful hunting.

(4) Unless otherwise provided, violation of any of the provisions of this section constitutes an infraction, pursuant to RCW 77.15.020 and 77.15.160.

WSR 24-14-054
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-114—Filed June 26, 2024, 5:32 p.m., effective June 26, 2024, 5:32 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule is to open recreational fishing in a portion of Cascade River daily. This rule also imposes a temporary all-species fishing closure on Skagit River, from Hwy. 9 in Sedro Woolley to the mouth of the Baker River.

Citation of Rules Affected by this Order: Repealing WAC 220-312-04000I; and amending WAC 220-312-040.

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

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

Reasons for this Finding: This rule is necessary to open Cascade River, from the mouth to Rockport-Cascade Rd. Bridge, daily.

Treaty fisheries for hatchery spring Chinook in this section of the Cascade have concluded for the season. Sunday through Tuesday closures to avoid gear conflicts are no longer necessary. The ongoing Skagit system sport fisheries are still within conservation objectives for wild spring Chinook encounters.

A fishing closure in Skagit River, from Hwy. 9 in Sedro Woolley to the Baker River, is necessary to avoid gear conflicts during scheduled treaty fisheries.

This rule carries forward spring Chinook and sockeye seasons for Skagit River, previously announced in WSR 24-13-004, on June 5, 2024.

There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: June 26, 2024.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

WAC 220-312-04000N Freshwater exceptions to statewide rules—Puget Sound. Effective immediately, through July 15, 2024, the following provisions of WAC 220-312-040 and WAC 220-220-160 regarding salmon seasons and two-pole fishing for the Skagit River and salmon seasons for Cascade River, shall be as described below. All other provisions of WAC 220-312-040 and WAC 220-220-160 not addressed herein, or unless otherwise amended, remain in effect:

(1) Cascade River (Skagit Co.); from mouth to Rockport-Cascade Rd. Bridge:

Salmon, effective immediately, through July 15, 2024:

(a) Open daily.

(b) Daily limit 4 including no more than 2 adults. Release all salmon other than hatchery Chinook.

(c) Night closure and Anti-snagging rule in effect.

(2) Skagit River (Skagit Co.):

(a) From the Hwy. 536 (Memorial Hwy. Bridge) in Mt. Vernon to the Hwy. 9 Bridge in Sedro Woolley:

Salmon, effective immediately, through July 15, 2024:

(i) Daily limit 4. Release all salmon other than sockeye.

(ii) Night Closure in effect.

(iii) Selective gear rules are not in effect for salmon.

(b) From Hwy. 9 Bridge in Sedro Woolley to the Dalles Bridge at Concrete:

(i) Salmon, effective immediately, through June 29, 2024:

(A) Daily limit 4. Release all salmon other than sockeye.

(B) Night Closure in effect.

(C) Selective gear rules are not in effect for salmon.

(ii) All species, effective June 30 through July 2, 2024: Closed.

(iii) Salmon, effective July 3 through July 15, 2024:

(A) Daily limit 4. Release all salmon other than sockeye.

(B) Night Closure in effect.

(C) Selective gear rules are not in effect for salmon.

(c) From the Dalles Bridge at Concrete to the mouth of the Baker River:

All species, effective June 30 through July 2, 2024: Closed.

(d) From Hwy. 530 Bridge at Rockport to Cascade River Rd. (Marblemount Bridge):

Salmon, effective immediately, through July 15, 2024:

(i) Daily limit 4 including no more than 2 adults. Release all salmon other than hatchery Chinook.

(ii) Night Closure and Anti-snagging rule in effect.

REPEALER

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

WAC 220-312-04000I Puget Sound salmon—Saltwater seasons and daily limits. (24-84)

WSR 24-14-063
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-115—Filed June 27, 2024, 1:15 p.m., effective June 28, 2024]

Effective Date of Rule: June 28, 2024.

Purpose: This rule is necessary to close sockeye retention in the Columbia River downstream of the Hwy. 395 Bridge at Pasco, beginning June 28, 2024.

Citation of Rules Affected by this Order: Repealing WAC 220-312-06000N; and amending WAC 220-312-060.

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

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

Reasons for this Finding: This rule is necessary to close sockeye retention in the Columbia River downstream of the Hwy. 395 Bridge at Pasco, beginning June 28, 2024. Catch estimates indicate the recreational allocation of sockeye has been exceeded given the current run size.

This rule applies joint state action taken on June 26, 2024. The fishery is consistent with the *U.S. v. Oregon* Management Agreement and the associated biological opinion. It conforms Washington state rules with Oregon state rules. This limited harvest allows for public use of the resource as well as the maintenance of a sustainable fish population.

Washington and Oregon jointly regulate Columbia River fisheries under the congressionally ratified Columbia River Compact. Four Indian tribes have treaty fishing rights in the Columbia River. The treaties preempt state regulations that fail to allow the tribes an opportunity to take a fair share of the available fish, and the states must manage other fisheries accordingly. *Sohappy v. Smith*, 302 F. Supp. 899 (D. Or. 1969). A court order sets the current parameters. *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2018-2027 *United States v. Oregon* Management Agreement (February 26, 2018) (Doc. No. 2607-1). Some salmon and steelhead stocks in the Columbia River are listed as threatened or endangered under the federal Endangered Species Act (ESA). On February 23, 2018, the National Marine Fisheries Service issued a biological opinion under 16 U.S.C. § 1536 that allows for some incidental take of these species in the fisheries as described in the 2018-2027 *U.S. v. Oregon* Management Agreement.

Some Columbia River Basin salmon and steelhead stocks are listed as threatened or endangered under ESA. The Washington and Oregon fish and wildlife commissions have developed policies to guide the implementation of such biological opinions in the states' regulation of nontreaty fisheries.

Columbia River nontreaty fisheries are monitored very closely to ensure compliance with federal court orders, ESA, and commission guidelines. Because conditions change rapidly, the fisheries are managed almost exclusively by emergency rule. Representatives from the Washington (WDFW) and Oregon (ODFW) departments of fish and wildlife convene public hearings and take public testimony when considering

proposals for new emergency rules. WDFW and ODFW then adopt regulations reflecting agreements reached. There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Date Adopted: June 26, 2024.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-06000P Freshwater exceptions to statewide rules—Columbia River. Effective June 28 through July 31, 2024, the provisions of WAC 220-312-060 regarding recreational salmon and steelhead seasons from the Megler-Astoria Bridge to Priest Rapids Dam, shall be modified as described below, except in areas closed to fishing for salmon and steelhead year-round in WAC 220-312-060. All other provisions of WAC 220-312-060 not addressed herein remain in effect unless otherwise amended by emergency rule:

(1) From the Megler-Astoria Bridge upstream to Bonneville Dam:

Salmon and steelhead:

Effective June 28 through July 31, 2024: Daily limit 6 including no more than 1 hatchery steelhead. Release all salmon and steelhead other than hatchery jack Chinook and hatchery steelhead.

(2) From Bonneville Dam to The Dalles Dam:

(a) Effective June 28 through June 30, 2024: Daily limit 6, no more than 2 adults may be retained of which up to 1 may be a steelhead. Release all salmon and steelhead other than hatchery Chinook and hatchery steelhead.

(b) Effective July 1 through July 31, 2024: Daily limit 6 including no more than 1 hatchery steelhead. Release all salmon and steelhead other than hatchery jack Chinook and hatchery steelhead.

(3) From The Dalles Dam upstream to a line starting from a fishing boundary sign on the Washington north shore located approximately 1300' upstream of The Dalles Dam and Lock boat ramp projected easterly across the Columbia River to a boundary sign on the Washington southern shore located approximately 200' above the fish ladder exit: Salmon and steelhead:

Effective immediately, until further notice: Closed to fishing for and retention of salmon and steelhead.

(4) From a line starting from a fishing boundary sign on the Washington north shore located approximately 1300' upstream of The

Dalles Dam and Lock boat ramp projected easterly across the Columbia River to a boundary sign on the Washington south shore located approximately 200' above the fish ladder exit upstream to Hwy. 395 Bridge at Pasco: Salmon and steelhead:

(a) Effective June 28 through June 30, 2024: Daily limit 6, no more than 2 adults may be retained of which up to 1 may be a steelhead. Release all salmon and steelhead other than hatchery Chinook and hatchery steelhead.

(b) Effective July 1 through July 31, 2024: Daily limit 6 including no more than 1 hatchery steelhead. Release all salmon and steelhead other than hatchery jack Chinook and hatchery steelhead.

(5) From Columbia Point (approximately 1/3 mile downstream of I-182 Bridge) upstream to I-182 Bridge: Salmon:

(a) Effective immediately, through June 30, 2024: Closed to angling from a floating device or by any method except hand-cast lines from the west shore (Richland side of the river).

(b) Effective immediately, through June 30, 2024: Daily limit 6, up to 4 adult salmon including no more than 1 Chinook may be retained. Release all salmon and steelhead other than hatchery Chinook and sockeye.

(6) From I-182 Bridge upstream to Priest Rapids Dam: Salmon:

Effective immediately, through June 30, 2024: Daily limit 6, up to 4 adult salmon including no more than 1 Chinook may be retained. Release all salmon and steelhead other than hatchery adult Chinook, jack Chinook and sockeye.

REPEALER

The following sections of Washington Administrative Code are repealed, effective June 28, 2024:

WAC 220-312-06000N Freshwater exceptions to statewide rules—Columbia. (24-92)

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 24-14-069
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-116—Filed June 27, 2024, 4:09 p.m., effective June 27, 2024, 4:09 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this rule making is to provide for treaty Indian fishing opportunity in the Columbia River while protecting salmon listed as threatened or endangered under the Endangered Species Act (ESA). This rule making implements federal court orders governing Washington's relationship with treaty Indian tribes and federal law governing Washington's relationship with Oregon.

Citation of Rules Affected by this Order: Repealing WAC 220-359-02000B; and amending WAC 220-359-020.

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

Other Authority: *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2018-2027 *United States v. Oregon* Management Agreement (February 26, 2018) (Doc. No. 2607-1). *Northwest Gillnetters Ass'n v. Sandison*, 95 Wn.2d 638, 628 P.2d 800 (1981); Washington fish and wildlife commission policies concerning Columbia River fisheries; 40 Stat. 515 (Columbia River Compact).

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

Reasons for this Finding: This rule sets the Columbia River treaty summer season commercial fisheries for nontreaty buyers. This rule is consistent with actions of the Columbia River Compact on June 5 and June 27, 2024. Conforms state rules with tribal rules. The general public welfare is protected with the immediate opening of nontreaty buyers purchasing fish from treaty fisheries. This harvest opportunity allows for the tribal use and public access to the resource as well as the maintenance of sustainable fish populations. There is insufficient time to promulgate permanent regulations.

The Yakama, Warm Springs, Umatilla, and Nez Perce Indian tribes have treaty fishing rights in the Columbia River and inherent sovereign authority to regulate their fisheries. Washington and Oregon also have some authority to regulate fishing by treaty Indians in the Columbia River, authority that the states exercise jointly under the congressionally ratified Columbia River Compact. *Sohappy v. Smith*, 302 F. Supp. 899 (D. Or. 1969). The tribes and the states adopt parallel regulations for treaty Indian fisheries under the supervision of the federal courts. A court order sets the current parameters. *United States v. Oregon*, Civil No. 68-513-KI (D. Or.), Order Adopting 2018-2027 *United States v. Oregon* Management Agreement (February 26, 2018) (Doc. No. 2607-1). Some salmon and steelhead stocks in the Columbia River are listed as threatened or endangered under ESA. On February 23, 2018, the National Marine Fisheries Service issued a biological opinion under 16 U.S.C. § 1536 that allows for some incidental take of these species in the fisheries as described in the 2018-2027 *U.S. v. Oregon* Management Agreement.

Columbia River fisheries are monitored very closely to ensure consistency with court orders and ESA guidelines. Because conditions

change rapidly, the fisheries are managed almost exclusively by emergency rule. As required by court order, the Washington (WDFW) and Oregon (ODFW) departments of fish and wildlife convene public hearings and invite tribal participation when considering proposals for new emergency rules affecting treaty fishing rights. *Sohappy*, 302 F. Supp. at 912. WDFW and ODFW then adopt regulations reflecting agreements reached.

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

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

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

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

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

Date Adopted: June 27, 2024.

Kelly Susewind
Director

NEW SECTION

WAC 220-359-02000C Columbia River salmon seasons above Bonneville Dam. Notwithstanding the provisions of WAC 220-359-010, WAC 220-359-020, WAC 220-359-030, and WAC 220-359-090, it is unlawful for a person to take or possess salmon, steelhead, sturgeon, shad, carp, catfish, walleye, bass, or yellow perch taken for commercial purposes in Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, and 1H. However, those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla, and Nez Perce treaties may fish for salmon, steelhead, sturgeon, shad, carp, catfish, walleye, bass, or yellow perch under the following provisions:

(1) Open Areas: SMCRA 1F, 1G, 1H (Zone 6)

(a) Season: Immediately through 11:59 PM July 31, 2024.

(b) Gear: Hoop nets/bag nets, dip nets, and rod and reel with hook and line.

(c) Allowable sale: Salmon (any species), steelhead caught after 6:00 AM on June 17 may be sold or kept for subsistence. Shad, yellow perch, bass, walleye, catfish and carp may also be sold or retained for subsistence. Fish landed during the open periods are allowed to be sold after the period concludes. Sturgeon may not be sold, but sturgeon from 38 to 54 inches fork length in the Bonneville Pool and sturgeon from 43 to 54 inches fork length in The Dalles and John Day Pools and may be kept for subsistence purposes.

(d) Standard river mouth and dam sanctuary closures remain in place for this gear.

(2) Open Areas: SMCRA 1E (area defined in tribal/state MOUs/MOAs)

(a) Season: Immediately through 11:59 PM July 31, 2024. Only during days and times opened under tribal rule.

(b) Gear: Hook and line and/or platform gear identified in tribal rules.

(c) Allowable sale: Salmon (any species), steelhead, shad, yellow perch, bass, walleye, catfish and carp caught after 6:00 AM on June 17 may be sold or retained for subsistence. Sturgeon may not be retained in fisheries downstream of Bonneville Dam. Sales of fish are not authorized on COE property downstream of Bonneville Dam. Fish must be transported elsewhere for sale. Fish landed during the open periods are allowed to be sold after the period concludes.

(3) Open Areas: Wind River, Drano Lake, and Klickitat River.

(a) Season: Immediately, until further notice, and only during those days and hours when the areas are open under lawfully enacted Yakama Nation tribal subsistence fishery regulations for enrolled Yakama Nation members.

(b) Gear: Hoop Nets/Bag Nets, Dip Nets, and Rod and reel with hook and Line. Gillnets may only be used in Drano Lake.

Allowable sales: Salmon (any species), steelhead, shad, carp, catfish, walleye, bass, and yellow perch. Sturgeon from 38 to 54 inches fork length in the Bonneville Pool may be kept for subsistence.

(4) Open Areas: SMCRA 1F, 1G, 1H (Zone 6)

(a) Season:

(i) Immediately through 6:00 PM June 27, 2024

(ii) 6:00 AM July 1 through 6:00 PM July 4, 2024

(iii) 6:00 AM July 8 through 6:00 PM July 10, 2024

(b) Gear: Set and Drift Gill nets with mesh size restrictions consistent with tribal regulations.

(c) Allowable sale: Salmon (any species), steelhead, shad, yellow perch, bass, walleye, catfish and carp may be sold or retained for subsistence. Sturgeon may not be sold, but sturgeon from 38 to 54 inches fork length in the Bonneville Pool and sturgeon from 43 to 54 inches fork length in The Dalles and John Day Pools and may be kept for subsistence purposes.

(d) Standard river mouth and dam closed areas applicable to gill-net gear, except the Spring Creek Hatchery sanctuary is not in effect during the summer management period.

(5) 24-hour quick reporting is required for Washington wholesale dealers for all areas as provided in WAC 220-352-315, except that all landings from treaty fisheries described above must be reported within 24-hours of completing the fish ticket (not 24-hours after the period concludes).

(6) Fish caught during the open period may be sold after the period concludes.

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

REPEALER

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

WAC 220-359-02000B Columbia River salmon seasons above Bonneville Dam. (24-90)

WSR 24-14-070
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-109—Filed June 28, 2024, 8:30 a.m., effective July 1, 2024]

Effective Date of Rule: July 1, 2024.

Purpose: The purpose of this emergency rule is to open coastal commercial salmon troll fisheries and set landing and possession limits.

Citation of Rules Affected by this Order: Amending WAC 220-354-300.

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

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

Reasons for this Finding: A harvestable quota of salmon is available for the troll fleet. This regulation is necessary to both meet conservation limits and to provide fishing opportunity and its corresponding economic benefit. These rules are adopted at the recommendation of the Pacific Fisheries Management Council, in accordance with preseason fishing plans, and have been adopted for federal waters by the National Oceanic and Atmospheric Administration. There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: June 28, 2024.

Kelly Susewind
Director

NEW SECTION

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

Notwithstanding the provisions of WAC 220-354-300, WAC 220-353-050, and WAC 220-354-010, effective July 1, 2024, until further notice, it is unlawful to fish for salmon with troll gear or to land salmon taken with troll gear into a Washington port except during the seasons and under conditions provided below:

- (1) Salmon Management and Catch Reporting Area 1 open: July 1 through September 30, 2024.
- (2) Salmon Management and Catch Reporting areas 2, 3, and that portion of Area 4 west of 125°05'00" W longitude and south of 48°23'00" N latitude open: July 1 through September 15, 2024.
- (3) Grays Harbor Control Zone, defined by a line drawn from the Westport Lighthouse (46°53'18"N. lat., 124°07'01"W. long.); thence to Buoy #2 (46°52'42"N. lat., 124°12'42"W. long.); thence to Buoy #3 (46°55'00"N. lat., 124°14'48"W. long.); thence to the Grays Harbor north jetty (46°55'36"N. lat., 124°10'51"W. long.), open: July 1 through August 11, 2023.
- (4) Landing and possession limits:
 - (a) For the period July 1 through July 10, landing and possession limit of 40 Chinook and 100 marked coho per vessel for the entire period.
 - (b) From July 11 through September 30, landing and possession limit of 40 Chinook and 100 marked coho per vessel per landing week, defined as Thursday through Wednesday.
- (5) The Cape Flattery and Columbia River Control Zones are closed. The Salmon Troll Yelloweye Rockfish Conservation Area is closed.
- (6) All retained coho must be marked with a healed adipose fin clip.
- (7) No chum retention north of Cape Alava, WA in August and September.
- (8) Minimum size for Chinook salmon is 27 inches in length (20 1/2 inches frozen dressed). Minimum size for coho salmon is 16 inches in length (12 inches frozen dressed). No minimum size for pink, sock-eye or chum salmon.
- (9) It is unlawful to fish in Salmon Management and Catch Reporting Areas 1, 2, 3 or 4 with fish on board taken south of Cape Falcon, Oregon and all fish taken from Salmon Management and Catch Reporting Areas 1, 2, 3, and 4 must be landed before fishing south of Cape Falcon, Oregon.
- (10) It is unlawful for wholesale dealers and trollers retailing their fish to fail to report their landing by 10:00 a.m. the day following landing. Ticket information can be telephoned in by calling 1-866-791-1279, faxing the information to (360) 902-2949, or e-mailing to trollfishtickets@dfw.wa.gov. Report the dealer name, the dealer license number, the purchasing location, the date of purchase, the fish ticket numbers, the gear used, the catch area, the species, the total number for each species, and the total weight for each species, including halibut.
- (11) During any single trip, only one side of the Leadbetter Point line (46°38'10"N. lat.) may be fished.
 - (a) Vessels fishing or in possession of salmon while fishing south of Leadbetter Point must land and deliver all species of fish within the area south of Leadbetter Point.
 - (b) For delivery to Washington ports south of Leadbetter Point, vessels must notify WDFW at 360-249-1215 or by email at Danielle.Williams@dfw.wa.gov prior to crossing the Leadbetter Point line with area fished, total Chinook, coho, and halibut catch aboard, and destination with approximate time of delivery.
 - (c) Vessels may not land fish east of Tongue Point, Oregon.
- (12) Vessels fishing or in possession of salmon north of Leadbetter Point must land and deliver all species of fish in a Washington

port and must possess a Washington troll and/or salmon delivery license.

(a) Vessels in possession of salmon south of the Queets River may not cross the Queets River line (47°31'42"N. lat.) without first notifying WDFW at 360-249-1215 or by email at Danielle.Williams@dfw.wa.gov with area fished, total Chinook, coho, and halibut catch aboard and destination.

(b) Vessels in possession of salmon north of the Queets River may not cross the Queets River line without first notifying WDFW at 360-249-1215 or by email at Danielle.Williams@dfw.wa.gov with area fished, total Chinook, coho, and halibut catch aboard and destination.

(c) Vessels may not land fish east of the Sekiu River.

WSR 24-14-078

EMERGENCY RULES

DEPARTMENT OF HEALTH

(Pharmacy Quality Assurance Commission)

[Filed June 28, 2024, 10:56 a.m., effective June 28, 2024, 10:56 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Medication assistance in community-based and in-home care settings. As provided in RCW 69.41.010(15), the pharmacy quality assurance commission (commission) and department of health (department) are filing jointly to reinstate medication assistance rules as permitted under chapter 69.41 RCW by adopting new rules in WAC 246-945-710, 246-945-712, 246-945-714, 246-945-716, 246-945-718, 246-945-720, 246-945-722, 246-945-724, 246-945-726, and 246-945-728.

This adopted emergency rule will extend WSR 24-06-047 filed on March 1, 2024, without change.

This rule establishes criteria for medication assistance in community-based and in-home care settings in accordance with chapter 69.41 RCW. The definition for medication assistance provided in RCW 69.41.010(15) states:

"Medication assistance" means assistance rendered by a nonpractitioner to an individual residing in a community-based care setting or in-home care setting to facilitate the individual's self-administration of a legend drug or controlled substance. It includes reminding or coaching the individual, handing the medication container to the individual, opening the individual's medication container, using an enabler, or placing the medication in the individual's hand, and such other means of medication assistance as defined by rule adopted by the department.

These emergency rules provide further definitions for terms used within this definition such as "enabler" and establish those "other means of medication assistance as defined by rule adopted by the department." These rules help impacted individuals retain their independence and live in the least restrictive setting, such as their own home, longer by providing means and guidance for medication assistance.

Citation of Rules Affected by this Order: New WAC 246-945-710, 246-945-712, 246-945-714, 246-945-716, 246-945-718, 246-945-720, 246-945-722, 246-945-724, 246-945-726, and 246-945-728.

Statutory Authority for Adoption: RCW 18.64.005, 69.41.010(15), and 69.41.075.

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

Reasons for this Finding: The commission's new chapter 246-945 WAC became effective in July 2020. The old rules, including the former rules on medication assistance (chapter 246-888 WAC), were repealed in March 2021. The commission's repeal of chapter 246-888 WAC has resulted in unintended disruptions for medication assistance in the community-based and in-home care settings permitted under chapter 69.41 RCW. Emergency rule making is necessary to immediately restore medication assistance regulations to preserve patient safety and welfare while the commission and the department work on permanent rules. The CR-101 was filed on December 27, 2021, under WSR 22-02-015. Permanent rule

making was originally delayed due to the novel coronavirus (COVID-19) pandemic but is still in progress. Commission staff and the department of social and health services have collaborated to create rule language that was approved at a rules workshop at the commission's May 2, 2024, business meeting. After approving the language, the commission authorized staff to file a CR-102, which is in progress.

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

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

Number of Sections Adopted on the Agency's own Initiative: New 10, Amended 0, Repealed 0.

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

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 10, Amended 0, Repealed 0.

Date Adopted: June 28, 2024.

Ken Kenyon, PharmD, MBA, Chair
Pharmacy Quality Assurance Commission
Todd Mountin, PMP
Deputy Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

OTS-2998.2

PART 5 - MEDICATION ASSISTANCE

NEW SECTION

WAC 246-945-710 Scope and applicability. (1) This section through WAC 246-945-728 only apply to medication assistance provided in community-based care settings and in-home care settings.

(2) The following definitions apply to this section through WAC 246-945-728 unless the context requires otherwise:

(a) "Medication" means legend drugs and controlled substances;

and

(b) "Practitioner" has the same meaning as in RCW 69.41.010(17).

NEW SECTION

WAC 246-945-712 Self-administration with assistance, independent self-administration, and medication administration. (1) Self-administration with assistance means assistance with legend drugs and controlled substances rendered by a nonpractitioner to an individual residing in a community-based care setting or an in-home care setting. It includes reminding or coaching the individual to take their medication, handing the medication container to the individual, opening the medication container, using an enabler, or placing the medication in the hand of the individual/resident. The individual/resident must be able to put the medication into their mouth or apply or instill the medication. The individual/resident does not necessarily need to state the name of the medication, intended effects, side effects, or other details, but must be aware that they are receiving medication. Assistance may be provided by a nonpractitioner with prefilled insulin syringes. Assistance is limited to handing the prefilled insulin syringe to an individual/resident. Assistance with the administration of any other intravenous or injectable medication is specifically excluded. The individual/resident retains the right to refuse medication. Self-administration with assistance shall occur immediately prior to the ingestion or application of a medication.

(2) Independent self-administration occurs when an individual/resident is independently able to directly apply a legend drug or controlled substance by ingestion, inhalation, injection or other means. In licensed assisted living facilities, self-administration may include situations in which an individual cannot physically self-administer medications but can accurately direct others. These regulations do not limit the rights of people with functional disabilities to self-direct care according to chapter 74.39 RCW.

(3) If an individual/resident is not able to physically ingest or apply a medication independently or with assistance, then the medication must be administered to the individual/resident by a person legally authorized to do so (e.g., physician, nurse, pharmacist). All laws and regulations applicable to medication administration apply. If an individual/resident cannot safely self-administer medication or self-administer with assistance or cannot indicate an awareness that they are taking a medication, then the medication must be administered to the individual/resident by a person legally authorized to do so.

NEW SECTION

WAC 246-945-714 Self-administration with assistance in a community-based care setting or an in-home setting. (1) An individual/resident, or their representative, in a community-based care setting or an in-home setting may request self-administration with assistance.

(2) No additional separate assessment or documentation of the needs of the individual/resident are required in order to initiate self-administration with assistance. It is recommended that providers document their decision-making process in the health record of the individual or resident health record.

(3) A nonpractitioner may help in the preparation of legend drugs and controlled substances for self-administration where a practitioner has determined and communicated orally or by written direction that such medication preparation assistance is necessary and appropriate.

NEW SECTION

WAC 246-945-716 Enabler. (1) Enablers are physical devices used to facilitate an individual's/resident's self-administration of a medication. Physical devices include, but are not limited to, a medicine cup, glass, cup, spoon, bowl, prefilled syringes, syringes used to measure liquids, specially adapted table surface, straw, piece of cloth, or fabric.

(2) An individual's hand may also be an enabler. The practice of "hand-over-hand" administration is not allowed. Medication administration with assistance includes steadying or guiding an individual's hand while he or she applies or instills medications such as ointments, eye, ear, and nasal preparations.

NEW SECTION

WAC 246-945-718 Alteration of medication for self-administration with assistance. Alteration of a medication for self-administration with assistance includes, but is not limited to, crushing tablets, cutting tablets in half, opening capsules, mixing powdered medications with foods or liquids, or mixing tablets or capsules with foods or liquids. Individuals/residents must be aware that the medication is being altered or added to their food.

NEW SECTION

WAC 246-945-720 Medication alteration. A practitioner practicing within their scope of practice must determine that it is safe to alter a legend drug or controlled substance. If the medication is altered, and a practitioner has determined that such medication alteration is necessary and appropriate, the determination shall be communicated orally or by written direction. Documentation of the appropriateness of the alteration must be on the prescription container, or in the individual's/resident's record.

NEW SECTION

WAC 246-945-722 Types of assistance provided by nonpractitioner. A nonpractitioner can transfer a medication from one container to another for the purpose of an individual dose. Examples include: Pouring a liquid medication from the medication container to a calibrated spoon or medication cup.

NEW SECTION

WAC 246-945-724 Oxygen order/prescription requirements. Under state law, oxygen is not a medication and is not covered under this rule. While oxygen is not considered a medication under state law, oxygen does require an order/prescription from a practitioner.

NEW SECTION

WAC 246-945-726 Self-administration with assistance of medication through a gastrostomy or "g-tube." If a prescription is written as an oral medication via "g-tube," and if a practitioner has determined that the medication can be altered, if necessary, for use via "g-tube," the rules as outlined for self-administration with assistance would also apply.

NEW SECTION

WAC 246-945-728 Other medication assistance requirements. A practitioner, nonpractitioner, and an individual/resident or their representative should be familiar with the rules specifically regulating the residential setting. The department of social and health services has adopted rules relating to medication services in assisted living facilities and adult family homes.

WSR 24-14-079

EMERGENCY RULES

DEPARTMENT OF HEALTH

(Examining Board of Psychology)

[Filed June 28, 2024, 11:02 a.m., effective July 1, 2024]

Effective Date of Rule: July 1, 2024.

Purpose: To reduce barriers to licensure and streamline the credentialing process for psychologists.

Adopting emergency rules to amend WAC 246-924-010, 246-924-046, 246-924-053, 246-924-095, and 246-924-100; establish WAC 246-924-048 and 246-924-0481; and repeal WAC 246-924-047 in chapter 246-924 WAC, Psychologists. The examining board of psychology (board) is adopting emergency rules to implement parts of 2SHB 1724 (chapter 425, Laws of 2023).

The legislature passed 2SHB 1724 in 2023 to reduce barriers to entering and remaining in the workforce and to streamline the credentialing process. To implement 2SHB 1724, the board is adopting emergency rules that:

- Update required curriculum content areas to more closely align with current American Psychological Association (APA) standards and correct the minimum credit hour requirements;
- Allow all graduate level courses completed prior to conferral of a doctoral degree to be accepted as fulfilling the required curriculum content areas;
- Add the Psychological Clinical Science Accreditation System (PCSAS) as an approved educational accrediting body;
- Clarify the two residency pathways and what qualifies as residency hours;
- Reduce the number of educational meeting hours required in lieu of a full-time academic residency;
- Reduce the minimum requirement for preinternship direct contact hours;
- Reduce the waiting period for an applicant to retake the national examination and require applicants taking their third or subsequent reexamination to submit an action plan to the board; and
- Update the rule to include all current licensing pathways for providers credentialed in another jurisdiction.

These emergency rules will be continued while permanent rules are in progress under WSR 24-11-005, filed on May 2, 2024.

Citation of Rules Affected by this Order: New WAC 246-924-048 and 246-924-0481; repealing WAC 246-924-047; and amending WAC 246-924-010, 246-924-046, 246-924-053, 246-924-095, and 246-924-100.

Statutory Authority for Adoption: RCW 18.83.050 and 18.130.800.

Other Authority: 2SHB 1724 (chapter 425, Laws of 2023).

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

Reasons for this Finding: Rule making is necessary to implement recent legislation. During the 2023 legislative session, 2SHB 1724 specifically directed the board to complete emergency rule making by July 1, 2024, to remove barriers to entering and remaining in the health care workforce and to streamline and shorten the credentialing

process. These emergency rules are the board's response to this legislative direction. Emergency rule making is necessary to amend existing licensure requirements and comply with new legislation.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, Amended 5, Repealed 1.

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

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

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

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 2, Amended 5, Repealed 1.

Date Adopted: June 28, 2024.

Cedar O'Donnell, Ph.D., Chair
Examining Board of Psychology

OTS-5467.2

AMENDATORY SECTION (Amending WSR 20-12-076, filed 6/1/20, effective 7/2/20)

WAC 246-924-010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly states otherwise.

(1) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(2) "APA" means American Psychological Association.

(3) "APPIC" means Association of Psychology Postdoctoral and Internship Centers.

(4) "CPA" means Canadian Psychological Association.

(5) "Endorsement" means licensing of applicants who are licensed as psychologists outside of Washington state and meet applicable requirements.

(6) "Face to face" means in-person contact in the same physical space not assisted by technology.

~~((6))~~ (7) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

~~((7))~~ (8) "Out-of-state" means any state or territory of the United States.

~~((8))~~ (9) "PCSAS" means Psychological Clinical Science Accreditation System.

(10) "Probationary license" means a temporary license issued to out-of-state applicants qualifying for licensure reciprocity in Washington state based on substantial equivalence in scope of practice un-

der the restrictions and conditions of RCW 18.225.140 and this chapter.

~~((9))~~ (11) "Reciprocity" means licensure of out-of-state licensed psychologists based on substantial equivalence between Washington state scope of practice and the scope of practice of the other state or territory, subject to a probationary licensure period to complete outstanding Washington state licensure requirements as determined necessary to gain full licensure.

AMENDATORY SECTION (Amending WSR 16-16-026, filed 7/22/16, effective 8/22/16)

WAC 246-924-046 Doctoral degree program. To meet the education requirements of RCW 18.83.070, an applicant must possess a doctoral degree from a regionally accredited institution. ~~((Regional accreditation is awarded to an institution by one of the regional accrediting agencies, each of which covers a specified portion of the United States and its territories, or equivalent accreditation in another country, upon approval by the board.))~~

(1) The doctoral degree program must encompass a minimum of three academic years of full-time graduate study or the equivalent and must include:

(a) At least ~~((forty))~~ 51 semester credits, or ~~((sixty))~~ 85 quarter credits, of graduate courses in curriculum areas described in subsection ~~((3))~~ (2) of this section.

(i) Courses must be clearly identified by title and course content as being part of an integrated psychology program.

(ii) ~~Master's and doctoral level graduate courses taken ((before)) prior to the conferral of the doctoral degree ((program)) may be accepted if ((the doctoral degree program accepted the course(s))~~ they:

(A) Were completed at a regionally accredited graduate program in psychology;

(B) Are reflected on a transcript; and

(C) Align with the requirements in subsection (2) of this section.

(iii) Up to two graduate courses taken after the doctoral degree program may be accepted if they:

(A) Were completed at a regionally accredited graduate program in psychology;

(B) Are reflected on a transcript; and

(C) Align with the requirements in subsection (2) of this section.

(iv) If more than two courses are needed to meet the requirements in subsection (2) of this section, they must be part of a respecialization program.

~~(b) One ((year in residency as described in subsection (4) of this section)) of the following:~~

(i) Academic residency that meets the requirements under WAC 246-924-048; or

(ii) Educational meetings that meet the requirements under WAC 246-924-0481;

(c) Submission of an original dissertation which is psychological in nature and endorsed by the program; and

(d) An organized, sequential and coordinated practicum and internship experience as described in WAC 246-924-049 and 246-924-056.

(2) ~~The applicant must complete the curriculum ((requirements: The doctoral degree program must encompass a minimum of three academic years of full-time graduate study or the equivalent.))~~ content areas described in Table 1 - Curriculum Content Areas:

Table 1 - Curriculum Content Areas

Unless otherwise indicated, applicant must complete three or more semester credits, or five or more quarter credits, of core study in each of the content areas.	
<i>Category 1 - History of Systems of Psychology</i>	
a. History and Systems of Psychology (this is the only content area that may be completed at the undergraduate-level)	Includes the origins and development of major ideas in the discipline of psychology.
<i>Category 2 - Basic Content Areas in Scientific Psychology</i>	
b. Affective Aspects of Behavior	Includes topics such as affect, mood, and emotion. Psychopathology and mood disorders do not by themselves fulfill this category.
c. Biological Aspects of Behavior	Includes multiple biological underpinnings of behavior, such as neural, physiological, anatomical, and genetic aspects of behavior. Although neuropsychological assessment and psychopharmacology can be included in this category, they do not, by themselves, fulfill this category.
d. Cognitive Aspects of Behavior	Includes topics such as learning, memory, thought processes, and decision-making. Cognitive testing and cognitive therapy do not, by themselves, fulfill this category.
e. Developmental Aspects of Behavior	Includes transitions, growth, and development across an individual's life. A coverage limited to one developmental period (e.g., infancy, childhood, adolescence, adulthood, or late life) is not sufficient.
f. Social Aspects of Behavior	Includes topics such as group processes, attributions, discrimination, and attitudes. Individual and cultural diversity and group or family therapy do not, by themselves, fulfill this category.
<i>Category 3 - Advanced Integrative Knowledge in Scientific Psychology</i>	
g. Advanced Integrative Knowledge of Basic Discipline-Specific Content Areas (minimum of two courses)	Includes graduate-level scientific knowledge that entails integration of multiple basic discipline-specific content areas identified in Category 2 (i.e., integration of at least two of: Affective, biological, cognitive, social, or developmental aspects of behavior).
<i>Category 4 - Research Methods, Statistical Analysis, and Psychometrics</i>	
h. Research Methods	Includes topics such as strengths, limitations, interpretation, and technical aspects of rigorous case study; correlational, experimental, and other quantitative research designs; measurement techniques; sampling; replication; theory testing; qualitative methods; mixed methods; meta-analysis; and quasi-experimentation.
i. Statistical Analysis	Includes topics such as quantitative, mathematical modeling and analysis of psychological data, statistical description and inference, univariate and multivariate analysis, null hypothesis testing and its alternatives, power, and estimation.
j. Psychometrics	Includes topics such as theory and techniques of psychological measurement, scale and inventory construction, reliability, validity, evaluation of measurement quality, classical and contemporary measurement theory, and standardization.
<i>Category 5 - Profession-Wide Competencies</i>	
k. Psychological Assessment (minimum of two courses)	Evidence-based assessment consistent with the scope of health service psychology. This includes applying empirically supported assessment methods, interpreting assessment results following current research and professional standards and guidelines, case conceptualization, classification, and recommendations.

<p><u>l. Psychological Interventions (minimum of two courses)</u></p>	<p><u>Evidence-based interventions consistent with the scope of health service psychology. "Intervention" is defined broadly to include, but not be limited to, psychotherapy. Interventions may be derived from a variety of theoretical orientations or approaches. The level of intervention may include those directed at an individual, a family, a group, an organization, a community, a population, or other systems.</u></p>
<p><u>m. Ethical and Legal Standards</u></p>	<p><u>Current ethical and legal standards of the field; relevant laws, regulations, rules, and policies governing health service psychology at the organizational, local, state, regional, and federal levels; and relevant professional standards and guidelines.</u></p>
<p><u>n. Special Population Issues (accessibility; disability; diversity; health equity, socio-economic, cultural, and linguistic differences)</u></p>	<p><u>Includes courses that involve: Awareness of history/culture/attitudes/biases; current theory and science as it relates to addressing diversity in psychological practice; applying a framework for effective psychological practice with diversity not previously encountered or which might create conflict with one's own worldview.</u></p>

~~(3) ((The applicant must complete three or more semester credits, or five or more quarter credits, of core study in each of the following content areas:~~

- ~~(a) Biological bases of behavior. For example: Physiological psychology, comparative psychology, neural bases of behavior, sensation and perception, and biological bases of development;~~
- ~~(b) Cognitive-affective bases of behavior. For example: Learning, thinking, motivation, emotion, and cognitive development;~~
- ~~(c) Social bases of behavior. For example: Social psychology, organizational theory, community psychology, and social development;~~
- ~~(d) Individual differences. For example: Personality theory and psychopathology;~~
- ~~(e) Scientific and professional ethics;~~
- ~~(f) History and systems of psychology;~~
- ~~(g) Statistics and psychometrics;~~
- ~~(h) Research design and methodology;~~
- ~~(i) Techniques of data analysis;~~
- ~~(j) Human development. For example: Developmental psychology, child development, adult development and aging;~~
- ~~(k) Cultural and individual differences and diversity;~~
- ~~(l) Psychopathology and dysfunctional behaviors;~~
- ~~(m) Theories and methods of assessment and diagnosis-minimum of two courses;~~
- ~~(n) Effective psychological intervention and evaluation of the efficacy of interventions-minimum of three courses; and~~
- ~~(o) Psychopharmacology.~~

~~(4)) Doctoral degree programs accredited by the American Psychological Association ((~~AP~~)), the Canadian Psychological Association, or the Psychological Clinical Science Accreditation System are recognized as having met the minimum education requirements.~~

~~((5) Residency requirement:~~

~~(a) The doctoral degree program must involve at least one continuous year of full-time residency at the institution which grants the degree or a minimum of seven hundred fifty hours of student-faculty contact involving face-to-face individual or group educational meetings.~~

~~(b) Educational meetings:~~

~~(i) Must include both faculty-student and student-student interaction;~~

~~(ii) Be conducted by the psychology faculty of the institution at least seventy-five percent of the time;~~

~~(iii) Be fully documented by the institution and the applicant;
and
(iv) Relate substantially to the program components specified.)~~

NEW SECTION

WAC 246-924-048 Academic residency. To meet the doctoral degree program requirements in WAC 246-924-046 (1)(b), an applicant may choose to complete academic residency. An academic residency is a residency that exists for the purpose of acculturation in the profession, involves the full participation and integration of the individual in the educational and training experience, and includes faculty-student interaction.

An applicant who chooses to complete an academic residency must complete at least a one-year continuous full-time academic residency at the institution that grants the doctoral degree. The applicant must be physically present, in-person at the educational institution providing the residency and granting the doctoral degree.

For the purposes of this section, continuous means full-time enrollment over the course of the defined academic year. Multiple long weekends or summer intensive sessions do not meet the definition of continuous.

NEW SECTION

WAC 246-924-0481 Educational meetings. To meet the doctoral degree program requirement in WAC 246-924-046 (1)(b) an applicant may choose to complete educational meetings. Educational meetings are graduate-level classes, courses, seminars, or symposia that are substantially related to acquiring academic knowledge and clinical skills related to psychology.

(1) An applicant who chooses to complete educational meetings must complete a minimum of 500 hours of educational meetings involving student-faculty contact and face-to-face individual or group interaction.

(2) In order to qualify, an educational meeting must:

(a) Include both faculty-student and student-student interaction;

(b) Be conducted by the psychology faculty of the institution at least 75 percent of the time. Faculty are direct employees of the institution, contractors, guest speakers, or lecturers authorized by a faculty member;

(c) Be fully documented by the institution and the applicant;

(d) Relate substantially to the program components specified;

(e) Be substantially related to acquiring the academic knowledge and clinical skills essential to successfully practicing clinical psychology after graduation; and

(f) Be documented on an academic transcript including graduate-level classes, courses, seminars, or symposia.

(3) The doctoral program must provide directly to the board on the program's letterhead the following information about every component of each educational meeting:

(a) Date(s) (month, day, year);

(b) Start and end time;

(c) Name and title of faculty teaching or leading the educational meeting;

(d) Name of educational meeting, including class name and number on transcript;

(e) For multiday educational meetings, a daily agenda for each day of the event with the above detail.

(4) Meetings that are conducted remotely, are noneducational, or do not substantially relate to a doctoral psychology curriculum do not qualify as educational meetings. This includes conferences, networking activities, receptions, nonpsychology trainings, professional association events, and any other activities that do not meet the requirements of subsection (2) of this section.

AMENDATORY SECTION (Amending WSR 07-24-093, filed 12/5/07, effective 9/1/09)

WAC 246-924-053 Preinternship. A preinternship experience occurs between the practicum required by WAC 246-924-049 and internship required by WAC 246-924-056. A preinternship can include up to 1500 hours of supervised experience, but is not required. If preinternship experience is used to satisfy the experience requirement of WAC 246-924-043 (1)(c), it must meet the following requirements:

(1) Before beginning the program, the student, the doctoral program, and the preinternship program must agree on and document the goals, the student's expectations, and the methods of the preinternship experience. The goals must meet the requirements of this section.

(2) Every 20 hours of preinternship experience must include the following:

(a) At least ((2)) two hours of regularly scheduled, formal, face-to-face individual supervision that addresses the direct psychological services provided by the student; and

(b) At least ((2)) two hours of other learning activities such as case conferences, seminars on applied issues, conducting cotherapy with a staff person including discussion of the case, and group supervision.

(3) At least ((~~sixty~~)) 25 percent of the preinternship experience must be direct client contact providing assessment and intervention services.

(4) The preinternship experience must be supervised by the person(s) responsible for the assigned casework.

(a) At least ((~~seventy-five~~)) 75 percent of the supervision must be by a licensed psychologist with two years post-license experience.

(b) Up to ((~~twenty-five~~)) 25 percent of the supervision may be completed by the following:

(i) A psychiatrist(s) with three years experience beyond residency;

(ii) A licensed mental health counselor(s) with five years post-license experience;

(iii) A licensed marriage and family therapist(s) with at least five years post-license experience;

(iv) A licensed advanced social worker(s) or licensed independent clinical social worker(s) with five years post-license experience; or

(v) A doctoral level psychologist(s) with three years post-doctoral experience who is exempt from licensure under RCW 18.83.200 (1), (2), (3) or (4), if the supervision occurs in the exempt setting.

- (c) Supervision of the preinternship experience must include the following:
- (i) Discussion of services provided by the student;
 - (ii) Selection of service plan for and review of each case or work unit of the student;
 - (iii) Discussion of and instruction in theoretical concepts underlying the work;
 - (iv) Discussion of the management of professional practice and other administrative or business issues;
 - (v) Evaluation of the supervisory process by the student and the supervisor;
 - (vi) Discussion of coordination of services among the professionals involved in the particular cases or work units;
 - (vii) Discussion of relevant state laws and rules;
 - (viii) Discussion of ethical principles including principles applicable to the work;
 - (ix) Review of standards for providers of psychological services;
- and
- (x) Discussion of reading materials relevant to cases, ethical issues and the supervisory process.

AMENDATORY SECTION (Amending WSR 20-12-076, filed 6/1/20, effective 7/2/20)

WAC 246-924-095 Failure of ~~((written examinations))~~ the examination for professional practice in psychology. An applicant who fails the examination for professional practice in psychology (EPPP) required under WAC 246-924-070 may sit for reexamination as follows:

- (1) First reexamination: At any following examination administration date;
- (2) Second or subsequent reexamination: A minimum waiting period of ~~((two))~~ one month~~((s))~~ after the failure of the previous examination.
- (3) Third or subsequent reexamination: Applicant must submit an action plan for board review in order to take the exam again. The action plan must include how the applicant plans to prepare for future retakes. The applicant must receive board approval of the action plan before taking the exam again.

AMENDATORY SECTION (Amending WSR 16-16-026, filed 7/22/16, effective 8/22/16)

WAC 246-924-100 ~~((Qualifications for granting of license by))~~ Endorsement—Applying for licensure for non-Washington licensed and nationally-certified applicants. ~~((1) Applicants applying for licensure by endorsement shall:~~

- ~~(a) Submit official transcripts documenting the completion of a doctoral degree with a primary emphasis on psychology from a regionally accredited institution, or equivalent accreditation from another country.~~
- ~~(b) Document that he or she has been credentialed as a psychologist in another state or country for at least two years, or is a cur-~~

~~rent member of a professional organization identified in subsection (3) of this section.~~

~~(c) Document that he or she has an active credential as a psychologist in another state or country deemed by the board as essentially equivalent, or is a current member of a professional organization identified in subsection (3) of this section.~~

~~(d) All application documents submitted in a foreign language shall be accompanied by an accurate translation of those documents into English. Translated documents shall bear a notarized affidavit certifying that the translator is competent in both the language of the document and the English language and that the translation is a true and complete translation of the foreign language original. Costs of all documents shall be at the expense of the applicant.~~

~~(e) Successfully pass the jurisprudence examination required by WAC 246-924-070.~~

~~(2-)) An individual may apply for licensure by endorsement if the individual:~~

~~(1) (a) Is licensed in another state whose licensing requirements are deemed by the board to be substantially equivalent to Washington's;~~

~~(b) Has been licensed for at least two years immediately preceding their application without interruption in licensure lasting more than 90 days; and~~

~~(c) Otherwise meets the requirements of RCW 18.130.077; or~~

~~(2) (a) Is licensed in another state or country whose licensing requirements are deemed by the board to be essentially equivalent to Washington's;~~

~~(b) Has been licensed for a period of at least two years; and~~

~~(c) Otherwise meets the requirements of RCW 18.83.170 (1) (a) and (b) (i).~~

~~(3) The board shall recognize psychologists as having met the requirements of this chapter who, at the time of application, provide documentation of current membership in any of the following professional organizations:~~

~~(a) Health service psychologist credentialed by the National Register of Health Service Psychologists;~~

~~(b) Diplomate from the American Board of Examiners in Professional Psychology;~~

~~(c) Certificate of Professional Qualification in Psychology from the Association of State and Provincial Psychology Boards; or~~

~~(d) Diplomate of the American Board of Professional Neuropsychology.~~

~~(4) Applicants seeking licensure by endorsement under subsections (2) and (3) of this section must successfully pass the jurisprudence exam.~~

~~(5) If the board determines that the applicant's other state or country's credentialing requirements are not essentially equivalent under subsection (2) of this section, the applicant must:~~

~~(a) Provide documentation of meeting Washington state's credentialing requirements in the area(s) the board has determined a state or country of endorsement's requirements are not essentially equivalent.~~

~~(b) Ensure documents submitted in a foreign language ((meet the requirements of subsection (1)(d) of this section)) are accompanied by an accurate translation of those documents into English. Translated documents shall bear a notarized affidavit certifying that the translator is competent in both the language of the document and the Eng-~~

lish language and that the translation is a true and complete translation of the foreign language original. Costs of all documents shall be at the expense of the applicant.

(c) If the board determines that the applicant's state or country of endorsement's credentialing requirements are not essentially equivalent, the applicant will be provided due process under RCW 18.130.055.

~~((3) The board shall recognize psychologists as having met the requirements of this chapter who, at the time of application, provide documentation of current membership in any of the following professional organizations:~~

~~(a) Health service psychologist credentialed by the National Register of Health Service Psychologists;~~

~~(b) Diplomate from the American Board of Examiners in Professional Psychology;~~

~~(c) Certificate of Professional Qualification in Psychology from the Association of State and Provincial Psychology Boards; or~~

~~(d) Diplomate of the American Board of Professional Neuropsychology.~~

~~(e) The board may recognize additional professional organizations deemed to meet the essential standards of this chapter.)~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-924-047 Courses completed outside the doctoral degree granting program.

WSR 24-14-080

EMERGENCY RULES

DEPARTMENT OF HEALTH

[Filed June 28, 2024, 11:06 a.m., effective July 1, 2024]

Effective Date of Rule: July 1, 2024.

Purpose: To reduce barriers to licensure and streamline the credentialing process for the mental health counselor, marriage and family therapist, and social worker professions.

Amending WAC 246-809-110, 246-809-130, 246-809-220, 246-809-221, 246-809-230, 246-809-330, and 246-809-990 in chapter 246-809 WAC, Licensure for mental health counselors, marriage and family therapists, and social workers. The department of health (department) is adopting emergency rules to implement parts of 2SHB 1724 (chapter 425, Laws of 2023) and E2SHB 2247 (chapter 371, Laws of 2024).

These emergency rules: (1) Allow professional experience to substitute for practicum requirements for mental health counselors; (2) lower requirements for licensure by endorsement to one year of licensure in a substantially equivalent state; (3) align the definition of "equally qualified licensed mental health practitioner" for marriage and family therapists more closely with other master-level counselor professions; and (4) remove the limit on the number of credential renewals authorized for associate credentials.

The department is adopting these amendments through emergency rule to meet the requirements of 2SHB 1724 and E2SHB 2247. The department will also consider adopting these changes through the permanent rule-making process, under WSR 24-10-012, filed April 18, 2024. These emergency rules will be renewed while permanent rule making is in progress.

Citation of Rules Affected by this Order: Amending WAC 246-809-110, 246-809-130, 246-809-220, 246-809-221, 246-809-230, 246-809-330, and 246-809-990.

Statutory Authority for Adoption: 2SHB 1724 (chapter 425, Laws of 2023), E2SHB 2247 (chapter 371, Laws of 2024); RCW 18.130.800 and 18.225.040.

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

Reasons for this Finding: The emergency rule is necessary to support the Washington state behavioral health workforce, which is increasingly strained. By implementing the new standards through emergency rules, it will reduce barriers to entering and remaining in the behavioral health care workforce, streamline the credentialing process, and increase access to behavioral health care.

These emergency rules are also being adopted to comply with 2SHB 1724 and E2SHB 2247. In 2023, section 5 of 2SHB 1724 required the department, in consultation with the workforce training and education coordinating board, to recommend changes to statutes and rules that would remove barriers to joining the health care workforce and streamline the credentialing process. Section 6 required the department to adopt emergency rules implementing these recommendations by July 1, 2024. In 2024, E2SHB 2247 amended a statute to align with the department's recommendation to remove renewal limits on associate creden-

tials. Pursuant to these bills, amendments to chapter 246-809 WAC include:

- (1) Allowing professional experience to substitute for practicum requirements for mental health counselors;
- (2) Lowering requirements for licensure by endorsement to one year of licensure in a substantially equivalent state;
- (3) Aligning the definition of "equally qualified licensed mental health practitioner" for marriage and family therapists more closely with other master-level counselor professions; and
- (4) Removing limits on the number of renewals for associate credentials.

By adopting these emergency rules, the department will implement sections of 2SHB 1724 and E2SHB 2247 and fulfill the legislature's plan to effectively reduce barriers to licensure in these professions.

These emergency rules will be continued, as permanent rule making is in progress under WSR 24-10-012, filed April 18, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute:

New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 7, Repealed 0.

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

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

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

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 7, Repealed 0.

Date Adopted: June 28, 2024.

Kristin Peterson, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

OTS-5405.2

AMENDATORY SECTION (Amending WSR 23-23-150, filed 11/20/23, effective 1/1/24)

WAC 246-809-110 Definitions. The following terms apply to the licensure of marriage and family therapists and marriage and family therapist associates, in WAC 246-809-100 through 246-809-140.

(1) "Approved educational program" means:

(a) Any college or university accredited by a national or regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation or its successor; or

(b) A program accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE), at the time the applicant completed the required education.

(2) "Approved supervisor" means a licensed marriage and family therapist, or an equally qualified licensed mental health practitioner.

(3) "Equally qualified licensed mental health practitioner" means a licensed mental health counselor, licensed clinical social worker, licensed psychologist, licensed physician practicing as a psychiatrist, or licensed psychiatric nurse practitioner (~~, who has completed:~~

~~(a) Three hundred clock hours in graduate or postgraduate marriage and family education, or continuing education in marriage and family therapy or supervision by an approved marriage and family therapist supervisor in marriage and family therapy or any combination of these; and~~

~~(b) Five years of clinical practice that includes the equivalent of one year of clinical practice working with couples and families).~~

(4) "Group supervision" means face-to-face supervision with an approved supervisor, involving one supervisor and no more than six licensure candidates.

(5) "Licensure candidate" means an individual who is accruing supervised clinical experience required for licensure.

(6) "One-on-one supervision" means face-to-face supervision with an approved supervisor, involving one supervisor and no more than two licensure candidates.

(7) "Peer" means a coworker who is not the licensure candidate's employer or supervisor.

(8) "Supervised experience requirement" means experience that is obtained under an approved supervisor who meets the requirements described in WAC 246-809-134.

(9) "Supervision of supervision" means supervision by an approved supervisor for the purpose of training and qualifying a license holder to act as an approved supervisor for purposes of chapter 18.225 RCW and WAC 246-809-134.

AMENDATORY SECTION (Amending WSR 23-23-150, filed 11/20/23, effective 1/1/24)

WAC 246-809-130 Supervised postgraduate experience. (1) The experience requirements for the marriage and family therapist applicant's practice area include successful completion of a supervised experience requirement. Applicants who have held an active marriage and family therapy license for the past (~~(five consecutive years or more)~~) year in another state or territory, without a disciplinary record or disqualifying criminal history, are deemed to have met the supervised experience requirements for Washington state licensure in subsection (3) of this section.

(2) In accordance with RCW 18.225.090 and 18.225.095, for applicants who can demonstrate they have practiced as a substance use disorder professional for at least three years within 10 years from the date their application for a marriage and family therapist license is submitted to the department, the department shall reduce the total required supervised hours from 3,000 hours to 2,700 hours. The requirements in subsection (3) (a) through (e) of this section shall apply regardless of the reduction of total required hours.

(3) Total experience requirements include a minimum of 3,000 hours to include the following:

(a) One thousand hours of direct client contact with at least 500 hours gained in diagnosing and treating couples and families;

(b) At least 200 hours of qualified supervision with an approved supervisor.

(i) Of the 200 hours, 100 hours must be with a licensed marriage and family therapist with at least five years of clinical experience; the other 100 hours may be with an equally qualified licensed mental health practitioner;

(ii) At least 100 of the 200 hours must be one-on-one supervision; and

(iii) The remaining hours may be in one-on-one or group supervision.

(c) Applicants who have completed a master's program accredited by the Commission on Accreditation for Marriage and Family Therapy Education of the American Association for Marriage and Family Therapy boards will be credited with 500 hours of direct client contact and 100 hours of qualified supervision with an approved supervisor;

(d) Licensed marriage and family therapist associate applicants are not required to have supervised postgraduate experience prior to becoming an associate; and

(e) Licensed marriage and family therapist associate applicants must declare they are working towards full licensure.

AMENDATORY SECTION (Amending WSR 17-13-082, filed 6/16/17, effective 7/17/17)

WAC 246-809-220 Education requirements. (1) To meet the education requirement for licensure as a mental health counselor or mental health counselor associate, an applicant must have a master's or doctoral degree in mental health counseling or a master's or doctoral degree in a behavioral science field relating to mental health counseling from an approved school. Fields recognized as relating to mental health counseling include counseling, psychology, social work, nursing, education, pastoral counseling, rehabilitation counseling, or social sciences. Any field of study qualifying as related to mental health counseling must satisfy course work equivalency requirements included in WAC 246-809-221. An official transcript must be provided as evidence of fulfillment of the course work required.

(2) Any supplemental course work must be from an approved school.

(3) Applicants who hold a behavioral science master's or doctoral degree in a related field may complete supplemental course work through an approved educational program to satisfy any missing program equivalencies. Postgraduate experience hours acquired concurrently with the additional course work counts toward the supervised postgraduate experience under WAC 246-809-230.

(4) A person who is a Nationally Certified Counselor (NCC) or a Certified Clinical Mental Health Counselor (CCMHC) through the National Board of Certified Counselors (NBCC) is considered to have met the education requirements of this chapter. Verification must be received by the department directly from NBCC.

(5) An applicant is considered to have met the counseling practicum component of the educational requirements if they:

(a) Have held an agency affiliated counselor credential for the past year in good standing; and

(b) Demonstrate 600 hours of clinical experience under the supervision of a mental health professional. Experience must include demonstrated competence in the application of the principles of human development, learning theory, psychotherapy, group dynamics, or dysfunctional behavior in the delivery of direct clinical care.

AMENDATORY SECTION (Amending WSR 17-13-082, filed 6/16/17, effective 7/17/17)

WAC 246-809-221 Behavioral sciences—Program equivalency. (1)

Behavioral science in a field relating to mental health counseling includes a core of study relating to counseling theory and counseling philosophy.

(2) Either a counseling practicum, or a counseling internship, or both, must be included in the core of study unless otherwise permitted in WAC 246-809-220(5). Exclusive use of an internship or practicum used for qualification must have incorporated supervised direct client contact.

(3) This core of study must include seven of the content areas listed in (a) through (q) of this subsection. Five of the content areas must be from (a) through (h) of this subsection:

- (a) Assessment/diagnosis.
- (b) Ethics/law.
- (c) Counseling individuals.
- (d) Counseling groups.
- (e) Counseling couples and families.
- (f) Developmental psychology (may be child, adolescent, adult or life span).
- (g) Psychopathology/abnormal psychology.
- (h) Research and evaluation.
- (i) Career development counseling.
- (j) Multicultural concerns.
- (k) Substance/chemical abuse.
- (l) Physiological psychology.
- (m) Organizational psychology.
- (n) Mental health consultation.
- (o) Developmentally disabled persons.
- (p) Abusive relationships.
- (q) Chronically mentally ill.

AMENDATORY SECTION (Amending WSR 20-12-074, filed 6/1/20, effective 7/2/20)

WAC 246-809-230 Supervised postgraduate experience. (1) The experience requirements for the mental health counselor applicant's practice area include successful completion of a supervised experience requirement. Applicants who have held an active mental health counselor license for the past (~~(five consecutive years or more)~~) year in another state or territory, without a disciplinary record or disqualifying criminal history, are deemed to have met the supervised experience requirements for Washington state licensure in subsection (3) of this section.

(2) In accordance with RCW 18.225.090 and 18.225.095, for applicants who can demonstrate they have practiced as a substance use disorder professional for at least three years within ~~((ten))~~ 10 years from the date their application for mental health counselor license is submitted to the department, the department shall reduce the minimum total required supervised hours from ~~((three thousand hours to two thousand seven hundred))~~ 3,000 hours to 2,700 hours. The requirements in subsection (3)(b)(i) and (ii) of this section shall apply regardless of the reduction of total required hours.

(3)(a) The experience requirement consists of a minimum of ~~((thirty-six))~~ 36 months full-time counseling or ~~((three thousand))~~ 3,000 hours of postgraduate mental health counseling under the supervision of a qualified licensed mental health counselor or equally qualified licensed mental health practitioner in an approved setting.

(b) Of the ~~((three thousand))~~ 3,000 hours:

(i) One hundred hours spent in immediate supervision with the qualified licensed mental health counselor or equally qualified licensed mental health practitioner; and

(ii) At least ~~((one thousand two hundred))~~ 1,200 hours must be direct counseling with individuals, couples, families, or groups.

(4) Applicants who have completed a master's or doctoral program accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) will be credited with ~~((fifty))~~ 50 hours of postgraduate supervision and ~~((five hundred))~~ 500 hours of postgraduate experience.

(5) Applicants for licensed mental health counselor associate are not required to have supervised postgraduate experience prior to becoming an associate.

(6) Licensed mental health counselor associate applicants must declare they are working toward full licensure.

AMENDATORY SECTION (Amending WSR 23-23-150, filed 11/20/23, effective 1/1/24)

WAC 246-809-330 Supervised postgraduate experience requirements.

(1) Licensed advanced social worker.

(a) Applicants who have held an active advanced social worker license for the past ~~((five consecutive years or more))~~ year in another state or territory, without a disciplinary record or disqualifying criminal history, are deemed to have met the supervised experience requirements for Washington state licensure in subsection (1)(c) of this section.

(b) In accordance with RCW 18.225.090 and 18.225.095, for applicants who can demonstrate they have practiced as a substance use disorder professional for at least three years within 10 years from the date their application for an advanced social worker license is submitted to the department, the department shall reduce the total required supervised hours from 3,200 hours to 2,880 hours. The requirements in subsection (3)(c)(i) through (iii) of this section shall apply regardless of the reduction of total required hours.

(c) The supervised experience requirement consists of a minimum of 3,000 hours with 90 hours of supervision by a licensed independent clinical social worker or a licensed advanced social worker who has been licensed or certified for at least two years. Of those hours:

(i) Eight hundred hours must be in direct client contact; and

(ii) Ninety hours must be in direct supervision under the supervision of a licensed independent clinical social worker, a licensed advanced social worker, or an equally qualified licensed mental health professional. Of those hours of direct supervised experience at least:

- (A) Forty hours must be in one-to-one supervision; and
- (B) Fifty hours may be in one-to-one or group supervision.

(2) Licensed independent clinical social worker.

(a) Applicants who have held an active independent clinical social worker license for the past (~~five consecutive years or more~~) year in another state or territory, without a disciplinary record or disqualifying criminal history, are deemed to have met the supervised experience requirements for Washington state licensure in (c) of this subsection.

(b) In accordance with RCW 18.225.090 and 18.225.095, for applicants who can demonstrate they have practiced as a substance use disorder professional for at least three years within 10 years from the date their application for an independent clinical social worker license is submitted to the department, the department shall reduce the total required supervised hours from 3,000 hours to 2,600 hours. The requirements in subsection (2)(c)(i) and (ii) of this section shall apply regardless of the reduction of total required hours.

(c) The experience requirement consists of a minimum of 3,000 hours of experience, over a period of not less than two years. Of those 3,000 hours:

(i) One thousand hours must be direct client contact supervised by a licensed independent clinical social worker;

(ii) One hundred hours of direct supervision as follows:

(A) Seventy hours must be with an independent clinical social worker;

(B) The remaining hours may be with an equally qualified licensed mental health practitioner as defined in WAC 246-809-310(3); and

(C) Sixty hours of the 100 hours of direct supervision must be in one-to-one supervision. The remaining hours may be in one-to-one supervision or group supervision.

(3) Licensed social worker associate-advanced and licensed social worker associate-independent clinical applicants are not required to have supervised postgraduate experience prior to becoming an associate.

(4) Licensed social worker associate-advanced and licensed social worker associate-independent clinical applicants must declare they are working toward full licensure.

AMENDATORY SECTION (Amending WSR 23-07-057, filed 3/9/23, effective 6/1/23)

WAC 246-809-990 Licensed counselor, and associate—Fees and renewal cycle. (1) Except for a probationary license as described in WAC 246-809-095, a license must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC.

(2) Associate licenses are valid for one year and must be renewed every year on the date of issuance. (~~The associate license may be renewed no more than six times, except as provided in RCW 18.225.145.~~)

(3) The following nonrefundable fees will be charged:

Title	Fee
Licensed marriage and family therapist	
Original application	
Application and initial license	\$290.00
UW online access fee (HEAL-WA)	16.00
Active license renewal	
Renewal	180.00
Late renewal penalty	90.00
Expired license reissuance	85.00
UW online access fee (HEAL-WA)	16.00
Retired active license renewal	
Renewal	70.00
Late renewal penalty	35.00
UW online access fee (HEAL-WA)	16.00
Duplicate license	10.00
Verification of license	25.00
Licensed marriage and family therapy associate	
Original application	
Application	65.00
UW online access fee (HEAL-WA)	16.00
Renewal	
Renewal	50.00
UW online access fee (HEAL-WA)	16.00
Late renewal penalty	50.00
Expired license reissuance	40.00
Duplicate license	10.00
Verification of license	25.00
Licensed mental health counselor	
Original application	
Application	95.00
Initial license	80.00
UW online access fee (HEAL-WA)	16.00
Active license renewal	
Renewal	125.00
Late renewal penalty	65.00
Expired license reissuance	65.00
UW online access fee (HEAL-WA)	16.00
Retired active license renewal	
Renewal retired active	70.00
Late renewal penalty	35.00
UW online access fee (HEAL-WA)	16.00
Duplicate license	10.00
Verification of license	25.00
Licensed mental health counselor associate	
Original application	
Application	35.00
Renewal	
Renewal	25.00

Title	Fee
Late renewal penalty	25.00
Expired license reissuance	40.00
Duplicate license	10.00
Verification of license	25.00
Licensed advanced social worker and licensed independent clinical social worker	
Original application	
Application and initial license	170.00
UW online access fee (HEAL-WA)	16.00
Active license renewal	
Renewal	70.00
Late renewal penalty	50.00
Expired license reissuance	72.50
UW online access fee (HEAL-WA)	16.00
Retired active license renewal	
Renewal retired active	65.00
Late renewal penalty	30.00
UW online access fee (HEAL-WA)	16.00
Duplicate license	10.00
Verification of license	25.00
Licensed advanced social worker associate and licensed independent clinical social worker associate	
Original application	
Application	35.00
UW online access fee (HEAL-WA)*	16.00
Renewal	
Renewal	25.00
Late renewal penalty	25.00
UW online access fee (HEAL-WA)*	16.00
Expired license reissuance	40.00
Duplicate license	10.00
Verification of license	25.00

* Surcharge applies to independent clinical social worker associate only.

(4) For a probationary license as described under WAC 246-809-095, the following nonrefundable fees will be charged:

Title	Fee
Licensed marriage and family therapist	
Original application	
Application and initial license	\$290.00
Active license renewal	
Renewal	180.00
Late renewal penalty	90.00
Expired license reissuance	85.00
Duplicate license	10.00
Verification of license	25.00
Licensed mental health counselor	

Title	Fee
Original application	
Application and initial license	175.00
Active license renewal	
Renewal	90.00
Late renewal penalty	50.00
Expired license reissuance	65.00
Duplicate license	10.00
Verification of license	25.00
Licensed advanced social worker and licensed independent clinical social worker	
Original application	
Application and initial license	200.00
Active license renewal	
Renewal	100.00
Late renewal penalty	50.00
Expired license reissuance	72.50
Duplicate license	10.00
Verification of license	25.00

WSR 24-14-083
EMERGENCY RULES
DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed June 28, 2024, 12:23 p.m., effective June 28, 2024, 12:23 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The department of social and health services (department) is amending WAC 388-71-0523, 388-71-0880, 388-71-0888, 388-71-0890, 388-71-0977, and 388-115-0523. The purpose of these changes is to bring rules into compliance with SB 5811 (chapter 322, Laws of 2024) passed during the 2024 legislative session. This rule making expands the definition of individual provider. Permanent rules are in process.

Citation of Rules Affected by this Order: Amending WAC 388-71-0523, 388-71-0880, 388-71-0888, 388-71-0890, 388-71-0977, and 388-115-0523.

Statutory Authority for Adoption: RCW 18.88B.010, 18.88B.041, 74.08.090, 74.39A.076, 74.39A.341, and chapter 18.80 RCW.

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

Reasons for this Finding: Emergency rules are necessary because there is insufficient time to put permanent rules in place before certain changes in law are effective June 5, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 6, Repealed 0.

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

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 6, Repealed 0.

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

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

Date Adopted: June 25, 2024.

Katherine I. Vasquez
Rules Coordinator

SHS-5041.1

AMENDATORY SECTION (Amending WSR 24-05-003, filed 2/8/24, effective 3/10/24)

WAC 388-71-0523 What are the training and certification requirements for individual providers and home care agency long-term care

workers? The following chart provides a summary of the training and certification requirements for individual providers and home care agency long-term care workers. This includes criteria for those providers working limited hours for one person, caring only for one's child, parent, sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild including when related by marriage or domestic partnership, providing respite services, or providing approved services only for a spouse or registered domestic partner and funded through the United States department of veterans' affairs home and community-based programs:

Who	Status	Orientation training	Safety training	Basic training	Continuing education	Required credential
(1) An individual provider or home care agency long-term care worker who is a licensed, certified health care professional in good standing through the Washington state department of health, or an individual provider or home care agency long-term care worker with special education training who meets the criteria in RCW 18.88B.041 (1)(a)(i)(A).	ARNP, RN, LPN, HCA, CN-A, or other professionals listed in WAC 388-71-0839.	Not required.	Not required.	Not required.	Not required of ARNPs, RNs, or LPNs in chapter 388-71 WAC. Required 12 hours under WAC 388-71-0990 and 388-71-0991 of NA-Cs, HCAs, and other professionals listed in WAC 388-71-0839, such as an individual with special education training with an endorsement granted by the superintendent of public instruction under RCW 28A.300.010. For NA-C and those with special education training 12 hours is required for each year worked in long-term care.	Required under chapter 246-980 WAC.
(2) An individual provider or home care agency long-term care worker with specific employment history.	A long-term care worker employed at some point between January 1, 2011, and January 6, 2012, and has completed the basic training requirements in effect on the date of hire. WAC 388-71-0839.	Not required.	Not required.	Not required.	12 hours is required for each year worked in long-term care under WAC 388-71-0990 and 388-71-0991.	Not required.

Who	Status	Orientation training	Safety training	Basic training	Continuing education	Required credential
(3) An individual provider or home care agency long-term care worker.	Hired by a licensed home care agency or the consumer directed employer to provide personal care service as defined in WAC 388-71-0836 and is not exempt under subsection (1) or (2) of this section.	Required. Two hours under WAC 388-71-0860.	Required. Three hours under WAC 388-71-0860.	Required. 70 hours under WAC 388-71-0870 and 388-71-0875.	Required. 12 hours under WAC 388-71-0990 and 388-71-0991.	Required under chapter 246-980 WAC.
(4) An individual provider who works limited hours for one person.	An individual provider employed by the consumer directed employer providing 20 hours or less of nonrespite care for one person per calendar month and does not meet the criteria in subsection (1) or (2) of this section.	Required. Two hours under WAC 388-71-0860.	Required. Three hours under WAC 388-71-0860.	Required. 30 hours under WAC 388-71-0880.	Not required.	Not required.
[[(5)]] (5) An individual who provides respite services and works 300 hours or less in any calendar year.	(a) An individual providing respite care who works no more than 300 hours in the calendar year, is not exempt in subsection (1) or (2) of this section, and does not meet criteria in subsection (6) of this section. (b) Individual providing respite services for individuals with developmental disabilities that receive services under Title 71A RCW and for individuals that receive services under chapter 74.39A, that is working 300 hours or less in any calendar year, and that is not exempt in subsection (1) or (2) of this section.	Required. Two hours under WAC 388-71-0860.	Required. Three hours under WAC 388-71-0860.	Required. Nine hours under WAC 388-71-0890.	Not required.	Not required.

Who	Status	Orientation training	Safety training	Basic training	Continuing education	Required credential
(6) An individual provider caring only for the provider's ((biological, step, or adoptive)) adult child.	An individual providing care only for the provider's adult child that receives services through the developmental disabilities administration and not exempt under subsection (1) or (2) of this section.	Required. Two hours ((per)) under WAC 388-71-0895.	Required. Three hours under WAC 388-71-0895.	Required. Seven hours under WAC 388-71-0890.	Not required.	Not required.
((7)) An individual provider caring only for the provider's biological, step, or adoptive child, or parent.	An individual providing care only to the individual's child or parent, who is not exempt in subsection (1) or (2) of this section, and does not meet criteria in subsection (6) of this section.	Required. Two hours under WAC 388-71-0860.	Required. Three hours under WAC 388-71-0860.	Required. 30 hours under WAC 388-71-0880.	12 hours is required for each year worked in long-term care for an individual provider caring only for the provider's biological, step, or adoptive parent under WAC 388-71-0990 and 388-71-0991. Not required for an individual provider caring only for the provider's biological, step, or adoptive child under WAC 388-71-1001.	Not required.))
((8)) (7) An individual provider caring only for the provider's <u>parent, child, sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild, including when related by marriage or domestic partnership.</u>	An individual providing care only for the individual provider's <u>parent, child, sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild, including when related by marriage or domestic partnership,</u> who is not exempt in subsection (1) or (2) of this section, and does not meet the criteria in subsection (6) of this section.	Required. Two hours under WAC 388-71-0860.	Required. Three hours under WAC 388-71-0860.	Required. 30 hours under WAC 388-71-0880.	Not required.	Not required.

Who	Status	Orientation training	Safety training	Basic training	Continuing education	Required credential
((9)) (8) A long-term care worker providing approved services only for a spouse or registered domestic partner and funded through the United States department of veterans' affairs home and community-based programs.	A long-term care worker providing approved services only for a spouse or registered domestic partner and funded through the United States department of veterans' affairs home and community-based programs who is not exempt in subsection (1) or (2) of this section.	Required. Two hours under WAC 388-71-0860.	Required. Three hours under WAC 388-71-0860.	Required. 30 hours under WAC 388-71-0880.	12 hours is required for each year worked in long-term care under WAC 388-71-0990 and 388-71-0991.	Not required.

AMENDATORY SECTION (Amending WSR 24-05-003, filed 2/8/24, effective 3/10/24)

WAC 388-71-0880 Who must complete the 30-hour basic training and by when must it be completed? Unless exempt from the basic training requirements under WAC 388-71-0839 (1) through (7), the following individuals must complete the 30-hour basic training under WAC 388-71-0885 within 120 days of the date of hire as described in WAC 388-71-0837:

- (1) An individual provider who only cares for that provider's ~~((:))~~
 - ~~((a) biological, step, or adoptive))~~ child, or parent ~~((; or))~~, ~~((b))~~ sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild, including when related by marriage or domestic partnership; or
- (2) A long-term care worker providing approved services only for a spouse or registered domestic partner and funded through the United States department of veterans' affairs home and community-based programs; or
- (3) A long-term care worker who provides no more than 20 hours of nonrespite care for one person who is not the individual provider's ~~((:))~~
 - ~~((a) biological, step, or adoptive))~~ child, ~~((or))~~ parent ~~((; or))~~, ~~((b))~~ sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild, including when related by marriage or domestic partnership.

AMENDATORY SECTION (Amending WSR 24-05-003, filed 2/8/24, effective 3/10/24)

WAC 388-71-0888 When do the 70-hour basic training and certification requirements apply to an individual whose required basic training was previously less than 70 hours? (1) The following individual

providers must complete 70 hours of basic training and become a certified home care aide under WAC 388-71-0523:

(a) Individual providers who previously provided no more than 20 hours of nonrespite care in any calendar month for one person who is not the provider's:

(i) ~~((biological, step, or adoptive))~~ child, ~~((~~☒~~))~~ parent(~~(~~☒~~))~~, ~~((~~☒~~))~~ sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild, including when related by marriage or domestic partnership; or

~~((~~☒~~))~~ (ii) spouse or registered domestic partner and funded through the United States department of veterans' affairs home and community-based programs;

(A) who continue to work for one unrelated client whose authorized monthly hours fluctuate above 20 hours per month; or

(B) who begin to work for a second client.

(b) Individual providers who provide respite services and worked more than 300 respite hours in any calendar year;

(c) Individual providers who begin working for an unrelated client who previously only provided personal care to the provider's:

(i) ~~((biological, step, or adoptive))~~ child, ~~((~~☒~~))~~ parent(~~(~~☒~~))~~, ~~((~~☒~~))~~

~~((~~☒~~))~~ sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild, including when related by marriage or domestic partnership; or

~~((~~☒~~))~~ (ii) spouse or registered domestic partner and funded through the United States department of veterans' affairs home and community-based programs.

(2) When an IP described in subsection (1) of this section is required to complete the 70-hour basic training and become a certified home care aide, the IP will:

(a) Have 120 days from the date of the change to complete the 70-hour basic training and 200 days from the date of the change to become certified; and

(b) Be required to complete continuing education under WAC 388-71-0990.

(3) For the purpose of this section, the date of the change means the date on which the IP:

(a) Began working for a client that is not the individual's:

(i) ~~((biological, step, or adoptive))~~ child, ~~((~~☒~~))~~ parent(~~(~~☒~~))~~, ~~((~~☒~~))~~

~~((~~☒~~))~~ sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild, including when related by marriage or domestic partnership; or

~~((~~☒~~))~~ (ii) spouse or registered domestic partner receiving approved services funded through the United States department of veterans' affairs home and community-based programs.

(b) Exceeded 20 hours of work in one month; or

(c) Exceeded 300 respite hours in one calendar year.

(4) If an IP is required to or chooses to become a certified home care aide and completes the 70-hour training requirements under this section, the individual will be required to continue to comply with these requirements to maintain the credential and complete continuing education requirements even if:

(a) The monthly authorized hours are later reduced to 20 or fewer hours;

(b) The individual no longer works for more than one unrelated client; or

(c) The individual works 300 or fewer respite hours in a calendar year.

(5) The training and certification requirements for an individual that met the criteria in subsection (4) of this section does not apply if the individual returns to work only for the individual's:

(a) ~~((biological, step, or adoptive))~~ parent, ~~((or))~~ adult child, ~~((b))~~ sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild, including when related by marriage or domestic partnership; or

~~((e))~~ (b) spouse or registered domestic partner receiving approved services funded through the United States department of veterans' affairs home and community-based programs.

AMENDATORY SECTION (Amending WSR 21-18-081, filed 8/30/21, effective 10/1/21)

WAC 388-71-0890 What are the training requirements for parent providers who are individual providers for their adult children through DDA? Unless exempt from the basic training requirements as defined in WAC 388-71-0839 (1) through (7), a ~~((biological, step, or adoptive))~~ parent, including when related by marriage or domestic partnership, who is the individual provider for his or her adult child receiving services through the DSHS developmental disabilities administration must complete the ~~((twelve))~~ 12-hour parent provider training, as described in WAC 388-71-0895, within ~~((one hundred twenty))~~ 120 days from the begin date of the authorization to provide department paid, in-home services.

AMENDATORY SECTION (Amending WSR 24-05-003, filed 2/8/24, effective 3/10/24)

WAC 388-71-0977 Once an individual is required to obtain certification as a home care aide, may that individual revert to exempt status? (1) If an individual is required to or chooses to become a certified home care aide and completes the 70-hour training requirements under this section, the individual will be required to continue to comply with these requirements to maintain the credential and complete continuing education requirements even if:

(a) The monthly authorized hours are later reduced to 20 or fewer hours;

(b) The individual no longer works for a second unrelated client; or

(c) The individual works 300 respite hours or less in a calendar year.

(2) The training and certification requirements for an individual that met the criteria in subsection (1) of this section does not apply when the individual returns to work only for the individual's:

(a) ~~((biological, step, or adoptive))~~ parent, ~~((or))~~ adult child~~((or))~~,

~~((b))~~ sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild, including when related by marriage or domestic partnership; or

((e)) (b) spouse or registered domestic partner receiving approved services funded through the United States department of veterans' affairs home and community-based programs.

AMENDATORY SECTION (Amending WSR 24-05-003, filed 2/8/24, effective 3/10/24)

WAC 388-115-0523 What are the training and certification requirements for individual providers? The following chart provides a summary of the training and certification requirements for individual providers. This includes criteria for those providers working limited hours for one person, caring only for one's child, parent, sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild including when related by marriage or domestic partnership, providing respite services, or providing approved services only for a spouse or registered domestic partner and funded through the United States department of veterans' affairs home and community-based programs:

Who	Status	Orientation training	Safety training	Basic training	Continuing education	Required credential
(1) An individual provider who is a licensed, certified health care professional in good standing through the Washington state department of health, or an individual provider or home care agency long-term care worker with special education training who meets the criteria in RCW 18.88B.041 (1)(a)(i)(A).	ARNP, RN, LPN, HCA, NA-C, or other professionals listed in WAC 388-71-0839.	Not required.	Not required.	Not required.	Not required of ARNPs, RNs, or LPNs in chapter 388-71 WAC. Required 12 hours under WAC 388-71-0990 and 388-71-0991 of NA-Cs, HCAs, and other professionals listed in WAC 388-71-0839, such as an individual with special education training with an endorsement granted by the superintendent of public instruction under RCW 28A.300.010. For NA-C and those with special education training, 12 hours is required for each year worked in long-term care.	Required under chapter 246-980 WAC.

Who	Status	Orientation training	Safety training	Basic training	Continuing education	Required credential
(2) An individual provider with specific employment history.	A long-term care worker employed at some point between January 1, 2011, and January 6, 2012, and has completed the basic training requirements in effect on the worker's date of hire. WAC 388-71-0839.	Not required.	Not required.	Not required.	12 hours is required for each year worked in long-term care under WAC 388-71-0990 and 388-71-0991.	Not required.
(3) An individual provider.	Hired by the consumer directed employer to provide personal care service as defined in WAC 388-71-0836 and is not exempt under subsection (1) or (2) of this section.	Required. Two hours under WAC 388-71-0860.	Required. Three hours under WAC 388-71-0860.	Required. 70 hours under WAC 388-71-0870 and 388-71-0875.	Required. 12 hours under WAC 388-71-0990 and 388-71-0991.	Required under chapter 246-980 WAC.
(4) An individual provider who works limited hours for one person.	An individual provider employed by the consumer directed employer providing 20 hours or less of nonrespite care for one person per calendar month and does not meet the criteria in subsection (1) or (2) of this section.	Required. Two hours under WAC 388-71-0860.	Required. Three hours under WAC 388-71-0860.	Required. 30 hours under WAC 388-71-0880.	Not required.	Not required.

Who	Status	Orientation training	Safety training	Basic training	Continuing education	Required credential
(5) An individual who provides respite services and works 300 hours or less in any calendar year.	(a) An individual providing respite care and works no more than 300 hours in the calendar year, is not exempt in subsection (1) or (2) of this section, and does not meet criteria in subsection (7) of this section. (b) An individual providing respite services for individuals with developmental disabilities that receive services under Title 71A RCW and for individuals that receive services under chapter 74.39A, that is working 300 hours or less in any calendar year, and that is not exempt in subsection (1) or (2) of this section.	Required. Two hours under WAC 388-71-0860.	Required. Three hours under WAC 388-71-0860.	Required. Nine hours under WAC 388-71-0890.	Not required.	Not required.
(6) An individual provider caring only for the provider's ((biological, step, or adoptive)) adult child.	An individual providing care only for the provider's adult child that receives services through the developmental disabilities administration and not exempt under subsection (1) or (2) of this section.	Required. Two hours (per) under WAC 388-71-0895.	Required. Three hours under WAC 388-71-0895.	Required. Seven hours under WAC 388-71-0890.	Not required.	Not required.

Who	Status	Orientation training	Safety training	Basic training	Continuing education	Required credential
<p>((7)) An individual provider caring only for the provider's biological, step, or adoptive child, or parent.</p>	<p>An individual providing care only to the provider's child or parent, who is not exempt in subsection (1) or (2) of this section, and does not meet criteria in subsection (6) of this section.</p>	<p>Required. Two hours under WAC 388-71-0860.</p>	<p>Required. Three hours under WAC 388-71-0860.</p>	<p>Required. 30 hours under WAC 388-71-0880.</p>	<p>12 hours is required for each year worked in long-term care for an individual provider caring only for the individual's biological, step, or adoptive parent under WAC 388-71-0990 and 388-71-0991. Not required for an individual provider caring only for the individual's biological, step, or adoptive child under WAC 388-71-1001.</p>	<p>Not required.))</p>
<p>((8)) (7) An individual provider caring only for the individual provider's <u>parent, child, sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild</u>, including when related by marriage or domestic partnership.</p>	<p>An individual providing care only for the individual provider's <u>parent, child, sibling, aunt, uncle, cousin, niece, nephew, grandparent, or grandchild</u>, including when related by marriage or domestic partnership, who is not exempt in subsection (1) or (2) of this section, and does not meet criteria in subsection (6) of this section.</p>	<p>Required. Two hours under WAC 388-71-0860.</p>	<p>Required. Three hours under WAC 388-71-0860.</p>	<p>Required. 30 hours under WAC 388-71-0880.</p>	<p>Not required.</p>	<p>Not required.</p>
<p>((9)) (8) A long-term care worker providing approved services only for a spouse or registered domestic partner and funded through the United States department of veterans' affairs home and community-based programs.</p>	<p>A long-term care worker providing approved services only for a spouse or registered domestic partner and funded through the United States department of veterans' affairs home and community-based programs who is not exempt in subsection (1) or (2) of this section.</p>	<p>Required. Two hours under WAC 388-71-0860.</p>	<p>Required. Three hours under WAC 388-71-0860.</p>	<p>Required. 30 hours under WAC 388-71-0880.</p>	<p>12 hours is required for each year worked in long-term care under WAC 388-71-0990 and 388-71-0991.</p>	<p>Not required.</p>

WSR 24-14-085
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-117—Filed June 28, 2024, 1:11 p.m., effective June 28, 2024, 1:11 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The southern resident killer whales (SRKW) are a distinct population segment of North Pacific killer whales. They are an endangered species and require additional protection by way of an emergency rule immediately. The purpose of this emergency rule is to designate J16, J36, J37, J39, J42, J44, J49, J53, L22, L94, L108, L113, L119, L124, J22, and J47 as vulnerable and thereby prevent commercial whale watching operators from approaching these individuals or a group containing any of these individuals within 0.5 nautical miles.

Citation of Rules Affected by this Order: Amending WAC 220-460-110.

Statutory Authority for Adoption: RCW 77.65.620.

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

Reasons for this Finding: The imminent risk to an endangered species (SRKW) requires additional protection immediately. This emergency action is necessary to protect the public's interest in the preservation of a vulnerable endangered animal.

By way of background, SRKW have a high risk of extinction and are classified as endangered under the Endangered Species Act, and their listing was reaffirmed by National Oceanic and Atmospheric Administration in January of 2022. They also are listed as endangered at the state level, and orca, specifically the southern resident population of orca, are identified as a species of greatest conservation need under the state wildlife action plan. SRKW are comprised of three family groups (pods): J pod, K pod, and L pod. Each individual whale has an alphanumeric identifier that corresponds with its pod and birth order. Because individual whales are identifiable and documented, the health and status of each whale can be measured and tracked over time.

In June of 2024, the SeaLife Response Rehabilitation and Research (SR3) team contracted by the Washington department of fish and wildlife (WDFW) to monitor SRKW body condition concluded their analysis of SRKW observations collected between June 2023 and June 2024.

Body Condition: SR3 uses measurements taken from drone photographs and statistical analyses detailed in Stewart et al. (2021) to identify whales in poor condition, which means the orca's body condition falls in the lowest 20 percent of measurements for their age and sex compared to comparable measurements from 2016-2024. This lowest body condition state is classified as "BC1." The best available science suggests that whales measured to be in the "poor condition" state had a significantly increased (two to three times higher) probability of subsequent mortality.

The analysis found 14 whales in the BC1 state from J and L pods, including one adult male (M), six adult females (F), three subadult males (SAM), two subadult females (SAF), and two juvenile females (J): J16(F), J36(F), J37(F), J39(M), J42(F), J44(SAM), J49(SAM), J53(J), L22(F), L94(F), L108(SAM), L113(SAF), L119(SAF), L124(J).

This includes five whales that were measured to be in BC1 and designated as vulnerable in 2023 (J16, J39, J44, J49, and J53). Additionally, there were nine whales which were not classified as BC1 in 2023 that have declined into poor condition and are listed as BC1 as of their last measurement (J36, J37, J42, L22, L94, L108, L113, L119, and L124). Of note, L94 and L119 both have young, dependent calves (born in June 2023).

Late-Stage Pregnancy: There is a high rate of failed pregnancies in SRKW (Wasser et al. 2017), and failed pregnancy can be lethal (Raverty et al. 2020). Late-stage pregnancy requires more food, as much as 25 percent in the final month of gestation (Kriete 1995). Vessels compound food stress, particularly for females (Holt et al. 2021). SR3 analyzed available data for female SRKW of reproductive age (ages >8 and <50) to identify any whales that may be pregnant, and particularly any in late-stage pregnancy ($p > 0.75$ probability of being within six months of birth, out of an approximately 17-month gestation period).

One whale was determined to fall in this classification when last measured in April of 2024: J22. J22's breadth (and subsequent probability of late-stage pregnancy) increased between February and April 2024. J22 was also measured to be in late-stage pregnancy in April 2023, but she had lost this pregnancy (as per her measured breadth) by June 2023. There are other whales with breadths greater than average that may be in earlier stages of pregnancy when measured, with lower probabilities of support, and some of these may now be in the latter stages of pregnancy. If these whales are encountered and exhibit signs of late-stage pregnancy, an emergency rule at that time will be warranted.

As a reminder, calves and their mothers receive extra protection via WAC 220-460-110, which prohibits motorized commercial whale watching vessels from approaching within one-half nautical mile of a group of SRKW that contains a calf of under one year of age.

Other Factors: Beyond the factors described here, WDFW may determine a whale is vulnerable based on other criteria. For example, whales showing signs of illness or injury (emaciated appearance, collapsed dorsal fin, lacerations, entanglement, vessel strike, etc.) would merit extra protection. Additionally, whales that exhibit a dramatic or sudden decline in body condition (for example, dropping two body condition states over a short period of time) or calves that show constrained growth may raise cause for alarm and merit a vulnerable status designation. Between observations, subadult male J47 (offspring of J37, a female in BC1 with dependent calf), declined three body condition states from a BC5 to BC2, meriting vulnerable designation.

Per WAC 220-460-110, the adoption of the emergency rule is necessary to ensure that the ability of these whales to survive is not hindered by the presence of vessels, and it is timely, as there would otherwise be increased commercial viewing of these vulnerable SRKW at closer distances in July-September.

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

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

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

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

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

Date Adopted: June 28, 2024.

Nate Pamplin
on behalf of Kelly Susewind
Director of External Affairs

NEW SECTION

WAC 220-460-11000F Limits on number of vessels in the vicinity of southern resident killer whales at once. Notwithstanding the provisions of WAC 220-460-110, effective June 28, 2024, until further notice, this rule designates the status of some Southern Resident Killer Whales; other provisions of WAC 220-460-110 not addressed herein remain in effect unless otherwise amended by emergency rule:

In conjunction with WAC 220-460-110(2), the department designates the Southern Resident Killer Whales J16, J36, J37, J39, J42, J44, J49, J53, L22, L94, L108, L113, L119, L124, J22, and J47 as vulnerable individuals.

WSR 24-14-091

EMERGENCY RULES

DEPARTMENT OF HEALTH

[Filed July 1, 2024, 8:09 a.m., effective July 1, 2024, 8:09 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Reduce barriers to licensure and streamline the credentialing process for the mental health counselor, marriage and family therapist, and social worker professions.

Amending WAC 246-809-110, 246-809-130, 246-809-220, 246-809-221, 246-809-230, 246-809-330, and 246-809-990 in chapter 246-809 WAC, Licensure for mental health counselors, marriage and family therapists, and social workers. The department of health (department) is adopting emergency rules to implement parts of 2SHB 1724 (chapter 425, Laws of 2023) and E2SHB 2247 (chapter 371, Laws of 2024).

These emergency rules: (1) Allow professional experience to substitute for practicum requirements for mental health counselors; (2) lower requirements for licensure by endorsement to one year of licensure in a substantially equivalent state; (3) align the definition of "equally qualified licensed mental health practitioner" for marriage and family therapists more closely with other master-level counselor professions; and (4) remove the limit on the number of credential renewals authorized for associate credentials.

The department is adopting these amendments through emergency rule to meet the requirements of 2SHB 1724 and E2SHB 2247. The department will also consider adopting these changes through the permanent rule-making process, under WSR 24-10-012, filed April 18, 2024. These emergency rules will be renewed while permanent rule making is in progress.

Citation of Rules Affected by this Order: Amending WAC 246-809-110, 246-809-130, 246-809-220, 246-809-221, 246-809-230, 246-809-330, and 246-809-990.

Statutory Authority for Adoption: 2SHB 1724 (chapter 425, Laws of 2023), E2SHB 2247 (chapter 371, Laws of 2024); RCW 18.130.800 and 18.225.040.

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

Reasons for this Finding: The emergency rule is necessary to support the Washington state behavioral health workforce, which is increasingly strained. By implementing the new standards through emergency rules, it will reduce barriers to entering and remaining in the behavioral health care workforce, streamline the credentialing process, and increase access to behavioral health care.

These emergency rules are also being adopted to comply with 2SHB 1724 and E2SHB 2247. In 2023, section 5 of 2SHB 1724 required the department, in consultation with the workforce training and education coordinating board, to recommend changes to statutes and rules that would remove barriers to joining the health care workforce and streamline the credentialing process. Section 6 required the department to adopt emergency rules implementing these recommendations by July 1, 2024. In 2024, E2SHB 2247 amended a statute to align with the department's recommendation to remove renewal limits on associate creden-

tials. Pursuant to these bills, amendments to chapter 246-809 WAC include:

- (1) Allowing professional experience to substitute for practicum requirements for mental health counselors;
- (2) Lowering requirements for licensure by endorsement to one year of licensure in a substantially equivalent state;
- (3) Aligning the definition of "equally qualified licensed mental health practitioner" for marriage and family therapists more closely with other master-level counselor professions; and
- (4) Removing limits on the number of renewals for associate credentials.

By adopting these emergency rules, the department will implement sections of 2SHB 1724 and E2SHB 2247 and fulfill the legislature's plan to effectively reduce barriers to licensure in these professions.

These emergency rules will be continued, as permanent rule making is in progress under WSR 24-10-012, filed April 18, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 7, Repealed 0.

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

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

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

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 7, Repealed 0.

Date Adopted: June 28, 2024.

Kristin Petersen, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

OTS-5405.2

AMENDATORY SECTION (Amending WSR 23-23-150, filed 11/20/23, effective 1/1/24)

WAC 246-809-110 Definitions. The following terms apply to the licensure of marriage and family therapists and marriage and family therapist associates, in WAC 246-809-100 through 246-809-140.

(1) "Approved educational program" means:

(a) Any college or university accredited by a national or regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation or its successor; or

(b) A program accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE), at the time the applicant completed the required education.

(2) "Approved supervisor" means a licensed marriage and family therapist, or an equally qualified licensed mental health practitioner.

(3) "Equally qualified licensed mental health practitioner" means a licensed mental health counselor, licensed clinical social worker, licensed psychologist, licensed physician practicing as a psychiatrist, or licensed psychiatric nurse practitioner (~~, who has completed:~~

~~(a) Three hundred clock hours in graduate or postgraduate marriage and family education, or continuing education in marriage and family therapy or supervision by an approved marriage and family therapist supervisor in marriage and family therapy or any combination of these; and~~

~~(b) Five years of clinical practice that includes the equivalent of one year of clinical practice working with couples and families).~~

(4) "Group supervision" means face-to-face supervision with an approved supervisor, involving one supervisor and no more than six licensure candidates.

(5) "Licensure candidate" means an individual who is accruing supervised clinical experience required for licensure.

(6) "One-on-one supervision" means face-to-face supervision with an approved supervisor, involving one supervisor and no more than two licensure candidates.

(7) "Peer" means a coworker who is not the licensure candidate's employer or supervisor.

(8) "Supervised experience requirement" means experience that is obtained under an approved supervisor who meets the requirements described in WAC 246-809-134.

(9) "Supervision of supervision" means supervision by an approved supervisor for the purpose of training and qualifying a license holder to act as an approved supervisor for purposes of chapter 18.225 RCW and WAC 246-809-134.

AMENDATORY SECTION (Amending WSR 23-23-150, filed 11/20/23, effective 1/1/24)

WAC 246-809-130 Supervised postgraduate experience. (1) The experience requirements for the marriage and family therapist applicant's practice area include successful completion of a supervised experience requirement. Applicants who have held an active marriage and family therapy license for the past (~~five consecutive years or more~~) year in another state or territory, without a disciplinary record or disqualifying criminal history, are deemed to have met the supervised experience requirements for Washington state licensure in subsection (3) of this section.

(2) In accordance with RCW 18.225.090 and 18.225.095, for applicants who can demonstrate they have practiced as a substance use disorder professional for at least three years within 10 years from the date their application for a marriage and family therapist license is submitted to the department, the department shall reduce the total required supervised hours from 3,000 hours to 2,700 hours. The requirements in subsection (3) (a) through (e) of this section shall apply regardless of the reduction of total required hours.

(3) Total experience requirements include a minimum of 3,000 hours to include the following:

(a) One thousand hours of direct client contact with at least 500 hours gained in diagnosing and treating couples and families;

(b) At least 200 hours of qualified supervision with an approved supervisor.

(i) Of the 200 hours, 100 hours must be with a licensed marriage and family therapist with at least five years of clinical experience; the other 100 hours may be with an equally qualified licensed mental health practitioner;

(ii) At least 100 of the 200 hours must be one-on-one supervision; and

(iii) The remaining hours may be in one-on-one or group supervision.

(c) Applicants who have completed a master's program accredited by the Commission on Accreditation for Marriage and Family Therapy Education of the American Association for Marriage and Family Therapy boards will be credited with 500 hours of direct client contact and 100 hours of qualified supervision with an approved supervisor;

(d) Licensed marriage and family therapist associate applicants are not required to have supervised postgraduate experience prior to becoming an associate; and

(e) Licensed marriage and family therapist associate applicants must declare they are working towards full licensure.

AMENDATORY SECTION (Amending WSR 17-13-082, filed 6/16/17, effective 7/17/17)

WAC 246-809-220 Education requirements. (1) To meet the education requirement for licensure as a mental health counselor or mental health counselor associate, an applicant must have a master's or doctoral degree in mental health counseling or a master's or doctoral degree in a behavioral science field relating to mental health counseling from an approved school. Fields recognized as relating to mental health counseling include counseling, psychology, social work, nursing, education, pastoral counseling, rehabilitation counseling, or social sciences. Any field of study qualifying as related to mental health counseling must satisfy course work equivalency requirements included in WAC 246-809-221. An official transcript must be provided as evidence of fulfillment of the course work required.

(2) Any supplemental course work must be from an approved school.

(3) Applicants who hold a behavioral science master's or doctoral degree in a related field may complete supplemental course work through an approved educational program to satisfy any missing program equivalencies. Postgraduate experience hours acquired concurrently with the additional course work counts toward the supervised postgraduate experience under WAC 246-809-230.

(4) A person who is a Nationally Certified Counselor (NCC) or a Certified Clinical Mental Health Counselor (CCMHC) through the National Board of Certified Counselors (NBCC) is considered to have met the education requirements of this chapter. Verification must be received by the department directly from NBCC.

(5) An applicant is considered to have met the counseling practicum component of the educational requirements if they:

(a) Have held an agency affiliated counselor credential for the past year in good standing; and

(b) Demonstrate 600 hours of clinical experience under the supervision of a mental health professional. Experience must include demonstrated competence in the application of the principles of human development, learning theory, psychotherapy, group dynamics, or dysfunctional behavior in the delivery of direct clinical care.

AMENDATORY SECTION (Amending WSR 17-13-082, filed 6/16/17, effective 7/17/17)

WAC 246-809-221 Behavioral sciences—Program equivalency. (1)

Behavioral science in a field relating to mental health counseling includes a core of study relating to counseling theory and counseling philosophy.

(2) Either a counseling practicum, or a counseling internship, or both, must be included in the core of study unless otherwise permitted in WAC 246-809-220(5). Exclusive use of an internship or practicum used for qualification must have incorporated supervised direct client contact.

(3) This core of study must include seven of the content areas listed in (a) through (q) of this subsection. Five of the content areas must be from (a) through (h) of this subsection:

- (a) Assessment/diagnosis.
- (b) Ethics/law.
- (c) Counseling individuals.
- (d) Counseling groups.
- (e) Counseling couples and families.
- (f) Developmental psychology (may be child, adolescent, adult or life span).
- (g) Psychopathology/abnormal psychology.
- (h) Research and evaluation.
- (i) Career development counseling.
- (j) Multicultural concerns.
- (k) Substance/chemical abuse.
- (l) Physiological psychology.
- (m) Organizational psychology.
- (n) Mental health consultation.
- (o) Developmentally disabled persons.
- (p) Abusive relationships.
- (q) Chronically mentally ill.

AMENDATORY SECTION (Amending WSR 20-12-074, filed 6/1/20, effective 7/2/20)

WAC 246-809-230 Supervised postgraduate experience. (1) The experience requirements for the mental health counselor applicant's practice area include successful completion of a supervised experience requirement. Applicants who have held an active mental health counselor license for the past (~~(five consecutive years or more)~~) year in another state or territory, without a disciplinary record or disqualifying criminal history, are deemed to have met the supervised experience requirements for Washington state licensure in subsection (3) of this section.

(2) In accordance with RCW 18.225.090 and 18.225.095, for applicants who can demonstrate they have practiced as a substance use disorder professional for at least three years within ~~((ten))~~ 10 years from the date their application for mental health counselor license is submitted to the department, the department shall reduce the minimum total required supervised hours from ~~((three thousand hours to two thousand seven hundred))~~ 3,000 hours to 2,700 hours. The requirements in subsection (3)(b)(i) and (ii) of this section shall apply regardless of the reduction of total required hours.

(3)(a) The experience requirement consists of a minimum of ~~((thirty-six))~~ 36 months full-time counseling or ~~((three thousand))~~ 3,000 hours of postgraduate mental health counseling under the supervision of a qualified licensed mental health counselor or equally qualified licensed mental health practitioner in an approved setting.

(b) Of the ~~((three thousand))~~ 3,000 hours:

(i) One hundred hours spent in immediate supervision with the qualified licensed mental health counselor or equally qualified licensed mental health practitioner; and

(ii) At least ~~((one thousand two hundred))~~ 1,200 hours must be direct counseling with individuals, couples, families, or groups.

(4) Applicants who have completed a master's or doctoral program accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) will be credited with ~~((fifty))~~ 50 hours of postgraduate supervision and ~~((five hundred))~~ 500 hours of postgraduate experience.

(5) Applicants for licensed mental health counselor associate are not required to have supervised postgraduate experience prior to becoming an associate.

(6) Licensed mental health counselor associate applicants must declare they are working toward full licensure.

AMENDATORY SECTION (Amending WSR 23-23-150, filed 11/20/23, effective 1/1/24)

WAC 246-809-330 Supervised postgraduate experience requirements.

(1) Licensed advanced social worker.

(a) Applicants who have held an active advanced social worker license for the past ~~((five consecutive years or more))~~ year in another state or territory, without a disciplinary record or disqualifying criminal history, are deemed to have met the supervised experience requirements for Washington state licensure in subsection (1)(c) of this section.

(b) In accordance with RCW 18.225.090 and 18.225.095, for applicants who can demonstrate they have practiced as a substance use disorder professional for at least three years within 10 years from the date their application for an advanced social worker license is submitted to the department, the department shall reduce the total required supervised hours from 3,200 hours to 2,880 hours. The requirements in subsection (3)(c)(i) through (iii) of this section shall apply regardless of the reduction of total required hours.

(c) The supervised experience requirement consists of a minimum of 3,000 hours with 90 hours of supervision by a licensed independent clinical social worker or a licensed advanced social worker who has been licensed or certified for at least two years. Of those hours:

(i) Eight hundred hours must be in direct client contact; and

(ii) Ninety hours must be in direct supervision under the supervision of a licensed independent clinical social worker, a licensed advanced social worker, or an equally qualified licensed mental health professional. Of those hours of direct supervised experience at least:

- (A) Forty hours must be in one-to-one supervision; and
- (B) Fifty hours may be in one-to-one or group supervision.

(2) Licensed independent clinical social worker.

(a) Applicants who have held an active independent clinical social worker license for the past (~~five consecutive years or more~~) year in another state or territory, without a disciplinary record or disqualifying criminal history, are deemed to have met the supervised experience requirements for Washington state licensure in (c) of this subsection.

(b) In accordance with RCW 18.225.090 and 18.225.095, for applicants who can demonstrate they have practiced as a substance use disorder professional for at least three years within 10 years from the date their application for an independent clinical social worker license is submitted to the department, the department shall reduce the total required supervised hours from 3,000 hours to 2,600 hours. The requirements in subsection (2)(c)(i) and (ii) of this section shall apply regardless of the reduction of total required hours.

(c) The experience requirement consists of a minimum of 3,000 hours of experience, over a period of not less than two years. Of those 3,000 hours:

(i) One thousand hours must be direct client contact supervised by a licensed independent clinical social worker;

(ii) One hundred hours of direct supervision as follows:

(A) Seventy hours must be with an independent clinical social worker;

(B) The remaining hours may be with an equally qualified licensed mental health practitioner as defined in WAC 246-809-310(3); and

(C) Sixty hours of the 100 hours of direct supervision must be in one-to-one supervision. The remaining hours may be in one-to-one supervision or group supervision.

(3) Licensed social worker associate-advanced and licensed social worker associate-independent clinical applicants are not required to have supervised postgraduate experience prior to becoming an associate.

(4) Licensed social worker associate-advanced and licensed social worker associate-independent clinical applicants must declare they are working toward full licensure.

AMENDATORY SECTION (Amending WSR 23-07-057, filed 3/9/23, effective 6/1/23)

WAC 246-809-990 Licensed counselor, and associate—Fees and renewal cycle. (1) Except for a probationary license as described in WAC 246-809-095, a license must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC.

(2) Associate licenses are valid for one year and must be renewed every year on the date of issuance. (~~The associate license may be renewed no more than six times, except as provided in RCW 18.225.145.~~)

(3) The following nonrefundable fees will be charged:

Title	Fee
Licensed marriage and family therapist	
Original application	
Application and initial license	\$290.00
UW online access fee (HEAL-WA)	16.00
Active license renewal	
Renewal	180.00
Late renewal penalty	90.00
Expired license reissuance	85.00
UW online access fee (HEAL-WA)	16.00
Retired active license renewal	
Renewal	70.00
Late renewal penalty	35.00
UW online access fee (HEAL-WA)	16.00
Duplicate license	10.00
Verification of license	25.00
Licensed marriage and family therapy associate	
Original application	
Application	65.00
UW online access fee (HEAL-WA)	16.00
Renewal	
Renewal	50.00
UW online access fee (HEAL-WA)	16.00
Late renewal penalty	50.00
Expired license reissuance	40.00
Duplicate license	10.00
Verification of license	25.00
Licensed mental health counselor	
Original application	
Application	95.00
Initial license	80.00
UW online access fee (HEAL-WA)	16.00
Active license renewal	
Renewal	125.00
Late renewal penalty	65.00
Expired license reissuance	65.00
UW online access fee (HEAL-WA)	16.00
Retired active license renewal	
Renewal retired active	70.00
Late renewal penalty	35.00
UW online access fee (HEAL-WA)	16.00
Duplicate license	10.00
Verification of license	25.00
Licensed mental health counselor associate	
Original application	
Application	35.00
Renewal	
Renewal	25.00

Title	Fee
Late renewal penalty	25.00
Expired license reissuance	40.00
Duplicate license	10.00
Verification of license	25.00
Licensed advanced social worker and licensed independent clinical social worker	
Original application	
Application and initial license	170.00
UW online access fee (HEAL-WA)	16.00
Active license renewal	
Renewal	70.00
Late renewal penalty	50.00
Expired license reissuance	72.50
UW online access fee (HEAL-WA)	16.00
Retired active license renewal	
Renewal retired active	65.00
Late renewal penalty	30.00
UW online access fee (HEAL-WA)	16.00
Duplicate license	10.00
Verification of license	25.00
Licensed advanced social worker associate and licensed independent clinical social worker associate	
Original application	
Application	35.00
UW online access fee (HEAL-WA)*	16.00
Renewal	
Renewal	25.00
Late renewal penalty	25.00
UW online access fee (HEAL-WA)*	16.00
Expired license reissuance	40.00
Duplicate license	10.00
Verification of license	25.00

* Surcharge applies to independent clinical social worker associate only.

(4) For a probationary license as described under WAC 246-809-095, the following nonrefundable fees will be charged:

Title	Fee
Licensed marriage and family therapist	
Original application	
Application and initial license	\$290.00
Active license renewal	
Renewal	180.00
Late renewal penalty	90.00
Expired license reissuance	85.00
Duplicate license	10.00
Verification of license	25.00
Licensed mental health counselor	

Title	Fee
Original application	
Application and initial license	175.00
Active license renewal	
Renewal	90.00
Late renewal penalty	50.00
Expired license reissuance	65.00
Duplicate license	10.00
Verification of license	25.00
Licensed advanced social worker and licensed independent clinical social worker	
Original application	
Application and initial license	200.00
Active license renewal	
Renewal	100.00
Late renewal penalty	50.00
Expired license reissuance	72.50
Duplicate license	10.00
Verification of license	25.00

WSR 24-14-094
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-112—Filed July 1, 2024, 8:34 a.m., effective July 9, 2024]

Effective Date of Rule: July 9, 2024.

Purpose: The purpose of this emergency rule is to open Entiat River salmon seasons and set the area open for recreational salmon fishing.

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

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

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

Reasons for this Finding: This rule is also needed to open the Entiat River recreational Chinook seasons early and to expand the area open to salmon fishing. Entiat River hatchery Chinook preseason forecast for summer Chinook indicates that hatchery broodstock needs will be met and that a harvestable surplus of hatchery Chinook exists in the river. Expanding the season and area open for salmon fishing will increase harvest opportunity for anglers.

There is insufficient time to adopt permanent rules.

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

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

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

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

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

Date Adopted: June 26, 2024.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

WAC 220-312-05000R Exceptions to statewide rules—Eastside. The following provisions of WAC 220-312-050 regarding Entiat River recreational salmon seasons shall be modified as described below. All other provisions of WAC 220-312-050 not addressed herein, and unless otherwise amended by emergency rule, remain in effect:

Entiat River (Chelan County); from mouth (railroad bridge) to Mad River Rd. Bridge (near Ardenvoir): Effective July 9 through September 30, 2024:

- (a) Daily limit 6 salmon. Release all salmon other than Chinook.
- (b) Night closure in effect.

WSR 24-14-119

EMERGENCY RULES

HEALTH CARE AUTHORITY

[Filed July 2, 2024, 12:18 p.m., effective July 2, 2024, 12:18 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The health care authority (agency) is amending WAC 182-504-0015 and 182-505-0225 so that the agency does not terminate children's health insurance program (CHIP) coverage for nonpayment of premiums during a child's continuous eligibility period and does not condition or delay enrollment on payment of unpaid premiums.

Citation of Rules Affected by this Order: Amending WAC 182-504-0015 and 182-505-0225.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

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

Reasons for this Finding: These rule amendments are necessary to comply with 42 C.F.R. 457.570.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 2, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: July 2, 2024.

Wendy Barcus
Rules Coordinator

OTS-5570.1

AMENDATORY SECTION (Amending WSR 23-23-057, filed 11/8/23, effective 12/9/23)

WAC 182-504-0015 Washington apple health—Certification periods for categorically needy programs. (1) A certification period is the period of time we determine that you are eligible for a categorically needy (CN) Washington apple health program. Unless otherwise stated in this section, the certification period begins on the first day of the month of application and continues through the end of the last month of the certification period.

(2) Newborn coverage begins on the child's date of birth and continues through the end of the month of the child's first birthday.

(3) If you are eligible for apple health based on pregnancy, the certification period continues through the last day of the month the pregnancy ends. After-pregnancy coverage begins the first day of the

month, following the end of the pregnancy, and ends the last day of the 12th month from the time after-pregnancy coverage began.

(4) If you are newly eligible for apple health coverage and had a pregnancy end within the last 12 months, your certification period for after-pregnancy coverage:

(a) Begins the first day of the month you are eligible; and

(b) Ends the last day of the 12th month following the end of your pregnancy.

(5) If you are eligible for the refugee program, the certification period ends at the end of the 12th month following your date of entry to the United States.

(6) If you are a child under age six receiving apple health for kids without a premium, your certification period ends the last day of the month of your sixth birthday.

(7) If you are eligible for newborn coverage, your coverage continues through the last day of the month of your first birthday. Apple health for kids coverage begins automatically on the first day of the month after your newborn coverage ends and the certification period ends the last day of the month of your sixth birthday.

(8) For all other CN coverage, the certification period is 12 months.

(9) If you are a child, eligibility is continuous throughout the certification period regardless of a change in circumstances, unless ((a required premium (described in WAC 182-505-0225) is not paid for three consecutive months, or)) you:

(a) Turn age 19;

(b) Move out-of-state; or

(c) Die.

(10) When you turn 19, the certification period ends after the redetermination process described in WAC 182-504-0125 is completed, even if the 12-month period is not over, unless:

(a) You are receiving inpatient services (described in WAC 182-514-0230) on the last day of the month you turn 19;

(b) The inpatient stay continues into the following month or months; and

(c) You remain eligible except for turning age 19.

(11) A retroactive certification period is described in WAC 182-504-0005.

(12) Coverage under premium-based programs included in apple health for kids as described in chapter 182-505 WAC begins no sooner than the month after creditable coverage ends.

OTS-5571.1

AMENDATORY SECTION (Amending WSR 17-12-018, filed 5/30/17, effective 6/30/17)

WAC 182-505-0225 Children's Washington apple health with premiums—Calculation and determination of premium amount. (1) For the purposes of this chapter, "premium" means an amount paid for health care coverage under WAC 182-505-0215.

(2) Premium requirement. (~~(Eligibility for)~~) The Washington apple health premium-based program under WAC 182-505-0215 requires payment of a monthly premium.

(a) The first monthly premium is due in the month following the determination of eligibility.

(b) There is no premium requirement for health care coverage received in the month eligibility is determined or in any prior month.

(c) A child who is American Indian or Alaska native is exempt from the monthly premium requirement.

(3) Monthly premium amount.

(a) The premium amount for the medical assistance unit (MAU) is based on countable income under chapter 182-509 WAC and the number of people in the MAU under chapter 182-506 WAC.

(b) The premium amount is as follows:

(i) If the MAU's countable income exceeds (~~(two hundred ten)~~) 210 percent of the federal poverty level (FPL) but does not exceed (~~(two hundred sixty)~~) 260 percent of the FPL, the monthly premium for each child is \$20.

(ii) If the MAU's countable income exceeds (~~(two hundred sixty)~~) 260 percent of the FPL but does not exceed (~~(three hundred twelve)~~) 312 percent of the FPL, the monthly premium for each child is \$30.

(iii) The medicaid agency charges a monthly premium for no more than two children per household.

(iv) Payment of the full premium is required. Partial payments cannot be designated for a specific child or month.

(v) Any third party may pay the premium on behalf of the household. Failure of a third party to pay the premium does not eliminate the obligation of the household to pay past due premiums.

(c) A change that affects the premium amount takes effect the month after the change is reported.

(4) Nonpayment of premiums.

~~((a) Premium-based coverage ends for all children in the household if the required premiums are not paid for three consecutive months.~~

~~(b) Premium-based coverage is restored back to the month coverage ended if the unpaid premiums are fully paid before the certification period ends.~~

~~(c) The household may reapply for premium-based coverage ninety days after the coverage ended for nonpayment.~~

~~(d))~~ The agency writes off past-due premiums after (~~(twelve)~~) 12 months.

WSR 24-14-123

RESCISSION OF EMERGENCY RULES

DEPARTMENT OF HEALTH

[Filed July 2, 2024, 12:43 p.m., effective July 1, 2024]

This memo serves as notice that the department of health (department) is withdrawing CR-103E filed as WSR 24-14-091 on July 1, 2024, which reduces barriers to licensure and streamlines the credentialing process for the mental health counselor, marriage and family therapist, and social worker professions amending WAC 246-809-110, 246-809-130, 246-809-220, 246-809-221, 246-809-230, 246-809-330, and 246-809-990 in chapter 246-809 WAC, Licensure for mental health counselors, marriage and family therapists, and social workers. This filing is being withdrawn because it is a duplicate for WSR 24-14-080, which was filed on June 28, 2024.

Individuals requiring information on this should contact Erin Brewster, policy coordinator, by email at erin.brewster@doh.wa.gov or phone 360-545-7315.

Tami M. Thompson
Regulatory Affairs Manager

WSR 24-14-132
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-118—Filed July 2, 2024, 3:32 p.m., effective July 3, 2024]

Effective Date of Rule: July 3, 2024.

Purpose: The purpose of this emergency rule is close Chinook retention in the Columbia River from Columbia Point to Priest Rapids Dam.

Citation of Rules Affected by this Order: Repealing WAC 220-312-06000P; and amending WAC 220-312-060.

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

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

Reasons for this Finding: This rule is necessary to close Chinook retention from Columbia Point to Priest Rapids Dam. This Chinook closure is needed because the recreational Chinook allocation has been met.

This rule carries forward salmon and steelhead rules from the Megler-Astoria Bridge to Hwy. 395 Bridge at Pasco previously announced in WSR 24-14-063.

There is insufficient time to promulgate permanent rules.

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

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

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

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

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

Date Adopted: July 2, 2024.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-06000Q Freshwater exceptions to statewide rules—Columbia River. Effective July 3 through August 15, 2024, the provisions of WAC 220-312-060 regarding recreational salmon and steelhead seasons from the Megler-Astoria Bridge to Priest Rapids Dam, shall be modified as described below, except in areas closed to fishing for salmon and steelhead year-round in WAC 220-312-060. All other provi-

sions of WAC 220-312-060 not addressed herein remain in effect unless otherwise amended by emergency rule:

(1) From the Megler-Astoria Bridge upstream to Bonneville Dam:

Salmon and steelhead:

Effective immediately, through July 31, 2024: Daily limit 6 including no more than 1 hatchery steelhead. Release all salmon and steelhead other than hatchery jack Chinook and hatchery steelhead.

(2) From Bonneville Dam to The Dalles Dam:

Effective immediately, through July 31, 2024: Daily limit 6 including no more than 1 hatchery steelhead. Release all salmon and steelhead other than hatchery jack Chinook and hatchery steelhead.

(3) From The Dalles Dam upstream to a line starting from a fishing boundary sign on the Washington north shore located approximately 1300' upstream of The Dalles Dam and Lock boat ramp projected easterly across the Columbia River to a boundary sign on the Washington southern shore located approximately 200' above the fish ladder exit: Salmon and steelhead:

Effective immediately, until further notice: Closed to fishing for and retention of salmon and steelhead.

(4) From a line starting from a fishing boundary sign on the Washington north shore located approximately 1300' upstream of The Dalles Dam and Lock boat ramp projected easterly across the Columbia River to a boundary sign on the Washington south shore located approximately 200' above the fish ladder exit upstream to Hwy. 395 Bridge at Pasco: Salmon and steelhead:

Effective immediately, through July 31, 2024: Daily limit 6 including no more than 1 hatchery steelhead. Release all salmon and steelhead other than hatchery jack Chinook and hatchery steelhead.

(5) From Columbia Point (approximately 1/3 mile downstream of I-182 Bridge) upstream to I-182 Bridge: Salmon:

(a) Effective July 3 through July 15, 2024: Closed to angling from a floating device or by any method except hand-cast lines from the west shore (Richland side of the river).

(b) Effective July 3 through July 15, 2024: Daily limit 6 including no more than 4 sockeye. Release all salmon and steelhead other than hatchery jack Chinook and sockeye.

(6) From I-182 Bridge upstream to Priest Rapids Dam: Salmon:

Effective July 3 through August 15, 2024: Daily limit 6 including no more than 4 sockeye. Release all salmon and steelhead other than hatchery jack Chinook and sockeye.

REPEALER

The following section of Washington Administrative Code is repealed, effective July 3, 2024:

WAC 220-312-06000P Freshwater exceptions to statewide rules—Columbia River. (24-115)