

WSR 24-16-083

AGENDA

DEPARTMENT OF HEALTH  
STATE BOARD OF HEALTH

[Filed August 1, 2024, 9:52 a.m.]

July 2024  
Rules Agenda

This report details current and anticipated rule-making activities for the department of health (DOH) and the state board of health (SBOH). If you have any questions regarding this report or DOH rule-making activities, please contact Tami Thompson at 360-628-0096. If you have any questions regarding SBOH rule-making activities, please contact Michelle Davis at 360-236-4105.

This agenda is for information purposes, and the anticipated rule-making actions are estimates. Any errors in this agenda do not affect the rules and rule-making notices filed with the office of the code reviser and published in the Washington State Register. There may be additional rule-making activities that cannot be forecasted as DOH and SBOH initiate rule making to implement new state laws, meet federal requirements, or meet unforeseen circumstances. See the "Key" below for explanations of terms and acronyms.

**KEY:**

Blank cells in tables mean the anticipated filing date is not known at the time this rules agenda is filed.

**CR:** "Code reviser" on the notice forms created by the office of the code reviser for use by all state agencies.

**CR-101:** Preproposal statement of inquiry filed under RCW 34.05.310.

**CR-102:** Proposed rule-making notice filed under RCW 34.05.320 or 34.05.340.

**CR-103:** Rule-making order permanently adopting a rule and filed under RCW 34.05.360 and 34.05.380.

**CR-105:** Expedited rule making filed under RCW 34.05.353.

**RCW:** Revised Code of Washington.

**WAC:** Washington Administrative Code.

**WSR:** Washington State Register official filing reference number given by the office of the code reviser when a notice is filed.

SBOH  
Rule Making

Authority	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact
SBOH	Chapter 246-650 WAC, Newborn screening.  SBOH is considering adding ornithine transcarbamylase deficiency (OTCD) to the list of mandatory conditions for newborn screening conducted by DOH.	22-05-012	Anticipate filing	Anticipate filing		Molly Dinardo 564-669-3455

Authority	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact
SBOH	Chapter 246-260 WAC, Water recreation facilities; and chapter 246-262 WAC, Recreational water contact facilities.  SBOH will consider adopting requirements from the Centers for Disease Control and Prevention Model Aquatics Health Code (MAHC), modifying the rules to keep pace with changing water recreation technologies, and to improve clarity and usability including possible consolidation of all water recreation rules into a single chapter.	17-01-048				Andrew Kamali 360-584-6737  Ashlie Laydon ashlie.laydon@doh.wa.gov
SBOH	Chapter 246-760 WAC, Auditory screening standards in schools.  SBOH is considering amending the auditory screening sections of chapter 246-760 WAC to align with current national evidence-based practices and assess potential options regarding whether to include otoacoustic emission (OAE) screening technology in SBOH's rules. SBOH may also consider other technical or editorial changes as needed.	23-22-004				Molly Dinardo 564-669-3455
SBOH	Chapter 246-650 WAC, Newborn screening.  SBOH is considering adding Guanidinoacetate methyltransferase (GAMT) deficiency and Arginase 1 deficiency (ARG1-D) to the list of mandatory conditions for newborn screening conducted by DOH.	23-24-016	Anticipate filing	Anticipate filing		Molly Dinardo 564-669-3455
SBOH	Chapter 246-500 WAC, Handling of human remains.  SBOH is proposing amending parts of the rule to align with the changes to RCW 68.50.230 prescribed in SHB 1974, which passed during the 2024 legislative session.		24-10-009	Anticipate filing		Shay Bauman 564-669-8929
SBOH	Primary and secondary school environmental health and safety regulations.  SBOH is considering creating a new chapter (chapter 246-370 WAC) of draft rules for school environmental health and safety. SBOH will consider establishing minimum statewide health and safety standards for schools, formalizing school environmental health and safety inspection procedures, and repealing chapters 246-366 and 246-366A WAC.	24-13-117				Andrew Kamali 360-584-6737
SBOH	Chapter 246-282 WAC, Sanitary control of shellfish.  SBOH is considering amending rules to modify harvest control requirements, update definitions, seed size, and make other technical and editorial changes as needed.	22-06-034				Shay Bauman 564-669-8929  Kseniya Efremova 360-236-3449

Authority	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact
SBOH	Chapter 246-290 WAC, Group A public water supplies. SBOH is proposing amending parts of the rule to adopt PFAS federal standards, effective dates, and update guidance reference.		Anticipate filing			Shay Bauman 564-669-8929 Kseniya Efremova 360- 236-3449
SBOH	Chapter 246-290 WAC, Group A public water supplies. SBOH is considering amending parts of the rule to permanently fix PFAS rule language and adopt the MCL values as SALs.	Anticipate filing				Shay Bauman 564-669-8929 Kseniya Efremova 360-236-3449
Board of Hearing and Speech	Chapter 246-828 WAC, reducing licensure barriers and clarifying speech-language pathology assistant certification requirements.  The board of hearing and speech is proposing amendments to WAC 246-828-020 Examinations, 246-828-510 Continuing education, and 246-828-617 Requirements for speech-language pathology assistant certification.	24-08-058	Anticipate filing			Kim-Boi Shadduck 360-236-2912
Board of Hearing and Speech	Heal-WA fee for inactive licenses.  The board of hearing and speech is considering amending the fee section as the Heal-WA fee was mistakenly left off of WAC 246-828-990 for inactive licenses.	Anticipate filing but may do a CR-105.				Kim-Boi Shadduck 360-236-2912
Board of Massage	WAC 246-830-035 Licensing by endorsement for out-of-state applicants.  DOH, in coordination with the board of massage, is examining and may consider amending this section of the massage therapist rules related to licensing by endorsement for out-of-state applicants.	23-07-064	Anticipate filing.			Devin Brooks 360-236-4945
Board of Massage	WAC 246-830-430 Education and training.  The board of massage in coordination with DOH is considering amendments to the education and training rules to include parameters on online and virtual education and adding health equity awareness training to initial licensure requirements for new massage licensees.	23-12-002	Anticipate filing.			Devin Brooks 360-236-4945
Board of Naturopathy	Naturopathic licensure requirements. WAC 246-836-020 Requirements for licensure and 246-836-040 Jurisprudence examinations.  The board of naturopathy is considering amendments to licensure requirements relating to the jurisprudence examination as a condition for licensure and to clarify, update, and simplify rules to comply with 2SHB 1724 (chapter 425, Laws of 2023), codified as RCW 18.130.077.	24-10-050	Anticipate filing			Rachel Phipps 564-233-1277

Authority	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact
Board of Optometry	Chapter 246-851 WAC. The board of optometry is proposing to amend, establish new, and repeal sections in chapter 246-851 WAC to implement SSB 5389 (chapter 400, Laws of 2023), which expands the optometrist scope of practice to include certain advanced procedures and establishes requirements for license endorsement.	23-16-043	Anticipate filing			Kristina Bell 360-236-4841
Board of Optometry	Optometry continuing education (CE) and examination requirements. The board of optometry will conduct a review of the optometrist CE and examination requirements in WAC 246-851-090 through 246-851-230 and 246-851-490. The board of optometry (board) will consider increasing the number of allowable online credits. To comply with 2SHB 1724 (chapter 425, Laws of 2023), the board will also consider including the jurisprudence exam (JP) within their CE requirements and removing it from initial licensure requirements. The board may also consider housekeeping changes to clarify and streamline these sections of the rule as necessary.	24-06-033	Anticipate filing			Kristina Bell 360-236-4841
Board of Osteopathic Medicine and Surgery	Chapter 246-853 WAC, Osteopathic physicians and surgeons, five-year chapter review. The board of osteopathic medicine and surgery is proposing amendments to multiple sections in chapter 246-853 WAC for a general chapter cleanup to clarify and update rule language in accordance with the five-year rule review requirement under expedited rule making.			Anticipate filing	24-11-069	Becky McElhiney 360-236-4766
Board of Osteopathic Medicine and Surgery	WAC 246-853-020 Osteopathic medicine and surgery examinations. The board of osteopathic medicine and surgery is considering amendments to update osteopathic physician examination requirements pursuant to 2SHB 1724.	24-01-084	Anticipate filing			Becky McElhiney 360-236-4766
Board of Osteopathic Medicine and Surgery	WAC 246-853-080 Continuing education for osteopathic providers. The board of osteopathic medicine and surgery is considering amending WAC 246-853-080 Continuing education, to update the CE requirements for licensure renewal of osteopathic physicians.	24-04-068	Anticipate filing			Becky McElhiney 360-236-4766

Authority	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact
Board of Osteopathic Medicine and Surgery	Osteopathic physician opioid prescribing, WAC 246-853-661, 246-853-730, and 246-853-755.  The board of osteopathic medicine and surgery is considering amendments to osteopathic physician opioid prescribing rules to modernize the language, add clarity, bring the rules in line with current practice and align with the Washington medical commission.	24-02-084	Anticipate filing			Becky McElhiney 360-236-4766
Board of Physical Therapy	Physical therapy initial license and endorsement requirements for 2SHB 1724. The board of physical therapy is proposing amendments to WAC 246-915-030, 246-915-039, 246-915-040, and 246-915-085 to implement 2SHB 1724.	23-24-101	Anticipate filing			Allyson McIver 360-236-2878
Board of Physical Therapy	Physical therapy compact update, WAC 246-915A-010.  The compact recently made additional updates to the compact rules and the board of physical therapy will need to update the date in rule.				Anticipate filing	Allyson McIver 360-236-2878
Chiropractic Quality Assurance Commission	WAC 246-808-010, 246-808-105 through 246-808-140, 246-808-180 through 246-808-190, 246-808-510, 246-808-535, and 246-808-801 through 246-808-830.  Amending the chiropractic credentialing requirements.	23-05-053				Betty Moe 360-236-2868
Dental Quality Assurance Commission	Dental school faculty member licenses.  The dental quality assurance commission is proposing to amend WAC 246-817-150 to remove specific references about granting licenses to University of Washington faculty and replacing with a reference to a faculty of any institution of higher education in Washington state accredited by the commission on dental accreditation (CODA).	23-16-100	23-23-053	24-08-057		Debbie Gardner 360-236-4277
Dental Quality Assurance Commission	WAC 246-817-905 Exclusions.  Dental opioid prescribing exclusions for RHCs, WAC 246-817-905.  The dental quality assurance commission is considering adding residential habilitation centers to the list of opioid prescribing exclusions.	23-22-030	Anticipate filing			Debbie Gardner 360-236-4277

Authority	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact
Dental Quality Assurance Commission	Dental licensure without exam, WAC 246-817-135 and 246-817-160.  The dental quality assurance commission is considering amending WAC 246-817-135 to remove requirements pertaining to federal or state tax numbers when applying for licensure without an examination. The dental quality assurance commission is also considering amending WAC 246-817-160 to clarify clinical and didactic education and training requirements for foreign-trained dentists and graduates of nonaccredited schools or programs.	24-15-022				Debbie Gardner 360-236-4277
Dental Quality Assurance Commission	Dental assistant registration, WAC 246-817-190.  Adding minimum age requirements for dental assistant registration. The dental quality assurance commission is considering amending WAC 246-187-190 Dental assistant registration, to include a minimum age requirement for dental assistant registration.	Anticipate filing				Debbie Gardner 360-236-4277
Dental Quality Assurance Commission	Dental military spouse temporary practice permit, WAC 246-817-187.  The dental quality assurance commission is proposing amendments to WAC 246-817-187 Temporary practice permit—Military spouse eligibility and issuance, to update language changes made by 2SHB 1009.				25-15-006	Debbie Gardner 360-236-4277
DOH	Title 246 WAC, crisis call center crisis hubs.  DOH is considering creating a new chapter of rules to implement E2SHB 1477 (chapter 302, Laws of 2021). The rules will establish standards for designation of crisis call centers as designated 988 crisis contact center hubs within the 988 national suicide prevention and mental health crisis hotline system.	22-15-084	Anticipate filing			Me'Kyel Bailey 360-764-9161
DOH	Chapter 246-105 WAC, Immunization of child care and school children against certain vaccine preventable diseases.  DOH received designated authority from SBOH. DOH is considering rules to update existing 2019 ACIP schedule standards to the current 2024 schedule standards approved by advisory committee on immunizations practices (ACIP) and remove the school immunization status reporting date from the rule to align with RCW 28A.210.110 to best support schools and child care centers in meeting reporting deadlines.		Anticipate filing	Anticipate filing		Meghan Cichy 564-669-3834 Me'Kyel Bailey 360-764-9161

Authority	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact
DOH	Chapter 246-780 WAC, Farmers' market nutrition program. DOH is considering rules to transition farmers' market nutrition program to electronic farmers market nutrition program for the purposes of using electronic benefit payments.	23-07-101	Anticipate filing	Anticipate filing		Karen Mullen 360-515-8279 Me'Kyel Bailey 360-764-9161
DOH	Chapter 246-790 WAC, Special supplemental nutrition program for women, infants, and children (WIC). DOH is considering rules to allow for more variety in WIC vendor types and considering amending the participant compliance rules to allow virtual service options.	23-22-061	Anticipate filing	Anticipate filing		Karen Mullen 360-515-8279 Me'Kyel Bailey 360-764-9161
DOH	Title 246 WAC, Establishing a new chapter relating to rapid health information network data reporting.	17-21-075	Anticipate filing			
DOH	Music therapists, Title 246 WAC. DOH is considering creating a new chapter of rules to establish licensing regulations for music therapists, including fees. DOH will consider any necessary rules for an advisory committee.	23-22-034	24-12-077	Anticipate filing		
DOH	Behavioral health support specialist, Title 246 WAC. DOH is considering rule making to establish the new behavioral health support specialist credential under SSB 5189 (chapter 270, Laws of 2023).	23-14-113	Anticipate filing			Claire Wilson 564-669-0392
DOH	Certified peer specialist and trainee credential, Title 246 WAC. DOH is considering rule making to establish the new certified peer specialist and trainee credentials under SSB 5555 (chapter 469, Laws of 2023).	23-16-037				Ted Dale 360-236-2991
DOH	Military spouse temporary practice permit, WAC 246-12-051, 2SHB 1009. Military spouses, removing barriers to temporary practice permits in WAC 246-12-051. DOH is adopting amendments to update temporary practice permit requirements for military spouses as made by 2SHB 1009 (chapter 165, Laws of 2023).			Anticipate filing	24-06-028	Tommy Simpson 360-236-4910

Authority	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact
DOH	<p>WAC 246-803-040 Acupuncture and Eastern medicine (AEMP).</p> <p>Allowing virtual training for point injection therapy for AEMP. DOH, in consultation with the acupuncture and Eastern medicine advisory committee, is considering amending WAC 246-803-040, Education and training for point injection therapy, to allow the 16 hours of didactic education to occur through webinar or other online or distance learning methods. There may be other changes needed for clarity due to this proposed change in the rule.</p>	23-17-077	24-13-118			Adriana Barcena 360-236-4865
DOH	<p>Chapter 246-08 WAC, Practice and procedure, rules regarding DOH adjudicative proceedings for declaratory orders; public record requests; agency indexes; and general agency administrative processes.</p> <p>DOH is reviewing existing rules within the chapter to identify amendments that may be necessary as a result of changes in statutes, changes in internal operations, opportunities to streamline processes to reduce regulatory burden without compromising public health and safety, and to provide clear, concise, and reasonable rules.</p> <p>This rule making excludes: WAC 246-08-390 Acquisition, security, disclosure and destruction of health information, and 246-08-400 How much can a health care provider charge for searching and duplicating health care records?</p>	19-16-114				Tami Thompson 360-628-0096
DOH	Chapter 246-12 WAC, Advanced suicide education standards.	21-04-054	Anticipate filing			Stephanie Vaughn 360-819-0714
DOH	<p>Chapter 246-70 WAC, Cannabis product compliance.</p> <p>DOH is opening this chapter to consider updating the term "marijuana" to "cannabis," to examine the definition of compliant product, to review compliant product labeling, and align quality assurance standards with the Washington state liquor and cannabis board.</p>	22-23-001	Anticipate filing			Loralei Walker 360-236-2820
DOH	<p>Security screening systems.</p> <p>DOH may adopt a new chapter (chapter 246-230 WAC) to establish radiation safety standards for the use of security screening systems capable of detecting contraband contained under clothing and within body cavities, meeting applicable federal and state radiation and safety standards.</p>	22-17-145	Anticipate filing			Ashlie Laydon ashlie.laydon@doh.wa.gov Richard Montemarano 360-236-3238



Authority	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact
DOH	X-ray in healing arts, chapter 246-225 WAC.  DOH will consider amending existing rules and adopting new rules to address advancements in technology for radiation therapy and fluoroscopic X-ray and plan review shielding requirements.	24-03-137				Ashlie Laydon ashlie.laydon@doh.wa.gov  Richard Montemarano 360-236-3238
DOH	Chapter 246-254 WAC, Radiation protection fees.  DOH is considering amending or creating new radioactive material license and licensee fees.	24-03-145	24-15-097			Earl Fordham 509-628-7628  Peter Beaton peter.beaton@doh.wa.gov
DOH	Chapter 246-272B WAC, Loss penalty schedule.  DOH is considering amending chapter 246-272B WAC to adopt a penalty schedule for the issuance of civil penalties.	24-13-109	Anticipate filing			Ashlie Laydon ashlie.laydon@doh.wa.gov  Andrew Jones 360-236-3378
DOH	Chapter 246-275 WAC, Establishing a new chapter for on-site nonpotable water systems.	21-17-04				Kseniya Efremova 360-236-3449
DOH	Chapter 246-296 WAC, Drinking water state revolving fund.  DOH is considering amendments to implement requirements of the federal Bipartisan Infrastructure Law.	23-11-003	24-11-106	Anticipate filing		Kseniya Efremova 360-236-3449
DOH	WAC 246-272A-0110, Table 1, Category 2.  DOH is considering to add NSF/ANSI 40 testing for Category 2 products.	24-11-058	Anticipate filing			Peter Beaton peter.beaton@doh.wa.gov
DOH	WAC 246-290-990 Public water system fees.  DOH is considering amending public water system fees to cover operating costs.	24-08-068				Peter Beaton peter.beaton@doh.wa.gov
DOH	Radionuclide air emissions.  DOH is proposing to amend WAC 246-247-035 to update the publication date of the federal rules from 2023 to 2024.		24-11-105	24-15-096		Kseniya Efremova 360-236-3449
DOH	Certificate of need, adult elective percutaneous coronary intervention (PCI) program.  DOH is considering amendments to WAC 246-310-700 through 246-310-755 in response to a rule-making petition to amend the adult elective PCI certificate of need requirements.	24-03-083				Ross Valore 360-236-2955

Authority	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact
DOH	<p>WAC 246-310-800 through 246-310-833, certificate of need, kidney disease treatment centers temporary emergency rule exemptions.</p> <p>DOH is considering creating a new section to implement SSB 5659 (chapter 48, Laws of 2023), that creates exemptions from the certificate of need requirements for kidney disease treatment center rules. DOH will also consider amendments to the kidney disease center rules based upon the effects of implementing rules pursuant to SSB 5569.</p>	23-16-038	24-10-089	Anticipate filing		Ross Valore 360-236-2955
DOH	<p>WAC 246-320-010, 246-320-500, 246-320-505, 246-320-600, and other sections of chapter 246-320 WAC relevant to construction standards.</p> <p>DOH is considering amending the hospital licensing regulations to align with the current national construction standards.</p>	23-15-082	Anticipate filing			Susan Upton 360-236-2948
DOH	<p>Behavioral health agency and residential treatment facility fee updates.</p> <p>DOH is considering rule amendments to update behavioral health agency (BHA) and residential treatment facility (RTF) fees. Updates to BHA fees, WAC 246-341-0365, and RTF fees, WAC 246-337-990, may also consider changes to clarify and standardize language.</p>	Anticipate filing				Heather Cantrell 360-236-4637
DOH	<p>Acute care and private psychiatric hospital fees.</p> <p>WAC 246-320-199 Acute care hospital and 246-322-990 Private psychiatric hospitals.</p> <p>DOH is considering updates to rules regarding acute care and private psychiatric hospital fees to address funding needs.</p>	23-22-096	24-11-118	Anticipate filing		Heather Cantrell 360-236-4637
DOH	<p>Chapter 246-320 WAC, Hospital licensing regulations.</p> <p>DOH is considering amending the acute care hospital regulations in chapter 246-320 WAC in order to implement 2SSB 5120 (chapter 433, Laws of 2023), an act concerning the establishment of 23-hour crisis relief centers in Washington state.</p>	23-13-016	24-10-090	Anticipate filing		Dan Overton 564-201-0579
DOH	<p>Acute care hospital at home.</p> <p>DOH is considering rule making to establish standards for hospital at-home services and implement SHB 2295, by amending WAC 246-320-010, 246-320-199, and creating a new section or sections in chapter 246-320 WAC.</p>	Anticipate filing				Tiffani Buck 564-233-1121
DOH	<p>Chapter 246-329 WAC, Childbirth centers.</p> <p>DOH is considering updates to clarify, consolidate, and modernize the chapter.</p>	22-06-058	Anticipate filing			John Hilger 360-236-2929

Authority	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact
DOH	Chapter 246-341 WAC, Behavioral health agency (BHA) licensing and certification requirements.  DOH is considering amending the BHA regulations in chapter 246-341 WAC in order to implement 2SSB 5120 (chapter 433, Laws of 2023). DOH may also amend sections of chapter 246-341 WAC to address statutory changes as a result of the 2023 legislative session.	23-13-017	24-10-095	Anticipate filing		Dan Overton 360-236-2953
DOH	23-Hour crisis relief centers for minors in Washington state.  DOH is considering amending BHA regulations in chapter 246-341 WAC including, but not limited to, WAC 246-341-0903, to implement E2SSB 5853 (chapter 367, Laws of 2024), an act relating to extending the crisis relief center (CRC) model to provide behavioral health crisis services for minors.	24-13-112				Dan Overton 360-236-2953
DOH	BHAs reporting requirement, chapter 246-341 WAC, 2SSB 6228 (2024).	Anticipate filing				
DOH	BHA regulations in chapter 246-341 WAC related to opioid treatment programs (OTPs).  DOH is considering amending the BHA regulations related to OTPs to address general cleanup, remove duplicate requirements, align with the Code of Federal Regulations and implement 2E2SSB 5536 (chapter 1, Laws of 2023, 1st special session). DOH is also fixing two internal citations from a previous rules project.	23-17-078	Anticipate filing			Michelle Weatherly 360-236-2992
DOH	Residential treatment facilities and psychiatric hospitals. Implementation for Indian health care provider attestation in chapters 246-337 and 246-322 WAC, SHB 2075 (2024).	Anticipate filing				Michelle Weatherly 360-236-2992
DOH	WAC 246-358-990 Temporary worker housing fees.  DOH is considering updating or creating new fees to cover operating costs for the temporary worker housing program.	24-03-138				Juan Gamez 360-628-6620  Peter Beaton peter.beaton@doh.wa.gov
DOH	Private detention facilities.  DOH is considering creating a new chapter (chapter 246-385 WAC) to set operational health and safety standards for private detention facilities.	23-23-079				Kseniya Efremova 360-236-3449

Authority	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact
DOH	<p>Chapter 246-453 WAC, Hospital charity care.</p> <p>DOH is considering amendments to implement new requirements in SSB 6273 (chapter 623, Laws of 2018) and SHB 1616 (chapter 197, Laws of 2022). Updates may be needed to ensure that the rules are current and align with best practices. DOH will also consider adding a new section to address requirements for clarity and conciseness.</p>	22-20-069				Carrie Baranowski 360-236-4210
DOH	<p>WAC 246-454-010, 246-454-020, 246-454-090, and 246-454-110, Hospitals— System of accounting, financial reporting, budgeting, cost allocation.</p> <p>DOH is considering amendments to existing rules to implement new requirements in E2SHB 1272. Updates may be needed to ensure that the rules are current and align with best practices. DOH will also consider adding a new section to address requirements for clarity and conciseness.</p>	21-23-082	Anticipate filing			Carrie Baranowski 360-236-4210
DOH	<p>Prescription monitoring program (PMP); clarifying terms and information about prescription history for the PMP.</p> <p>Amending WAC 246-470-010, 246-470-030, and 246-470-050.</p> <p>DOH is considering clarifying that prescribers can request the history of prescriptions they have written.</p>	23-22-092	24-11-119	Anticipate filing		Jennifer Kang 360-688-6644
DOH	<p>Chapter 246-490 WAC, Vital statistics; and chapter 246-491 WAC, Vital statistics— Certificates.</p> <p>DOH is considering amending and repealing existing rules, and creating new rules related to vital records. The rules may establish registration and amendment requirements for vital records; update or add program processes to align with statutory changes; adopt fees associated with amendment and delayed birth applications; add or adjust fees associated with the issuance of certifications and informational copies; add or remove data items collected in a vital record; expand use of electronic registration of a vital event; make editorial and technical changes to align with statutory changes; and repeal obsolete sections of rule.</p>	23-04-062	Anticipate filing			Kelly Thomson 360-236-2274

Authority	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact
DOH	Physician visa waivers in chapter 246-562 WAC.  DOH is considering a chapter review to reorganize sections and amend rules regarding J-1 physician visa waivers. DOH is considering changing these rules to help meet the greatest needs across Washington state. DOH is considering amending the organizational structure, application criteria, and requirements for letters of support.	24-04-021	24-13-113	Anticipate filing		Sarah Gambrell 564-669-1697  Kelly Shaw 360-480-8690
DOH	Chapter 246-780 WAC, Electronic benefit payments for farmer's market nutrition program, also to be known as e-FMNP.  DOH is considering updating the chapter to allow for electronic benefit payments for the farmers' market nutrition program.	23-07-101	Anticipate Filing			Katherine Flores 360-742-4543  Steve Strong 360-742-2930
DOH	Chapter 246-790 WAC. Special supplemental nutrition program for WIC.  DOH is considering changes to the rule which would allow for more variety in WIC vendor types.	23-22-061				Karen Mullen 360-515-8279
DOH	WAC 246-803-040 Virtual training for point injection therapy for acupuncture and Eastern medicine.  DOH is considering amending education and training for point injection therapy, to allow the 16 hours of didactic education to be done virtually.	23-17-077	24-13-118			
DOH	Chiropractic fees and renewal cycle updates.  DOH is considering revisions to WAC 246-808-990 to update chiropractic and X-ray technician licensure, registration, and renewal fees including any clarifying updates.	Anticipate filing				
DOH	Chapter 246-809 WAC.  DOH is considering rule making to implement recommendations developed under 2SHB 1724 (chapter 425, Laws of 2023), to support the behavioral health workforce and lower barriers to licensure. Professions potentially impacted by this rule making include mental health counselors, marriage and family therapists, social workers, and associates.	24-10-012				Lana Crawford 564-669-1455

Authority	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact
DOH	Chapter 246-809 WAC. DOH is considering amending, repealing, or creating new sections in chapter 246-809 WAC to implement recent legislation by establishing: (1) A directory to help mental health counselor, marriage and family therapist, and social worker associates find supervisors; (2) standards for supervision of associates; (3) a stipend program to offset some costs of supervision; and (4) other changes as appropriate.	24-10-010				Brandon Williams 360-913-4643
DOH	Chapter 246-810 WAC. DOH is considering rule making to: (1) Implement 2SHB 1724 (chapter 425, Laws of 2023), which created two new agency affiliated counselor credential types; (2) implement E2SHB 1504 (chapter 170, Laws of 2021), which allowed student interns to become agency affiliated counselors; and (3) update the chapter as appropriate.	23-16-044	Anticipate filing			Carmen Leso 360-742-1463
DOH	Chapter 246-811 WAC. DOH is considering rule making to implement recommendations developed under 2SHB 1724 (chapter 425, Laws of 2023) to support the behavioral health workforce and lower barriers to licensure. Professions potentially impacted by this rule making include substance use disorder professionals and trainees.	24-10-011				Claire Wilson 564-669-0392
DOH	Amend WAC 246-815-140 Dental hygienists continuing education.	Anticipate filing				Kitty Einert 360-236-4843
DOH	Dental hygiene health equity CE. Create WAC 246-815-145 Establish health equity CE; DOH is considering creating a new rule in chapter 246-815 WAC, Dental hygiene equity training requirements. Health equity rules WAC 246-12-830 [246-12-800] through 246-12-830 to comply with RCW 43.70.613.	23-21-070	24-02-006	24-15-021		Kitty Einert 360-236-4843
DOH	Dental hygienists infection control, chapter 246-815 WAC.	Anticipate filing				Kitty Einert 360-236-4843
DOH	Establishing new chapter 246-819 WAC for the dental therapist profession in order to implement ESHB 1678 (chapter 460, Laws of 2023).	23-22-058	Anticipate filing			Kitty Einert 360-236-4843
DOH	Chapter 246-819 WAC, Dental therapist. DOH is considering establishing new chapter 246-819 WAC for the dental therapist profession in order to implement ESHB 1678 (chapter 460, Laws of 2023).	23-22-058	Anticipate filing			Bruce Bronoske 360-236-4843

Authority	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact
DOH	Athletic trainers, amending WAC 246-916-030 to update the endorsement section in response to 2SHB 1724.  DOH is proposing rule making to update substantial equivalency standard rules.	24-13-078	Anticipate filing			Allyson McIver 360-236-2878
DOH	Chapter 246-822 WAC, Dietitians or nutritionists.  DOH is considering rule making to amend or repeal several sections of the dietitian and nutritionist chapter. Specific sections focus on mandatory reporting, examinations, and curriculum. Updating rules about dietitians and nutritionists to modernize the chapter.	18-10-059	23-22-131 24-10-088 Supplemental	Anticipate filing		Kim-Boi Shadduck 360-236-2912
DOH	Chapter 246-822 WAC, Dietitians or nutritionists.  DOH is considering rule making to implement 2SHB 1724 and consider national credentials for dietitians and nutritionists.	Anticipate filing				Kim-Boi Shadduck 360-236-2912
DOH	Birth doulas, amendments to implement 2SHB 1724.  DOH is proposing amendments to WAC 246-835-040 to remove CE barriers to becoming a birth doula for out-of-state applicants and implement 2SHB 1724.	24-09-050	Anticipate filing			
DOH	Birth doulas, amendments to WAC 246-835-010 and 246-835-025.  DOH is amending two WAC sections to update the definition of "culturally congruent care" and to separate the term from "culturally congruent ancestral care" for competency based requirements.	24-09-012	Anticipate filing			
DOH	Genetic counselors, amendments to WAC 246-825-080 Licensure by endorsement.  DOH is amending one WAC section to implement 2SHB 1724 for genetic counselors by reducing barriers to entering and remaining in the profession.	24-09-014	Anticipate filing			
DOH	Respiratory care practitioners chapter update to incorporate 2SHB 1724 and 2SHB 1009.  DOH is proposing amendments to WAC 246-928-540, 246-928-560, and 246-928-570 to lower barriers to entering and remaining in the respiratory care practitioner workforce.	24-06-083	Anticipate filing			

Authority	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact
DOH	<p>Medical assistant medication administration requirements and apprenticeship programs.</p> <p>DOH is considering rule amendments to WAC 246-827-0010, 246-827-0200 and 246-827-0240 to align with statutes updated by ESHB 1073 (chapter 134, Laws of 2023) and ESSB 5983 (chapter 248, Laws of 2024) and ensure that the rules are current and align with best practices. DOH will also consider adding a new WAC 246-827-0340 to address the medication administration requirements for the medical assistant-registered credential.</p>	<p>Withdrawn 23-20-118 New 24-14-096</p>	Anticipate filing			Becky McElhiney 360-236-4766
DOH	<p>Medical assistant-emergency medical technician (MA-EMT); establishing the credential.</p> <p>DOH is considering rule amendments and adding new sections to chapter 246-827 WAC, Medical assistants, to implement SSB 5940 (chapter 217, Laws of 2024).</p>	Anticipate filing				Becky McElhiney 360-236-4766
DOH (with the Washington State Board of Nursing)	<p>WAC 246-840-990 Nursing fee rule housekeeping correction to totals. DOH in consultation with the Washington state board of nursing is proposing amendments to WAC 246-840-990 to make a housekeeping change to correct fee total amounts.</p>				24-14-126	Jessilyn Dagum 360-236-3538
DOH	<p>Chapter 246-850 WAC, Orthotics and prosthetics rules.</p> <p>DOH along with the orthotics and prosthetics advisory committee, is considering amendments to comply with recent legislation. To align chapter 246-850 WAC with 2SHB 1724 (chapter 425, Laws of 202 [2023]), DOH is considering amending the jurisprudence examination as a requirement for licensure and possibly incorporating knowledge of professional jurisprudence into continuing competency requirements for orthotics and prosthetists. As part of this project, DOH will consider amending WAC 246-850-060, 246-850-140, and 246-850-150.</p>	Anticipate filing				Rachel Phipps 564-233-1277
DOH	<p>Chapter 246-926 WAC, Certification of magnetic resonance imaging technologists.</p> <p>DOH is considering adding new sections to and updating sections of chapter 246-926 WAC, Radiologic imaging professionals, to implement SHB 2355 (chapter 94, Laws of 2024), which establishes certification of magnetic resonance imaging (MRI) technologists. DOH will also consider minor housekeeping edits and/or updates related specifically to establishing and regulating MRI techs.</p>	24-13-114				



Authority	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact
DOH	Chapter 246-930 WAC, Sex offender treatment providers.  Chapter rewrite based on recommendations from newly established sex offender treatment providers advisory committee.	22-04-057				Lana Crawford 564-669-1455
DOH	WAC 246-976-010 through 246-976-310, 246-976-330 through 246-976-400, 246-976-890, 246-976-920, 246-976-960 and 246-976-970, Emergency medical services (EMS) and trauma care systems.  DOH is considering amending the rules to align with current national standards; make rules more clear, concise, and organized; propose changes to address barriers to initial and renewal application processes; and respond to new legislative requirements. New sections may be added as required.	17-24-013 Withdrawn 22-11-065 New	24-03-061	Anticipate filing		Catie Holstein 360-236-2841
DOH	Chapter 246-976 WAC, Emergency medical services (EMS) and trauma care systems.  DOH is considering updating sections of this chapter relating to EMS data to respond to legislative requirements required by SSB 5380, section 19, chapter 314, Laws of 2019. New sections may be added as required.	20-17-011	24-06-084	Anticipate filing		Jim Jansen 360-236-2821
DOH	Chapter 246-976 WAC, Emergency medical services (EMS) organ transport.  DOH is considering creating licenses for organ transport vehicles.	23-17-070	24-11-155	Anticipate filing		Jason Norris 360-236-2851
DOH	WAC 246-980-100 Examination and reexamination for home care aide certification.  DOH is considering amending WAC 246-980-100 to: (1) Update the home care aide examination process; (2) consider whether the examination must be completed within a certain time period after completing training; and (3) address any other issues identified by DOH or interested parties. DOH also may consider changes to streamline or clarify the rules as appropriate.	23-04-064				Jennifer Osbun 360-236-2737
Examining Board of Psychology	Chapter 246-924 WAC.  The examining board of psychology (board) is considering rule making to implement recommendations developed under 2SHB 1724 (chapter 425, Laws of 2023), to support the behavioral health workforce and lower barriers to licensure. Additionally, the board will consider updating licensure requirements for psychologists.	24-11-055				Nancy Delgado 360-236-4951

Authority	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact
Board of Denturists	The board of denturists is considering adopting substantial equivalency standard rules within WAC 246-812-120, 246-812-125, 246-812-159, and other applicable rules in order to comply with 2SHB 1724 (chapter 425, Laws of 2023).  Removing barriers for denturist licensure. The board of denturists is considering updates to reduce licensure barriers, and will address jurisprudence exam and examination requirements for denturists.	24-10-064				Adriana Barcena 360-236-4865
Occupational Therapy Practice Board	Chapter 246-847 WAC: WAC 246-847-051, 246-847-065, 246-847-068, 246-847-070, 246-847-080, 246-847-125, and 246-847-170.  Streamlining occupational therapy licensure and endorsement to implement 2SHB 1724 and updates to the ethics section.	24-01-099	Anticipate filing			Kathy Weed 360-236-4883
Occupational Therapy Practice Board	Occupational therapy military spouse temporary permits, WAC 246-847-117 and 246-847-990.  The occupational therapy practice board is considering increasing the amount of time a temporary practice permit is good for from 90 days to 180 days throughout the chapter and adding a fee for the temporary practice permit to implement 2SHB 1009.	24-06-055	Anticipate filing			Kathy Weed 360-236-4883
Pharmacy Quality Assurance Commission	Chapter 246-945 WAC; adding new section pertaining to medication assistance and the settings in which medication assistance occurs.  The pharmacy quality assurance commission and DOH are filing jointly to reinstate rules on medication assistance as permitted under chapter 69.41 RCW.	22-02-015	Anticipate filing			Joshua Munroe 360-502-5058
Pharmacy Quality Assurance Commission	Pharmacy mobile opioid treatment program units.  The pharmacy quality assurance commission is considering amending WAC 246-945-060 and 246-945-250 and adding new sections in chapter 246-945 WAC to exempt mobile opioid treatment program (OTP) units from having to obtain separate registrations, as long as they are covered under the OTP site's controlled substance registration, and to develop more comprehensive facility requirements for analytical laboratories and dog handlers among other facilities that are licensed under the other controlled substance registration.	23-18-046				Haleigh Mauldin 360-890-0720

Authority	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact
Pharmacy Quality Assurance Commission	Chapter 246-945 WAC. Transfer practices for a dispensed prescription drug for the purpose of redispensing or subsequent administration to a patient.	23-20-115				Joshua Munroe 360-502-5058
Pharmacy Quality Assurance Commission	Chapter 246-945 WAC. The pharmacy quality assurance commission is considering amending WAC 246-945-055 to remove fenfluramine from the list of Schedule IV substances and adding a new section to chapter 246-945 WAC to establish a list of Schedule IV exemptions.	23-20-119	24-07-067			Julia Katz 360-791-1167
Pharmacy Quality Assurance Commission	Pharmacy home dialysis programs, chapter 246-945 WAC.	23-21-010				Julia Katz 360-791-1167
Pharmacy Quality Assurance Commission	Pharmacy wildlife capture drug classification, WAC 246-945-507.	23-21-011	24-07-66			Julia Katz 360-791-1167
Pharmacy Quality Assurance Commission	Prescription transfers, WAC 246-945-345	23-23-051				Julia Katz 360-791-1167
Pharmacy Quality Assurance Commission	Chapter 246-945 WAC, Prescription drug label accessibility standards, WAC 246-945-016 and 246-945-417.  The pharmacy quality assurance commission is opening these rules to consider including prescription label accessibility standards and is also considering new sections to chapter 246-945 WAC on the subject of prescription drug label accessibility.	22-09-065	Anticipate filing			Joshua Munroe 360-502-5058
Pharmacy Quality Assurance Commission	WAC 246-945-455. The pharmacy quality assurance commission (commission) is reviewing existing rules (WAC 246-945-455) limiting access to drugs stored outside of the pharmacy in a health care facility to licensed health care professionals. The commission will consider adopting new requirements allowing access to drugs outside the pharmacy by unlicensed staff. The commission will also consider if other disruptions within the health care facilities, resulting from requirements within WAC 246-945-455, are necessary.	23-01-111	Anticipate filing			Haleigh Mauldin 360-890-0720
Pharmacy Quality Assurance Commission	Chapter 246-945 WAC. The pharmacy quality assurance commission is considering amending WAC 246-945-585 and creating a new section of rule in the chapter to clarify expectations for wholesalers submitting suspicious order and zero order reports to the commission.	23-10-012				Julia Katz 360-791-1167

Authority	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact
Pharmacy Quality Assurance Commission	Amending WAC 246-945-155, 246-945-156, and potentially add a new chapter in 246-945 WAC and potentially adding new section.  Pharmacy interns—Military spouse permits and renewal extension.	24-07-105				Julia Katz 360-791-1167
Pharmacy Quality Assurance Commission	Amending WAC 246-945-001 and 246-945-585 to adjust suspicious order and zero reporting requirement.	23-10-012				Haleigh Mauldin 360-890-0720
Pharmacy Quality Assurance Commission	Incorporations by reference and naloxone.				Anticipate filing	Haleigh Mauldin 360-890-0720
Podiatric Medical Board	Removing licensure barriers for podiatric physicians and surgeons. WAC 246-922-055 Reciprocity requirements.  The podiatric medical board (board) is considering updates to reduce licensure barriers for podiatric physicians and surgeons. The board is considering amending reciprocity requirements in order to comply with 2SHB 1724 (chapter 425, Laws of 2023), codified at RCW 18.130.077.	Anticipate filing				Tommy Simpson 360-236-4910
Veterinary Board of Governors	WAC 246-933-010 Definitions and 246-933-200 Veterinary client patient relationship.  The veterinary board of governors is considering rule making to amend existing rules and potentially adding a new section of rules to establish additional standards for veterinary telemedicine services.	22-17-101	Anticipate filing			Poppy Budrow 564-669-0026
Veterinary Board of Governors	Animal health care tasks for and supervision of veterinary technicians and veterinary medication clerks.  The veterinary board of governors is considering updates and revisions to WAC 246-935-050 Animal health care tasks, 246-935-040 Responsibilities of a veterinarian supervising a licensed veterinary technician or unregistered assistant, 246-935-010 Definitions (veterinary technicians), and 246-937-010 Definitions (registered veterinary medication clerks).	23-18-060				Poppy Budrow 564-669-0026
Veterinary Board of Governors	Veterinarian and veterinary technician licensure requirements.  The veterinary board of governors is considering updates to licensure, reactivation, CE, and examination requirements, which may include adding new chapters 246-933 and 246-935 WAC to implement 2SHB 1724 (chapter 425, Laws of 2023) and 2SHB 1009 (chapter 165, Laws of 2023).	24-10-093				Poppy Budrow 564-669-0026

Authority	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact
Board of Nursing	Nursing education rules, WAC 246-840-517 and 246-840-534.  The Washington state board of nursing is considering amendments to nursing education rules in response to E2SSB 5582 (chapter 126, Laws of 2023).	23-17-011	Anticipated			Jessilyn Dagum 360-236-3538
Board of Nursing	Advanced registered nurse practitioner education requirements for licensure, updating definition of graduate-level education. WAC 246-840-010, 246-840-340, 246-840-342, and other related sections.	24-05-022	Anticipate filing			Jessilyn Dagum 360-236-3538
Washington Medical Commission	New sections in chapters 246-918 and 246-919 WAC regarding collaborative drug therapy agreements.	20-16-008				Amelia Boyd 360-918-6336
Washington Medical Commission	Physicians and physician assistants general provision for opioid prescribing and tapering rules.  The Washington medical commission (commission) is considering amending the following rules to modernize the language, add clarity, and bring the rules more in line with current practice: WAC 246-918-801 (physician assistants) Exclusions, 246-918-845 (physician assistants) Patient evaluation and patient record—Subacute pain, 246-918-855 (physician assistants) Patient evaluation and patient record—Chronic pain, 246-918-870 (physician assistants) Periodic review—Chronic pain, 246-918-900 (physician assistants) Tapering considerations—Chronic pain, 246-919-851 (physicians) Exclusions, 246-919-895 (physicians) Patient evaluation and patient record—Subacute pain, 246-919-905 (physicians) Patient evaluation and patient record—Chronic pain, 246-919-920 (physicians) Periodic review—Chronic pain, and 246-919-950 (physicians) Tapering considerations—Chronic pain. The commission is considering amending these WAC to modernize the language, add clarity, and bring the rules more in line with current practice.	23-17-094	Anticipate filing			Amelia Boyd 360-918-6336
Washington Medical Commission	Military spouse temporary practice permits; WAC 246-918-076 (physician assistants) and 246-919-397 (physicians), How to obtain a temporary practice permit—Military spouse.  The commission will consider amending these WAC in response to 2SHB 1009 (chapter 165, Laws of 2023), Military Spouse Employment Act.	23-19-029	Anticipate filing			Amelia Boyd 360-918-6336
Washington Medical Commission	Establishing the use of nitrous oxide in office-based settings under WAC 246-919-601.	24-11-104				Amelia Boyd 360-918-6336

Authority	WAC and Rule Title	CR-101 WSR #	CR-102 WSR #	CR-103 WSR #	CR-105 WSR #	Program Contact
Washington Medical Commission	Establishing the anesthesiologist assistant profession.	Anticipate filing				Amelia Boyd 360-918-6336
Washington Medical Commission	Removing references to osteopathic physician assistants. The commission is proposing amendments to WAC 246-918-895 and 246-919-945, Pain management specialist—Chronic pain, to align rule language with currently accepted language.			Anticipate filing	24-15-054	Amelia Boyd 360-918-6336
Washington Medical Commission	Implementation of the physician assistant collaborative practice. The commission is proposing amendments to chapter 246-918 WAC to implement ESHB 2041 (chapter 62, Laws of 2024), which aims to establish clear guidelines and requirements for the collaboration between physician assistants and supervising physicians. Proposed changes also include clarifying and updating terms.			Anticipate filing	24-15-055	Amelia Boyd 360-918-6336

WSR 24-16-095
RULES OF COURT
STATE SUPREME COURT
[June 10, 2024]

IN THE MATTER OF THE ) ORDER
SUGGESTED AMENDMENTS TO ) NO. 25700-A-1568
STANDARDS FOR INDIGENT )
DEFENSE—CrR 3.1 STDS/CrRLJ 3.1 )
STDS/JuCR 9.2 STDS )

The Washington State Bar Association (WSBA), having recommended that the Court amend the Standards for Indigent Defense applicable to CrR 3.1, CrRLJ 3.1, and JuCR 9.2 to incorporate WSBA's revised Standards for Indigent Defense Services, and the Court having approved the suggested amendments for publication on an expedited basis;

Now, therefore, it is hereby

ORDERED:

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

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than October 31, 2024. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

(d) The Court will hold two public hearings on the suggested amendments, at dates and times to be announced separately. One public hearing will be held before the comment period closes, and one public hearing will be held after the comment period closes.

DATED at Olympia, Washington this 10th day of June, 2024.

For the Court

Gonzales, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET
Suggested Amendments to
STANDARDS FOR INDIGENT DEFENSE SERVICES
REVISED CrR 3.1 Stds/CrRLJ 3.1 Stds/JuCR 9.2 Stds

A. Name of Proponent:

Washington State Bar Association
WSBA Council on Public Defense

B. Spokespersons:

Hunter Abel, President, Washington State Bar Association, 1325 Fourth Avenue, Suite 600, Seattle, WA 98101-2539 (telephone: (509) 969-4731)

Jason Schwarz, Chair, Council on Public Defense, Washington State Bar Association, Seattle, WA 98101-2539 (telephone: (425) 388-3032)

WSBA Staff Contact:

Bonnie Sterken, Equity and Justice Lead, Washington State Bar Association, 1325 Fourth Avenue, Suite 600, Seattle, WA 98101-2539 (telephone: (206) 727-8293)

**C. Purpose:**

Public defense in Washington is facing a crisis of attrition and an inability to recruit staff brought about by excessive workloads and poor compensation. Attorneys are resigning from the public defense profession in droves because they cannot continue the work given the volume of cases. In recognition of these problems, in January 2022, the WSBA Council on Public Defense (CPD) undertook a comprehensive revision of the WSBA Standards for Indigent Defense Services. In addition, following release of the National Public Defense Workload Study in September 2023, the Justices of the Washington Supreme Court requested that the CPD specifically address caseload standards.

In developing revised WSBA Standards, the CPD solicited input from the public and the criminal defense community at listening sessions, CLE events, CPD meetings, and through surveys. The CPD considered all feedback when revising the WSBA Standards. In addition, the revisions to the WSBA Standards were informed by the 2023 National Public Defense Workload Study; other studies of appropriate caseload and support staffing needs of public defense offices; and Constitutional, ethical, and professional standards for public defenders.

The revisions to the WSBA Standards focus on three areas: (1) Support staff requirements, (2) attorney qualifications, and (3) caseload standards. Revisions in all three areas were necessary to recognize the realities of current public defense practice, ensure the Standards met Constitutional requirements, and to address public defender attrition and difficulty recruiting new attorneys to the profession.

First, the revised WSBA Standards require, rather than simply recommend, public defense agencies to maintain specific staffing ratios for investigators, mitigation specialists and social workers, and legal assistants and paralegals. These revisions recognize the importance of support staff in public defense cases, particularly given the large volume to evidence and investigation necessary to provide adequate defense.

Second, the revisions to attorney qualification requirements attempt to address the shortage of attorneys qualified to handle the most serious cases. The revisions allow attorneys to gain experience through trial experience even if the trial was not completed through a jury verdict and through training programs. These revisions are to be implemented over the course of the next four years.

Lastly, the revised WSBA Standards implement the caseload standards recommended by the National Public Defense Workload Study (NPDWS). The NPDWS report made clear that the existing caseload standards did not allow attorneys sufficient time to provide representation that met Constitutional requirements. The findings of the NPDWS report were applied to Washington's caseloads through a system that grants a specific number of credits for categories of cases based on the typical time-demands of the case. Attorneys accrue case credits up to a maximum number of credits per year.

The CPD presented proposed the revised WSBA Standards of Indigent Defense to the WSBA Board of Governors on March 8, 2024. The WSBA Board of Governors adopted the revisions and voted to forward the revised WSBA Standards to the Supreme Court with the recommendation that the Court incorporate the WSBA Standards into the Washington Supreme Court Standards for Indigent Defense.



**D. Hearing:**

A hearing is not requested.

**E. Expedited Consideration:**

Expedited consideration is requested.

**F. Supporting Material:**

- Cover memo to the WSBA Board of Governors dated February 23, 2024
- Council on Public Defense Report on Revisions to WSBA Standards of Public Defense
- Redline revisions to WSBA Standards of Indigent Defense Services
- Public Comments Received by the WSBA Board of Governors found here: [https://wsbaonline.sharepoint.com/:f:/r/personal/parise\\_wsba\\_org/Documents/Revised%20Standards%20Feedback?csf=1&web=1&e=j1ZUPm](https://wsbaonline.sharepoint.com/:f:/r/personal/parise_wsba_org/Documents/Revised%20Standards%20Feedback?csf=1&web=1&e=j1ZUPm) (this link will expire April 20, 2024)

**Suggested Amendments to**

CrR 3.1/CrRLJ 3.1/JuCR 9.2

STANDARDS FOR INDIGENT DEFENSE

**Preamble**

The Washington Supreme Court adopts the following Standards to address certain basic elements of public defense practice related to the effective assistance of counsel. The Certification of Appointed Counsel of Compliance with Standards Required by CrR 3.1/ CrRLJ 3.1/ JuCR 9.2/~~MPR 2.1~~ references specific "Applicable Standards." The Court adopts additional Standards beyond those required for certification as guidance for public defense attorneys in addressing issues identified in *State v. A.N.J.*, 168 Wn.2d 91 (2010), including the suitability of contracts that public defense attorneys may negotiate and sign. To the extent that certain Standards may refer to or be interpreted as referring to local governments, the Court recognizes the authority of its Rules is limited to attorneys and the courts. Local courts and clerks are encouraged to develop protocols for procedures for receiving and retaining Certifications.

**Definitions**

1. Assigned Counsel - Attorneys who provide public defense services in a local jurisdiction who are not employees of a Public Defense Agency, often without a formal contract; frequently referred to as panel or conflict attorneys.

2. Case - A "case" is a new court filing or action that names a person who is eligible for appointment of a public defense attorney; for example, an adult criminal charging instrument, a juvenile court offender or BECCA petition, a dependency or termination of parental rights petition, a civil commitment petition, or an appeal. For additional explanation in relation to caseload capacity, refer to Standards 3.H and 3.I.

3. Case Weighting/Credits - A case weighting system assigns higher and lower values or weighted case credits to assigned cases based on the amount of time that is typically required to provide effective representation.

4. Caseload - The number of cases assigned to a public defense attorney in a 12-month period.

5. Co-counsel - An additional public defense attorney assigned to a case with the originally assigned attorney (lead counsel).

6. Defense Investigator - A non-lawyer legal professional who guides and executes the defense investigation of a client's case. Defense Investigators perform substantive work that requires full knowl-

edge of court proceedings, court rules, and Washington State law. A Defense Investigator's review of case evidence requires an understanding of government investigative procedures and regulations, a familiarity with forensic disciplines, the aptitude to stay current with advancements in technology, and an ability to ascertain factual discrepancies. They may interview witnesses identified by the police investigation, as well as identify, locate, and interview witnesses unknown to the State. Defense Investigators may gather evidence useful to the defense by recording witness statements, conducting field investigations, photographing the crime scene, gathering records, and taking screenshots of online materials. A Defense Investigator's preservation of evidence is critical to trial preparations, as they can testify to lay the foundation for that evidence, as well as explain case details and assist with impeachment of witnesses. The use of a Defense Investigator is not limited to criminal cases. Defense Investigators are also important professionals in Dependency proceedings, Sexual Offender Commitment petitions, and other proceedings that affect a client's liberty or other constitutionally protected interest.

7. Experts - Individual persons, firms, or businesses who provide a high level of knowledge or skill in a particular subject matter, such as DNA or crime scene analyses, and assist public defense attorneys in providing legal representation for their client.

8. Flat Fee Agreement - A contract or informal policy agreement where a private attorney or firm agrees to handle an unlimited number of cases for a single flat fee.

9. Fully Supported Defense Attorneys - Public defense attorneys who meet or exceed Standards Four, Five, Six, Seven, Nine, Ten, Thirteen and Fourteen of these Standards.

10. Jurisdictions - State, county and city entities that provide public defense services.

11. Legal Assistant - A non-lawyer legal professional who assists the attorney with administrative tasks. Legal Assistants often are responsible for filing pleadings generated by the lawyer or paralegal and ensuring the timely processing of mail and legal documents to meet court mandated deadlines. They may answer phones and assist with communications between the defense team, clients, defense experts, witnesses, and others. Some Legal Assistants are responsible for calendaring, opening and closing case files, updating case management systems, processing legal discovery (electronic or otherwise), and ensuring that critical information is accurately conveyed and recorded, if needed.

12. Lead Counsel - A lead counsel is the main lawyer in charge of a case. They are usually the most experienced and manage any other lawyers working on the case.

13. Mitigation Specialist - A mental health professional, a social worker, or social services provider, with specialized training or experience who gathers biographical, medical, and family history of the client to assist the lawyer, including preparing a document to inform the court and/or prosecutor or State of factors in the client's life. Mitigation Specialists also help clients navigate social service support and prepare for assessments.

14. Open Caseload - The number of assigned cases a public defender has that are actively open. Open Caseload is a day-in-time snapshot of a public defender's caseload; whereas, "Caseload" is the number of assigned cases in a year.

15. Paralegal - A non-lawyer legal professional, frequently a graduate of an ABA-approved Paralegal Studies program, who does sub-

stantive work that requires familiarity with court proceedings, court rules, and Washington State law. Paralegals are frequently responsible for performing complex legal research and drafting legal documents such as subpoenas, pleadings, and motions and creating discovery binders, preparing exhibits, coordinating witness schedules, and assisting with organization at counsel table. Paralegals may assist the attorney with client communication and act as a liaison with defense experts, prosecutors, bailiffs, and jail officials. They also may track upcoming court hearings, trial dates, and other critical timelines to help with attorney organization.

16. Per Case Agreement - A contract or informal policy agreement where a private attorney or firm agrees to handle cases on a flat, per case amount.

17. Private Attorneys - An attorney who works in private practice who provides public defense services whether by contract, subcontract, assignment, appointment, or other process.

18. Private Firm - For-profit law firm that provides public defense services, whether by contract, subcontract, assignment, appointment, or other process.

19. Public Defender - Any person working as or with a public defense attorney, firm, or public defense agency whether an attorney, social worker, office administrator, investigator, mitigation specialist, paralegal, legal assistant, human resources specialist, data analyst, etc.

20. Public Defense Administrator - Person, whether attorney or not, who is responsible overall for the administration, management, and oversight of public defense.

21. Public Defense Agency - Government and nonprofit offices that only provide public defense representation.

22. Public Defense Attorney - A private attorney, attorney working in a private firm, or an attorney working in a public defense agency who is assigned to represent individuals who are indigent or indigent and able to contribute and have a statutory or constitutional right to court-assigned counsel.

23. Reasonable Compensation - Market rate for similar legal and expert services. Reasonable compensation includes more than attorney wages, salary, benefits, contract payments or hourly rate payments. Reasonable Compensation includes the cost of office overhead (including administrative costs), support staff or services, training, supervision, and other services not separately funded.

24. Significant Portion of a Trial - Planning or participating in essential aspects of a trial which includes, but is not limited to, motions in *limine*, jury selection, opening statements, direct and cross examination, motions and objections, preparation of and advocacy for jury instructions, and closing arguments.

25. Social Worker - A public defense professional with a master's degree in Social Work who provides professional services to assist the attorney and to help meet the basic and complex needs of the client. Often, this can involve enrolling in health care or other government support services.

26. Trial Academy - An organized trial training program of at least 20 hours of sessions that is presented by the Washington State Office of Public Defense, the Washington Defender Association, the Washington Association of Criminal Defense Attorneys, the National Association of Criminal Defense Lawyers, the National Institute for Trial Advocacy, the National Association for Public Defense, the Gault Center, the National Criminal Defense College, Gideon's Promise, or

any other organization approved for CLE training by the Washington State Bar Association. A trial academy must include defender skills training that may encompass motion practice, opening and closing statements, objections, preserving issues for appeal, direct and cross examination, race bias, client communication, theory of the case, jury selection, and other topics.

27. Workload - The amount of work a public defense attorney has, including direct client representation and work not directly attributable to the representation of a specific client, including, for example, administration, supervision, and professional development.

### **Standard 1: Compensation**

[RESERVED]

#### **Standard:**

##### 1.A. Public Defense Agency Salaries and Benefits.

Employees at public defense agencies shall be compensated at a rate commensurate with their training and experience. Compensation and benefit levels shall be comparable to those of attorneys and staff in prosecution or other opposing party offices in the area. Compensation shall also include necessary administrative costs described in Standard Five, support services costs described in Standard Seven, and training and supervision costs described in Standards Nine and Ten.

##### 1.B. Contract and Assigned Counsel Compensation.

Compensation for public defense attorneys in contract and assigned counsel systems shall reflect the professional experience, time, and labor required for effective and quality representation. Compensation shall also be based on the comparable compensation and benefits associated with prosecution or other opposing party offices in the area. Compensation shall also include necessary administrative costs described in Standard Five, support services costs described in Standard Seven, and training and supervision costs described in Standards Nine and Ten.

Reasonable compensation shall be provided whether the work is for full-time or part-time public defense attorneys. Reasonable contract or assigned counsel compensation rates shall be set at least on a pro rata basis consistent with the attorney's percentage of a full caseload (see Standard 3). For example, if a jurisdiction allocates \$280,000 per year per full-time equivalent (FTE) prosecuting attorney for all costs associated with that FTE, including but not limited to combined salary, benefits, support staff, administrative, information technology, insurance, bar dues, training, and facilities expenses, then a contract for one-fourth of a full-time public defense caseload should be at least \$70,000.

Contracts and government budgets shall recognize the need to provide reasonable compensation for all public defense attorneys, including but not limited to, those attorneys who are "on call," staff court calendars, or staff specialty or therapeutic courts.

##### 1.C. Flat Fee and Per Case Compensation Agreements.

Attorneys shall not engage in flat fee or per case compensation contracts or agreements. These compensation structures create an actual conflict for the public defense attorney.<sup>1</sup>

Consistent with Washington Rule of Professional Conduct 1.8 (m) (1) (ii), public defense attorneys shall not make or participate in making an agreement with a governmental entity for the delivery of indigent defense services if the terms of the agreement obligate the contracting lawyer or law firm to bear the cost of providing investi-

gation or expert services, unless a fair and reasonable amount for such costs is specifically designated in the agreement in a manner that does not adversely affect the income or compensation allocated to the lawyer, law firm, or law firm personnel.

1.D. Additional Compensation.

Consistent with RCW 10.101.060 (1)(a)(iv), contracts and policies shall provide for additional compensation over and above the base contract amount(s) for cases that require an extraordinary amount of time and preparation.

Situations that require additional compensation include, but are not limited to:

- Days spent in trial, if no per diem is paid
- Testimonial motion hearings
- Interpreter cases
- Cases involving mental health competency and other issues (RCW 10.77)
- Cases with extensive discovery
- Cases that involve a significant number of counts, alleged victims or witnesses
- Cases requiring consultation with experts, including, for example, immigration legal analysis and advice or DNA testing and analysis.

Attorneys should have the opportunity to submit requests for additional compensation for extraordinary cases and the right to appeal an adverse decision to a judicial officer.

1.E. Substitute Attorney Costs.

Consistent with Washington Rule of Professional Conduct 1.8 (m) (1) (i), attorneys who have a conflict of interest shall not be required to bear the cost of the new, substituted attorney.

## **Standard 2: Duties and Responsibilities of Counsel**

{RESERVED}

**Standard:**

Jurisdictions that administer public defense services shall ensure that representation be provided in all situations in which the right to counsel attaches, including first appearances and bail decisions, as well as plea negotiations.

Representation shall be prompt and delivered in a professional, skilled manner consistent with minimum standards set forth by these Standards, the Washington State Bar Association's Standards for Indigent Defense Services, the American Bar Association, the Washington Rules of Professional Conduct, case law and relevant court rules and orders defining the duties of counsel. The applicable WSBA or ABA Performance Guidelines should serve as guidance for attorney performance. The most fundamental responsibility of jurisdictions and public defense attorneys is to promote and protect the stated interests of public defense clients.

## **Standard 3: Caseload Limits and Types of Cases**

**Standard:**

~~Standard 3.1.~~ 3.A. The contract or other employment agreement or government budget shall specify the types of cases for which representation shall be provided and the maximum number and types of cases in which each attorney shall be expected to handle provide quality representation.

~~Standard 3.2.~~ 3.B. Quality Representation.

The maximum caseload or workload of public defense attorneys shall allow each ~~lawyer attorney~~ to give each client the time and effort necessary to ensure effective representation. ~~Neither defender organizations, county offices, contract attorneys nor assigned counsel~~ Public defense attorneys should not enter into contracts requiring caseloads or accept workloads that, by reason of their excessive size, interfere with the rendering of quality representation. If the attorney's caseload or workload prevents providing quality representation,<sup>2</sup> public defense attorneys shall take steps to reduce their caseload, including but not limited to seeking co-counsel, reassignment of cases, or requesting a partial or complete stop to additional case assignments or requesting withdrawal from a case(s). If the attorney's workload is within the limits in this standard there is a presumption that they can provide quality representation. As used in this Standard, "quality representation" is intended to describe the minimum level of attention, care and skill that Washington citizens would expect of their state's criminal justice system.

If a public defense agency or nonprofit's workload exceeds the Director's capacity to provide counsel for newly assigned cases, the Director must notify courts and appointing authorities that the provider is unavailable to accept additional assignments and must decline to accept additional cases.<sup>3</sup>

Standard 3.3. General Considerations. 3.C. Open Caseload.

The determination of an attorney's ability to accept new case assignments must include an assessment of the impact of their open caseload on their ability to provide quality representation.

3.D. Fully Supported, Full-Time Public Defense Attorneys.

Caseload limits reflect the maximum caseloads for The maximum caseloads or workloads for public defense attorneys assume an attorney's public defense work is: 1) full-time (exclusively public defense); 2) fully supported; 3) full-time defense attorneys for cases of average complexity and effort for in each case type specified; and 4). Caseload limits assume a reasonably evenly distributedion of cases throughout the year. "Fully supported, full-time defense attorneys" are attorneys who meet or exceed Standards Four, Five, Six, Seven, Nine, Ten, Thirteen and Fourteen of these Standards.

The increased complexity of practice in many areas will require lower caseload limits. The maximum caseload limit should be adjusted downward when the mix of case assignments is weighted toward offenses or case types that demand more investigation, legal research and writing, use of experts, use of social workers, or other expenditures of time and resources. Attorney caseloads should be assessed by the workload required, and cases and types of cases should be weighted accordingly.

3.E. Mix of Case Types and Private Practice.

If a public defense attorney accepts appointment to If a defender or assigned counsel is carrying a mixed caseload including cases from more than one category of cases case type, thiese standards should be applied proportionately to determine a maximum full caseload.

Attorneys should not accept more public defense cases than the percentage of time their other work and commitments allow. In jurisdictions where assigned counsel or contract attorneys also maintain private law practices, The number of public defense cases or case credits easeload should be based on the percentage of time the lawyer devotes to available for the attorney to represent public defense clients. Each individual or organization that contracts to perform public

defense services for a county or city shall report to the county or city hours billed for nonpublic defense legal services in the previous calendar year, including number and types of private cases.<sup>4</sup>

### 3.F. Attorney Experience.

~~The experience of a particular attorney is a factor in the composition of the cases types in the attorney's caseload, but it is not a factor in adjusting the applicable numerical caseload limits except as follows: attorneys with less than six months of full-time public defense experience as an attorney should not be assigned more than two-thirds of the applicable maximum numerical caseload limit. This provision applies whether or not the public defense system uses case weighting.~~

### 3.G. Impact of Public Defense Time Other Than Case Appointments.

Assessing an attorney's maximum caseload or workload limit must include accounting for work in addition to new cases assigned. Time spent on vacation, sick leave, holidays, training, supervision, administrative duties, and court improvement work groups must also be accounted for.

~~The following types of cases fall within the intended scope of the caseload limits for criminal and juvenile offender cases in standard 3.4 and must be taken into account when assessing an attorney's numerical caseload: partial case representations, sentence violations, specialty or therapeutic courts, transfers, extraditions, representation of material witnesses, petitions for conditional release or final discharge, and other matters that do not involve a new criminal charge.~~

### 3.H. Definition of case.

~~A "case" is defined as the a new court filing or action that of a document with the court namesing a person who is eligible for appointment of a public defense attorney; for example, an adult criminal charging instrument, a juvenile court offender or BECCA petition, a dependency or termination of parental rights petition, a civil commitment petition, or an appeal.as defendant or respondent, to which an attorney is appointed in order to provide representation. In courts of limited jurisdiction multiple citations from the same incident can be counted as one case.~~

### 3.I Adult Criminal and Juvenile Court Offender Trial Court Cases

#### 1. Adult Criminal and Juvenile Court Offender Cases

a. An attorney appointed to an Adult Criminal or Juvenile Court Offender case receives the case weight/credit or hours credit toward the attorney's annual caseload that is listed in Standard 3.J. and in the Appendix. In multi-count cases, the charge with the highest case category dictates the case's credit or hourly value. If the highest charge is amended or otherwise changed to a charge that is more serious than originally charged, the attorney(s) shall receive the additional case credit value. In the event a charge is amended to a less serious charge, the attorney shall still be given caseload credit for the original, higher charge as of the time the attorney was appointed to the case.

b. A charging document filed against a client arising out of a single event or series of events and being prosecuted together is presumed to be one case. Determining whether a case number is one or multiple cases is determined by the supervisor or appointing agency after reviewing the charging information, amended charging documents, or an order to sever counts.

2. Reappointment. Reappointment of the previously appointed attorney to a case in which a bench warrant was issued does not count as a new case if the warrant was issued within the twelve months prior to the reappointment. New case credits can be awarded as approved by a supervisor or appointment authority on a case-by-case basis.

3. Partial Representation. The following must be taken into account when assessing an attorney's numerical caseload or when adjusting case credits assigned to attorney: partial case representations (cases in which an attorney withdraws or is substituted pursuant to CrR 3.1(e) and CrRLJ 3.1(e)), sentence or probation violations, cases in specialty or therapeutic courts, transfers, extraditions, representations of material witnesses, pretrial advice including "on-call" availability, petitions for conditional release or final discharge, and other matters that do not involve a new criminal charge. Time spent by attorneys representing multiple clients on first appearance, arraignment, or other calendaring hearings must be accounted for in reducing the number of maximum trial cases that can be assigned.

a. Transferred Case. When a public defense attorney's representation ends prior to the entry of a final order or judgment (for example, attorney withdrawal pursuant to CrR 3.1(e) or CrRLJ 3.1(e), the supervising attorney or appointing authority shall determine the case credit value to be awarded to each attorney based on the amount of time each attorney contributes.

b. Co-Chairs. When two or more lawyers are assigned as co-chairs, the supervising attorney or appointing authority shall determine the case credit value to be awarded to each attorney based on the amount of time each attorney contributes, including mentoring by the non-supervisor lead counsel.

c. Transferred and Co-Chaired cases frequently take more time to complete than the average case. Additional credits may need to be applied. For the case category Felony High-Murder and Felony High-LWOP case types, there is a presumption that two or more lawyers will be assigned as co-chairs.

d. Court Calendar Positions.

i. Specialty or Therapeutic Courts: a criminal case resulting in admission to a Specialty or Therapeutic Court generally should not count as a case for the attorney covering the Specialty or Therapeutic Court. The case credit shall be applied exclusively to the originally assigned attorney(s) prior to the transfer into a Specialty or Therapeutic Court.

ii. Calendar Coverage: A criminal case appearing on a calendar where an attorney provides partial representation with no expectation of additional representation after the initial hearing shall not count as a case for the attorney covering the court calendar. This partial representation can include but is not limited to representing clients on: probable cause or first appearance calendars; arraignment calendars; failures to appear, warrant return, quash, and recommencement of proceedings calendars; preliminary appointments in cases in which no charges are filed; extradition calendars; and other matters or representations of clients that do not involve new criminal charges.

iii. Court Calendar Attorney Time: The workload of Specialty and Therapeutic Court attorneys and attorneys designated, appointed, or contracted to represent groups of clients on a court docket, without an expectation of further or continuing representation, shall be assessed and subtracted from the annual, assumed 1,650 hours monitored by the supervising attorney or appointing authority to ensure the attorney does not work more than 1,650 hours in a 12-month period.



4. Probation Violation Cases. Appointment of a public defense attorney to represent a person on one or more original case numbers where a probation violation(s) or show cause order(s) has been filed is presumed to count as 1/3 credit of the Felony or Misdemeanor Case Credit. Additional case credits can be awarded as approved by a supervisor or appointing authority on a case-by-case basis.

3.J. Maximum Case Credit Limit for Adult Criminal and Juvenile Court Offender Cases Each Year.

This Section shall be implemented according to the schedule in Section 3.0.

The maximum number of case credits for a fully supported, full-time public defense attorney each calendar year is based on an assumed 1,650-hour "case-related hours" available each year. This number represents the assumed time an attorney in Washington has available each year to devote to public defense clients' representation. It excludes annual time for leave (for example, vacation, sick, PTO, FMLA) holidays, CLEs and training, supervision, and other time that is not "case-related").<sup>5</sup>

The maximum annual caseload case credits for each category of Adult Criminal and Juvenile Court Offender cases are based on the National Public Defense Workload Study (September 2023).<sup>6</sup>

Standard 3.4 Caseload Limits: The caseload of a full-time public defense attorney or assigned counsel shall not exceed the following:

150 felonies per attorney per year; or

300 misdemeanor cases per attorney per year or, in jurisdictions that have not adopted a numerical case weighting system as described in this standard, 400 cases per year; or

250 juvenile offender cases per attorney per year; or

80 open juvenile dependency cases per attorney; or

250 civil commitment cases per attorney per year; or

1 active death penalty trial court case at a time plus a limited number of non-death-penalty cases compatible with the time demand of the death penalty case and consistent with the professional requirements of standard 3.2; or

36 appeals to an appellate court hearing a case on the record and briefs per attorney per year. (The 36 standard assumes experienced appellate attorneys handling cases with transcripts of an average length of 350 pages. If attorneys do not have significant appellate experience and/or the average transcript length is greater than 350 pages, the caseload should be accordingly reduced.)

Full time rule 9 interns who have not graduated from law school may not have caseloads that exceed twenty-five percent (25%) of the caseload limits established for full time attorneys.

In public defense systems in which attorneys are assigned to represent groups of clients at first appearance or arraignment calendars without an expectation of further or continuing representation for cases that are not resolved at the time (except by dismissal) in addition to individual case assignments, the attorneys' maximum caseloads should be reduced proportionally recognizing that preparing for and appearing at such calendars requires additional attorney time. This provision applies both to systems that employ case weighting and those that do not.

Resolutions of cases by pleas of guilty to criminal charges on a first appearance or arraignment docket are presumed to be rare occurrences requiring careful evaluation of the evidence and the law, as well as thorough communication with clients, and must be counted as

one case. This provision applies both to systems that employ case weighting and those that do not.

In public defense systems in which attorneys are assigned to represent groups of clients in routine review hearing calendars in which there is no potential for the imposition of sanctions, the attorneys' maximum caseloads should be reduced proportionally by the amount of time they spend preparing for and appearing at such calendars. This provision applies whether or not the public defense system uses case weighting.

The maximum annual caseload for a full-time **felony** attorney is 47 case credits.

**Case credits** for each Felony case category appointment shall be as follows (see the Appendix for case types falling within each category):

Felony High-LWOP: <sup>7</sup>	8
Felony High-Murder:	7
Felony High-Sex:	5
Felony High:	3
Felony Mid:	1.5
Felony Low:	1

The maximum annual caseload for a full-time **misdemeanor** attorney is 120 case credits.

Case credits for each Misdemeanor case category appointment shall be as follows:

Misdemeanor High:	1.5
Misdemeanor Low:	1

If a case resolves relatively quickly, before an attorney has done significant work on the matter, the attorney will be credited with a proportional, reduced amount of the credits initially assigned.

### 3.K. Other Case Types.<sup>8</sup>

Appeals: 36 appeals to an appellate court hearing a case on the record and briefs per attorney per year. (The 36 standard assumes experienced appellate attorneys handling cases with transcripts of an average length of 350 pages. If attorneys do not have significant appellate experience and/or the average transcript length is greater than 350 pages, the caseload should be accordingly reduced.)

Family Defense: 80 open dependency/termination of parental rights for parent and child(ren) representation per attorney per year.

Civil Commitment: 250 Civil Commitment cases per attorney per year.

Standard 3.5. Case Counting and Weighting. Attorneys may not count cases using a case weighting system, unless pursuant to written policies and procedures that have been adopted and published by the local government entity responsible for employing, contracting with, or appointing them. A weighting system must:

A. recognize the greater or lesser workload required for cases compared to an average case based on a method that adequately assesses and documents the workload involved;

B. be consistent with these Standards, professional performance guidelines, and the Rules of Professional Conduct;

C. not institutionalize systems or practices that fail to allow adequate attorney time for quality representation;

D. be periodically reviewed and updated to reflect current workloads; and

E. be filed with the State of Washington Office of Public Defense.

Cases should be assessed by the workload required. Cases and types of cases should be weighted accordingly. Cases which are complex, serious, or contribute more significantly to attorney workload than average cases should be weighted upwards. In addition, a case weighting system should consider factors that might justify a case weight of less than one case.

3.L. Additional Considerations.

1. Caseload limits require a reasonably even number of case appointments each month, based on the number of cases appointed in prior months.

2. Resolutions of cases by pleas of guilty to criminal charges on a first appearance or arraignment docket are presumed to be rare occurrences requiring careful evaluation of the evidence and the law, as well as thorough communication with clients, and must be counted as one case.

***Standard 3.6. Case Weighting Examples.*** The following are some examples of situations where case weighting might result in representations being weighted as more or less than one case. The listing of specific examples is not intended to suggest or imply that representations in such situations should or must be weighted at more or less than one case, only that they may be, if established by an appropriately adopted case weighting system.

A. Case Weighting Upwards: Serious offenses or complex cases that demand more than average investigation, legal research, writing, use of experts, use of social workers and/or expenditures of time and resources should be weighted upwards and counted as more than one case.

B. Case Weighting Downward: Listed below are some examples of situations where case weighting might justify representations being weighted less than one case. However, care must be taken because many such representations routinely involve significant work and effort and should be weighted at a full case or more.

i. Cases that result in partial representations of clients, including client failures to appear and recommencement of proceedings, preliminary appointments in cases in which no charges are filed, appearances of retained counsel, withdrawals or transfers for any reason, or limited appearances for a specific purpose (not including representations of multiple cases on routine dockets).

ii. Cases in the criminal or offender case type that do not involve filing of new criminal charges, including sentence violations, extraditions, representations of material witnesses, and other matters or representations of clients that do not involve new criminal charges. Non-complex sentence violations should be weighted as at least 1/3 of a case.

iii. Cases in specialty or therapeutic courts if the attorney is not responsible for defending the client against the underlying charges before or after the client's participation in the specialty or therapeutic court. However, case weighting must recognize that numerous hearings and extended monitoring of client cases in such courts significantly contribute to attorney workload and in many instances such cases may warrant allocation of full case weight or more.

iv. Representation of a person in a court of limited jurisdiction on a charge which, as a matter of regular practice in the court where the case is pending, can be and is resolved at an early stage of the proceeding by a diversion, reduction to an infraction, stipulation on continuance, or other alternative noncriminal disposition that does not involve a finding of guilt. Such cases should be weighted as at least 1/3 of a case.

3.M. Full-Time Rule 9 Interns.

Rule 9 interns who have not graduated from law school may not have caseloads or workloads that exceed twenty-five percent (25%) of the maximum limits established for full-time attorneys.

3.N. Attorneys in Jurisdictions that Do Not Follow Case Credit System in Standard 3.J.

Attorneys in jurisdictions that do not use the case credit system in Standard 3.J shall be employed by, contract with, or be appointed by the local government entity responsible for those functions only if the jurisdiction has adopted and published a numerical caseload or workload maximum that is consistent with the caseload and workload limits set in Standard 3.J. Such a caseload or workload maximum must:

- a) Recognize the greater or lesser workload required for cases compared to an average based on a method that adequately assesses and documents the workload involved;
- b) Be consistent with these Standards, professional performance guidelines, and the Rules of Professional Conduct;
- c) Not institutionalize systems or practices that fail to allow adequate attorney time for competent and diligent representation;
- d) Be periodically reviewed and updated to reflect current workloads; and be filed with the State of Washington Office of Public Defense.

3.O. Implementation of Standards.

Standard 3 shall be implemented in phases and shall go into effect on July 2, 2025. The revisions to these Standards for Indigent Defense shall be implemented on the following schedule:

Until July 2, 2025, the caseload standards as adopted in the pre-existing Standards for Indigent Defense shall apply: The caseload of a full-time public defense attorney or assigned counsel shall not exceed the following:

- 150 Felonies per attorney per year;
- 300 Misdemeanor cases per attorney per year or, in jurisdictions that have not adopted a numerical case weighting system as described in this Standard, 400 cases per year;
- 250 Juvenile Offender cases per attorney per year.

Phase 1:

Beginning July 2, 2025, within the twelve months following, each full-time felony attorney shall be assigned cases constituting no more than 110 felony case credits and each full-time misdemeanor attorney shall be assigned cases constituting no more than 280 misdemeanor case credits.

Phase 2:

Beginning July 2, 2026, within the twelve months following, each full-time felony attorney shall be assigned cases constituting no more than 90 felony case credits and each full-time misdemeanor attorney shall be assigned cases constituting no more than 225 misdemeanor case credits.

Phase 3:

Beginning July 2, 2027, and for any twelve-month period following, each full-time felony attorney shall be assigned cases constituting no more than 47 felony case credits and each full-time misdemeanor attorney shall be assigned cases constituting no more than 120 misdemeanor case credits.

**Related Standards**

~~ABA STANDARDS FOR CRIMINAL JUSTICE: PROSECUTION FUNCTION AND DEFENSE FUNCTION Defense Function std. 4-1.2 (3d ed. 1993)~~

~~ABA STANDARDS FOR CRIMINAL JUSTICE: PROVIDING DEFENSE SERVICES std. 5-4.3 (3d ed. 1992)~~

~~AM. BAR ASS'N, GUIDELINES FOR THE APPOINTMENT AND PERFORMANCE OF DEFENSE COUNSEL IN DEATH PENALTY CASES (rev. ed. 2003)~~

~~ABA Comm. on Ethics & Prof'l Responsibility, Formal Op. 06-441 (2006) (Ethical Obligations of Lawyers Who Represent Indigent Criminal Defendants When Excessive Caseloads Interfere With Competent and Diligent Representation)~~

~~Am. Council of Chief Defenders, Statement on Caseloads and Workloads (Aug. 24, 2007)~~

~~ABA House of Delegates, Eight Guidelines of Public Defense Related to Excessive Caseloads (Aug. 2009)~~

~~TASK FORCE ON COURTS, NAT'L ADVISORY COMM'N ON CRIMINAL STANDARDS & GOALS, COURTS std. 13.12 (1973)~~

~~MODEL CODE OF PROF'L RESPONSIBILITY DR 6-101~~

~~ABA House of Delegates, The Ten Principles of a Public Defense Delivery System (Feb. 2002)~~

~~ABA House of Delegates, Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases (Feb. 1996)~~

~~Nat'l Legal Aid & Defender Ass'n, Am. Council of Chief Defenders, Ethical Opinion 03-01 (2003).~~

~~Nat'l Legal Aid & Defender Ass'n, Standards for Defender Services std. IV-1 (1976)~~

~~Nat'l Legal Aid & Defender Ass'n, Model Contract for Public Defense Services (2000)~~

~~Nat'l Ass'n of Counsel for Children, NACC Recommendations for Representation of Children in Abuse and Neglect Cases (2001)~~

~~Seattle Ordinance 121501 (June 14, 2004)~~

~~Indigent Defense Servs. Task Force, Seattle-King County Bar Ass'n, Guidelines for Accreditation of Defender Agencies Guideline 1 (1982)~~

~~Wash. State Office of Pub. Defense, Parents Representation Program Standards of Representation (2009)~~

~~BUREAU OF JUDICIAL ASSISTANCE, U.S. DEP'T OF JUSTICE, INDIGENT DEFENSE SERIES NO. 4, KEEPING DEFENDER WORKLOADS MANAGEABLE (2001) (NCJ 185632)~~

#### Standard 4: Responsibility of Expert Witnesses

[RESERVED]

##### Standard:

##### 4.A. Expert Witnesses

Jurisdictions that administer public defense services shall provide reasonable compensation for expert witnesses necessary for preparation and presentation of the case. Expert witness costs should be maintained and allocated from funds separate from those provided for attorney legal representation.

Jurisdictions shall adopt and publish procedures to confidentially receive, review, and grant requests for expert witness services. In jurisdictions where attorneys are required to request approval for expert witnesses or other necessary services from the court, such motions shall be ex parte and include a motion to seal. The public defense attorney should be free to retain the expert of their choosing and shall not be required to select experts from a list pre-approved by either the jurisdiction, the court, or the prosecution.

##### 4.B. Mitigation Specialists, Social Workers

Mitigation specialists and social workers shall be made readily available to public defense attorneys to provide support, such as re-

lease plans, treatment services, housing, health care, and to develop dispositional and sentencing alternatives.

In public defense agencies, by July 3, 2028, a minimum of one full-time mitigation specialist or social worker shall be provided for every three full-time attorneys. Public defense agencies shall make meaningful progress towards this ratio prior to July 3, 2028.<sup>9</sup> Attorneys representing clients in post-adjudication phases may require different resources. Public defense agencies that do not employ a sufficient number of mitigation specialists or social workers to meet this ratio shall enter into contracts with additional mitigation specialists or social workers to provide the same resource level.

Temporary reductions in agency staff because of illness, disability, or reasonable delay in filling vacancies do not constitute failure to comply with this standard. Attorneys representing clients in post-adjudication phases may require different resources.

Public defense attorneys under contract or in assigned counsel systems should have access to mitigation specialists and social workers, consistent with 4.A.

#### 4.C. Mental Health Professionals for Evaluations

Each public defense agency or attorney shall have access to mental health professionals to perform mental health evaluations.

#### 4.D. Interpreters and Translators

All individuals providing public defense services (attorneys, investigators, experts, support staff, etc.) shall have access to qualified interpreters to facilitate communication with Deaf and hearing-impaired individuals, and persons with limited English proficiency. Similarly, all public defense providers shall have access to translators to translate vital documents and resources from English to the client's primary language.<sup>10</sup>

#### 4.E. Cost of Expert Services

Consistent with Washington Rule of Professional Conduct (RPC) 1.8 (m) (1) (ii), attorneys shall not be required to bear the costs of expert services.

### **Standard 5: Administrative Costs**

Standard 5.1. [Reserved.]

Standard 5.2

#### 5.A. Administrative Services Necessary for Law Offices

Jurisdictions shall provide funding for Contracts for public defense services should provide for or include administrative costs associated with providing legal representation. These costs should include, but are not limited to, travel; telephones; law library, including electronic legal research; electronic document filing, financial accounting; case management systems; legal system databases and programs; computers and software; equipment; office space and supplies; internet services; training; meeting the reporting requirements imposed by these standards; and other costs necessarily incurred for public defense representation and necessary to comply with the requirements imposed by these Standards in the day-to-day management of the contract.

Providing for these costs is necessary for all public defense structures, including agency, contract, and assigned counsel systems.

Administrative costs for contract and assigned counsel services shall be included in compensation rates and agreements.

5.B. Law Offices Must Accommodate Confidential, Prompt, and Consistent Client Communication

All public defense attorneys shall have (1) access to an office that accommodates confidential meetings with clients and receipt of mail, and (2) a postal address, and adequate telephone and electronic services to ensure prompt response to client contact. Public defense attorneys and clients must have prompt and consistent access to interpreter services

### **Standard 6: Investigators**

~~Standard 6.1. Public defense attorneys shall use investigation services as appropriate.~~

#### **Standard:**

##### **6.A. Access to Investigation Services**

Public defense representation must include access to investigation services. Public defense-led investigation is necessary for representing clients for purposes of verifying facts, identifying and questioning witnesses, and testing the evidence presented by the opposing party.

##### **6.B. Investigation for Public Defense Agencies**

In public defense agencies, by July 3, 2028, a minimum of one full-time investigator shall be employed for every three full-time trial court level (adult and/or juvenile) attorneys.<sup>11</sup> Public defense agencies shall make meaningful progress towards this ratio prior to July 3, 2028. Public defense agencies that do not employ a sufficient number of investigators to meet this ratio shall enter into contracts with additional investigators to provide the stated resource level. Temporary reductions in agency staff because of illness, disability, or reasonable delay in filling vacancies do not constitute failure to comply with this standard. Attorneys representing clients in post-adjudication phases may require different investigation resources.

##### **6.C. Investigation for Contract and Assigned Counsel**

When public defense attorneys work under contracts or assigned counsel systems, jurisdictions must ensure that they have the same level of access to investigators as described in 6.B. Local jurisdictions shall adopt and publish confidential procedures to receive, review, and grant requests for investigation services. In jurisdictions where attorneys are required to request court approval for investigative services, such motions shall be *ex parte*, consistent with the requirements of Washington Rule of Professional Conduct 1.8 (m)(1)(ii) and court rules.

##### **6.D. Investigation for Pro Se Litigants**

All jurisdictions should make conflict free investigation services available to indigent defendants or respondents who are representing themselves in all cases in which the court has approved waiver of their right to court-appointed counsel.

##### **6.E. Cost of Investigation Services**

Consistent with Washington Rule of Professional Conduct 1.8 (m)(1)(ii), attorneys shall not be required to bear the costs of investigation services.

### **~~Standards 7-12~~**

~~{Reserved}~~

### **Standard 7: Support Services**

#### **Standard:**

##### **7.A. Support Services Necessary for Legal Defense**

In addition to the necessary resources described in Standards Four, Five, and Six, public defense attorneys shall have adequate legal and administrative support. Legal and administrative support serv-

ices include, but are not limited to, administrative assistants, legal assistants, paralegals, human resources, finance, reception services, and IT and data management administrators. These professionals are essential for effective legal defense and an operational law office. Jurisdictions shall ensure all public defense attorneys have access to needed support services as provided in this Standard and as required by Washington Rule of Professional Conduct 1.4 to ensure attorney/client communication.

#### 7.B. Providing for Support Services in Contract and Assigned Counsel Compensation

The support services described in 7.A. are required for all public defense attorneys, regardless of their employment, contract or assigned counsel status. Contract and assigned counsel attorneys shall receive compensation at levels that ensure these non-attorney support services are provided

#### 7.C. Necessary Legal Assistants/Paralegals Ratio

In public defense agencies, by July 3, 2028, a minimum of one full-time legal assistant or paralegal shall be employed for every four full-time attorneys. Public defense agencies shall make meaningful progress towards this ratio prior to July 3, 2028.

Public defense agencies that do not employ a sufficient number of legal assistants or paralegals to meet this ratio should enter into contracts with qualified professionals to provide the same resource level or request authorization of such services *ex parte* or administratively.

Temporary reductions in agency staff because of illness, disability, or reasonable delay in filling vacancies do not constitute failure to comply with this standard. Attorneys representing clients in post-adjudication phases may require different resources.

### **Standard 8: Reports of Attorney Activity**

#### **Standard:**

Jurisdictions shall require all public defense attorneys use a case-reporting and management information system that includes the number and types of assigned cases, attorney hours and case dispositions. Data from these systems should be routinely reported to public defense administrators in a manner in which confidential, secret and otherwise non-public information and secrets are not disclosed. Consistent with Standard Eleven, public defense administrators should review these reports on a regular basis to monitor compliance with these Standards.

For attorneys under contract, payment should be made monthly, or at times agreed to by the parties, without regard to the number of cases closed in the period.

### **Standard 9: Training**

#### **Standard:**

#### 9.A. Annual Training

All public defense attorneys shall participate in regular training, including a minimum of seven hours of continuing legal education annually in areas relating to their public defense practice. Training should include relevant topics including training specific to certain case types as required in Standard Fourteen, the types of cases assigned (for example, criminal, dependency, appellate), racial and ethnic disparities, elimination of bias, mental illnesses, improved and effective communication with clients, forensic sciences, and other topics that impact legal representation. Every public defense attorney



should attend training that fosters trial or appellate advocacy skills and review professional publications and other media.

9.B. Onboarding and Training of New and Current Attorneys

Public defense agencies and contracted private law firms should develop their own practices and procedures to onboard and train new attorneys. Offices should develop written materials (e.g. manuals, checklists, hyperlinked resources) to inform new attorneys of local rules and procedures of the courts in their jurisdiction.

In offices of more than seven attorneys, an orientation and training program for new attorneys and legal interns should be held to inform them of office procedures and policies. All attorneys should be required to attend regular in-house training programs on developments in their legal representation areas.

9.C Continuing Education for Public Defense Non-Attorneys

Funding for training for all public defense non-attorneys must be provided. A fully supported public defense attorney is one whose staff and expert service providers receive educational opportunities and up-to-date trainings to ensure they can meet their profession's best practices. This may include attendance at national conferences and regular access to online trainings, such as those offered by the Washington State Office of Public Defense, Washington Defender Association, the National Association for Public Defense, the National Legal Aid and Defender Association, the National Alliance of Sentencing Advocates and Mitigation Specialists, the National Defense Investigator Association, the National Federation of Paralegal Associations, and the National Association for Legal Support Professionals.

**Standard 10: Supervision**

**Standard:**

In public defense agencies and contracted private law firms, a minimum of one full-time supervisor should be employed for every ten full-time public defense attorneys or one half-time supervisor for every five public defense attorneys. Full-time supervisors should not carry caseloads, but supervisors may act as co-counsel in a limited number of cases to provide mentoring and training experience for their supervisees. Part-time supervisors should limit their caseloads on a pro-rata basis. Supervisors should have training in personnel management and supervision. Supervisors should be qualified under Standard 14 for the practice area(s) they are supervising.

**Standard 11: Monitoring and Evaluation of Attorneys**

**Standard:**

All jurisdictions shall provide a mechanism for systematic monitoring of public defense attorneys and their caseloads and ensure timely review and evaluation of public defense services. Monitoring and evaluation should include, but not be limited to, review of reports submitted per Standard Eight, review of time and caseload assignments, in-court observations, periodic conferences, verification of attorney compliance with Standard Nine training requirements, verification of compliance with Certifications of Compliance with these Standards, and management of client complaints, consistent with Standard Fifteen.

Attorneys should be evaluated on their skill and effectiveness as advocates, including their communication with clients.

**Standard 12: Substitution of Counsel**

**Standard:**

12.A. Availability at No Cost to Attorney.

Consistent with Standard 1.E, alternate or conflict public defense attorneys shall be available for substitution in conflict situations at no cost to the attorney declaring the conflict.

12.B. Subcontracting.

Public defense contracts and assigned counsel policies should prohibit counsel from subcontracting with another firm or attorney to provide representation, absent approval of the public defense administrator.

12.C. Attorney Names.

In contract and assigned counsel systems, the public defense administrator should receive the names and experience levels of those attorneys who will be and actually are providing the legal representation, to ensure the attorneys meet the minimum qualifications required by Standard 14.

12.D. Continuing Representation and Client Files.

Public defense contracts and assigned counsel policies shall address the procedures for continuing representation of clients upon the conclusion of the contract or case assignment. Public defense contracts and assigned counsel policies shall include which attorney or firm or public defense office is responsible for maintaining client files confidentially when a contract terminates or case assignment ends.<sup>12</sup>

**Standard 13: Limitations on Private Practice****Standard:**

Private attorneys who provide public defense representation shall set limits on the amount of privately retained work which can be accepted. These limits shall be based on the percentage of a full-time caseload which the public defense cases represent.

**Standard 14: Qualifications of Attorneys****Standard:**

~~Standard 14.1.~~ 14.A. Minimum Qualifications for All Public Defense Attorneys

~~In order to~~ To assure ensure that persons entitled to legal representation by public defense attorneys indigent accused people receive the effective assistance of counsel to which they are constitutionally entitled, public defense attorneys providing defense services shall meet the following minimum professional qualifications:

~~A1.~~ Be admitted to practice law in Washington Satisfy the minimum requirements for practicing law in Washington as determined by the Washington Supreme Court; and

~~B2.~~ Be familiar with the statutes, court rules, constitutional provisions, and case law relevant to their practice area; and

~~C3.~~ Be familiar with the Washington Rules of Professional Conduct; and

~~D4.~~ Be familiar with the Performance Guidelines for Criminal Defense Representation approved by the Washington State Bar Association; when representing youth, be familiar with the Performance Guidelines for Juvenile Defense Representation approved by the Washington State Bar Association; and when representing respondents in civil commitment proceedings, be familiar with the Performance Guidelines for Attorneys Representing Respondents in Civil Commitment Proceedings approved by the Washington State Bar Association; when representing respondents in

dependency proceedings, be familiar with Dependency (parent/child) performance guidelines referenced in 14.C.2, below; and

E5. Be familiar with the consequences of a conviction or adjudication, including possible immigration consequences and the possibility of civil commitment proceedings based on a criminal conviction processes to seek interlocutory relief; and

F6. Be familiar with mental health issues and be able to identify the need to obtain expert services the Washington State Guidelines for Appointed Counsel in Indigent Appeals; and

G7. Attorneys representing adults in criminal cases or children and youth in Juvenile Court cases must be familiar with the consequences of a conviction or adjudication, including but not limited to, the requirement to register as a sex offender, possible immigration consequences and the possibility of civil commitment proceedings based on a criminal conviction and possible impacts in future criminal proceedings;

8. Be familiar with the impact of systemic bias and racism and racial disproportionality in the legal system;

9. Be familiar with mental health and substance use issues and be able to identify the need to obtain expert services related to the case and for the client;

10. Attorneys representing children and youth in Juvenile Court cases must have knowledge, training, experience, and the ability to communicate effectively with children and youth, and be familiar with the Juvenile Justice Act;

11. Attorneys representing children and youth in dependency cases must have knowledge, training, experience and the ability to communicate effectively with children and youth; and

12. Complete seven hours of continuing legal education within each calendar year in courses relating to their public defense practice.

#### 14.B. Additional Information Regarding Qualifications Overall

1. An attorney previously qualified for a category of case under earlier versions of these Standards or Washington Supreme Court Emergency Orders remains qualified.

2. Attorneys working toward qualification for a particular category of cases may associate as co-counsel with a lead counsel who is qualified under these Standards for that category of case.<sup>13</sup> Co-counseling is encouraged.

3. These qualifications standards require trial experience for most categories of cases - either as lead counsel, or co-counsel, and for handling a significant portion of a trial. A "significant portion of a trial" means planning or participating in essential aspects of a trial which includes, but is not limited to, motions in limine, jury selection, opening statements, direct and cross examination, motions and objections, preparation of and advocacy for jury instructions, and closing arguments.

4. Each attorney should be accompanied at their first trial by a supervisor or a more experienced attorney, if available. If a supervisor or more experienced attorney is not available to accompany the attorney at their first trial, the attorney, before their first trial, must consult about the case with a more experienced attorney in their office or an outside more experienced attorney such as Washington Defender Association resource attorneys.

5. Each attorney must have sufficient resources, including support staff and access to professional assistance, to ensure effective

legal representation and regular availability to clients and others involved with the attorney's public defense work.

6. These qualifications standards apply to the highest case category or charge at any time in the life of the case; for example, in criminal cases, any time from first appearance or arraignment through sentencing and post-trial motions.

7. Attorneys accepting appointment in the various categories of cases designated in Standard Three shall have the qualifications listed below, in addition to those in 14.A.1-14.A.12.

8. Experience as an Admissions and Practice Rule (APR) 6 or 9 legal intern cannot be used to meet the experience requirements for these qualifications.

14.C. Attorneys' Qualifications by Category/Type of Case and Representation Type (Trial or Appellate)

**1. Overview of Adult Criminal and Juvenile Court Cases - Trial Level**

a. These qualifications are based on the following categories of cases:

- Misdemeanor-Low and Misdemeanor Probation Revocation Hearings
- Misdemeanor-High
- Felony-Mid and Low
- Felony Sex Cases
- Felony High-Other
- Felony High-Life Without Parole (LWOP) Sentence and Murder
- Felony Re-Sentencing, Probation Violation or Revocation, and Reference Hearings

b. To determine the qualifications standard that applies to a specific offense, the assigning authority should refer to the Appendix to these Standards that maps the RCW statutes to the above categories.

i. If the legislature designates a felony offense as Class A that is, as of January 1, 2024, in a lower case category, the case category should be presumed to be a Felony-High Other until this standard in Appendix lists it otherwise.

ii. If the legislature, after January 1, 2024, changes an offense from a misdemeanor or gross misdemeanor to a felony, that case category should be presumed to be a Felony-Mid and Low until this standard in Appendix lists it otherwise.

iii. If the legislature, after January 1, 2024, creates a new misdemeanor or gross misdemeanor, that case should be presumed to be a Misdemeanor-High until this standard in Appendix lists it otherwise.

c. Until such time as the above case categories are adopted as part of CrR 3.1, CrRLJ 3.1, and JuCr 9.2, the attorney qualifications set out below are largely comparable to case seriousness levels found in the Revised Code of Washington. Attorneys representing clients charged with Life Without Parole (LWOP) cases or in murder or manslaughter cases shall meet the qualifications listed below in Standard 14.C.2. Similarly, Felony-High categories apply to attorneys representing clients in Class A Adult Felony Cases and Adult Sex Offense Cases. The qualifications set out below for the Felony-Mid category apply to attorneys representing clients in Class B Adult Felony Cases and Class B Adult Violent Cases and the qualifications set out below for the Felony-Low category apply to attorneys representing clients in Adult Felony Class C Cases. The qualifications listed below for Felony Re-Sentencing and Revocation and Reference Hearings apply to attorneys representing clients in Felony Probation Revocation cases. The qualifications listed below for DUI-Low category apply to attorneys repre-

senting clients in misdemeanor DUI cases. The qualifications listed below for Adult Misdemeanor-Low cases apply to attorneys representing clients in all other adult misdemeanor cases.

~~Standard 14.2. Attorneys' qualifications according to severity or type of case<sup>14</sup>:~~

~~A. Death Penalty Representation. Each attorney acting as lead counsel in a criminal case in which the death penalty has been or may be decreed and which the decision to seek the death penalty has not yet been made shall meet the following requirements:~~

~~i. The minimum requirements set forth in Section 1; and  
ii. At least five years' criminal trial experience; and  
iii. Have prior experience as lead counsel in no fewer than nine jury trials of serious and complex cases which were tried to completion; and~~

~~iv. Have served as lead or co-counsel in at least one aggravated homicide case; and~~

~~v. Have experience in preparation of mitigation packages in aggravated homicide or persistent offender cases; and~~

~~vi. Have completed at least one death penalty defense seminar within the previous two years; and~~

~~vii. Meet the requirements of SPRC 2.2.<sup>15</sup>~~

~~The defense team in a death penalty case should include, at a minimum, the two attorneys appointed pursuant to SPRC 2, a mitigation specialist, and an investigator. Psychiatrists, psychologists, and other experts and support personnel should be added as needed.~~

~~B. Adult Felony Cases Class A. Each attorney representing a defendant accused of a Class A felony as defined in RCW 9A.20.020 shall meet the following requirements:~~

~~i. The minimum requirements set forth in Section 1; and~~

~~ii. Either:~~

~~a. has served two years as a prosecutor; or~~

~~b. has served two years as a public defender; or two years in a private criminal practice; and~~

~~iii. Has been trial counsel alone or with other counsel and handled a significant portion of the trial in three felony cases that have been submitted to a jury.~~

~~C. Adult Felony Cases Class B Violent Offense. Each attorney representing a defendant accused of a Class B violent offense as defined in RCW 9A.20.020 shall meet the following requirements.~~

~~i. The minimum requirements set forth in Section 1; and~~

~~ii. Either;~~

~~a. has served one year as a prosecutor; or~~

~~b. has served one year as a public defender; or one year in a private criminal practice; and~~

~~iii. Has been trial counsel alone or with other counsel and handled a significant portion of the trial in two Class C felony cases that have been submitted to a jury.~~

~~D. Adult Sex Offense Cases. Each attorney representing a client in an adult sex offense case shall meet the following requirements:~~

~~i. The minimum requirements set forth in Section 1 and Section 2(C); and~~

~~ii. Has been counsel alone of record in an adult or juvenile sex offense case or shall be supervised by or consult with an attorney who has experience representing juveniles or adults in sex offense cases.~~

~~E. Adult Felony Cases All Other Class B Felonies, Class C Felonies, Probation or Parole Revocation. Each attorney representing a de-~~

~~fendant accused of a Class B felony not defined in Section 2(C) or (D) above or a Class C felony, as defined in RCW 9A.20.020, or involved in a probation or parole revocation hearing shall meet the following requirements:~~

- ~~i. The minimum requirements set forth in Section 1, and~~
- ~~ii. Either:~~
  - ~~a. has served one year as a prosecutor; or~~
  - ~~b. has served one year as a public defender; or one year in a private criminal practice; and~~
- ~~iii. Has been trial counsel alone or with other trial counsel and handled a significant portion of the trial in two criminal cases that have been submitted to a jury; and~~
- ~~iv. Each attorney shall be accompanied at his or her first felony trial by a supervisor if available.~~

~~F. Persistent Offender (Life Without Possibility of Release) Representation. Each attorney acting as lead counsel in a "two strikes" or "three strikes" case in which a conviction will result in a mandatory sentence of life in prison without parole shall meet the following requirements:~~

- ~~i. The minimum requirements set forth in Section 1,<sup>16</sup> and~~
- ~~ii. Have at least:~~
  - ~~a. four years' criminal trial experience; and~~
  - ~~b. one year's experience as a felony defense attorney; and~~
  - ~~c. experience as lead counsel in at least one Class A felony trial; and~~
  - ~~d. experience as counsel in cases involving each of the following:~~
    - ~~1. Mental health issues; and~~
    - ~~2. Sexual offenses, if the current offense or a prior conviction that is one of the predicate cases resulting in the possibility of life in prison without parole is a sex offense; and~~
    - ~~3. Expert witnesses; and~~
    - ~~4. One year of appellate experience or demonstrated legal writing ability.~~

~~G. Juvenile Cases Class A. Each attorney representing a juvenile accused of a Class A felony shall meet the following requirements:~~

- ~~i. The minimum requirements set forth in Section 1, and~~
- ~~ii. Either:~~
  - ~~a. has served one year as a prosecutor; or~~
  - ~~b. has served one year as a public defender; or one year in a private criminal practice; and~~
- ~~iii. Has been trial counsel alone of record in five Class B and C felony trials; and~~
- ~~iv. Each attorney shall be accompanied at his or her first juvenile trial by a supervisor, if available.~~

~~H. Juvenile Cases Classes B and C. Each attorney representing a juvenile accused of a Class B or C felony shall meet the following requirements:~~

- ~~i. The minimum requirements set forth in Section 1; and~~
- ~~ii. Either:~~
  - ~~a. has served one year as a prosecutor; or~~
  - ~~b. has served one year as a public defender; or one year in a private criminal practice; and~~
- ~~iii. Has been trial counsel alone in five misdemeanor cases brought to a final resolution; and~~

~~iv. Each attorney shall be accompanied at his or her first juvenile trial by a supervisor if available.~~

~~I. Juvenile Sex Offense Cases. Each attorney representing a client in a juvenile sex offense case shall meet the following requirements:~~

~~i. The minimum requirements set forth in Section 1 and Section 2(H); and~~

~~ii. Has been counsel alone of record in an adult or juvenile sex offense case or shall be supervised by or consult with an attorney who has experience representing juveniles or adults in sex offense cases.~~

~~J. Juvenile Status Offenses Cases. Each attorney representing a client in a "Becca" matter shall meet the following requirements:~~

~~i. The minimum requirements as outlined in Section 1; and~~

~~ii. Either:~~

~~a. have represented clients in at least two similar cases under the supervision of a more experienced attorney or completed at least three hours of CLE training specific to "status offense" cases; or~~

~~b. have participated in at least one consultation per case with a more experienced attorney who is qualified under this section.~~

~~K. Misdemeanor Cases. Each attorney representing a defendant involved in a matter concerning a simple misdemeanor or gross misdemeanor or condition of confinement, shall meet the requirements as outlined in Section 1.~~

~~L. Dependency Cases. Each attorney representing a client in a dependency matter shall meet the following requirements:~~

~~i. The minimum requirements as outlined in Section 1; and~~

~~ii. Attorneys handling termination hearings shall have six months' dependency experience or have significant experience in handling complex litigation.~~

~~iii. Attorneys in dependency matters should be familiar with expert services and treatment resources for substance abuse.~~

~~iv. Attorneys representing children in dependency matters should have knowledge, training, experience, and ability in communicating effectively with children, or have participated in at least one consultation per case either with a state Office of Public Defense resource attorney or other attorney qualified under this section.~~

~~M. Civil Commitment Cases. Each attorney representing a respondent shall meet the following requirements:~~

~~i. The minimum requirements set forth in Section 1; and~~

~~ii. Each staff attorney shall be accompanied at his or her first 90 or 180 day commitment hearing by a supervisor; and~~

~~iii. Shall not represent a respondent in a 90 or 180 day commitment hearing unless he or she has either:~~

~~a. served one year as a prosecutor; or~~

~~b. served one year as a public defender; or one year in a private civil commitment practice, and~~

~~c. been trial counsel in five civil commitment initial hearings; and~~

~~iv. Shall not represent a respondent in a jury trial unless he or she has conducted a felony jury trial as lead counsel; or been co-counsel with a more experienced attorney in a 90 or 180 day commitment hearing.~~

~~N. Sex Offender "Predator" Commitment Cases. Generally, there should be two counsel on each sex offender commitment case. The lead counsel shall meet the following requirements:~~

~~i. The minimum requirements set forth in Section 1; and~~

~~ii. Have at least:~~

- ~~a. Three years' criminal trial experience; and~~
- ~~b. One year's experience as a felony defense attorney or one year's experience as a criminal appeals attorney; and~~
- ~~c. Experience as lead counsel in at least one felony trial; and~~
- ~~d. Experience as counsel in cases involving each of the following:~~
  - ~~1. Mental health issues; and~~
  - ~~2. Sexual offenses; and~~
  - ~~3. Expert witnesses; and~~
  - ~~e. Familiarity with the Civil Rules; and~~
  - ~~f. One year of appellate experience or demonstrated legal writing ability.~~

~~Other counsel working on a sex offender commitment case should meet the minimum requirements in Section 1 and have either one year's experience as a public defender or significant experience in the preparation of criminal cases, including legal research and writing and training in trial advocacy.~~

~~O. Contempt of Court Cases. Each attorney representing a respondent shall meet the following requirements:~~

- ~~i. The minimum requirements set forth in Section 1; and~~
- ~~ii. Each attorney shall be accompanied at his or her first three contempt of court hearings by a supervisor or more experienced attorney, or participate in at least one consultation per case with a state Office of Public Defense resource attorney or other attorney qualified in this area of practice.~~

~~P. Specialty Courts. Each attorney representing a client in a specialty court (e.g., mental health court, drug diversion court, homelessness court) shall meet the following requirements:~~

- ~~i. The minimum requirements set forth in Section 1; and~~
- ~~ii. The requirements set forth above for representation in the type of practice involved in the specialty court (e.g., felony, misdemeanor, juvenile); and~~
- ~~iii. Be familiar with mental health and substance abuse issues and treatment alternatives.~~

## **2. Adult Criminal Trial Court Cases**

~~**a. Misdemeanor Low and Misdemeanor Probation Hearings** - Each attorney representing a person accused of Misdemeanor Low cases or Misdemeanor Probation Hearings shall meet the requirements as outlined in Section 14.A.~~

~~**b. Misdemeanor High Cases** - Each lead counsel representing a person accused of:~~

~~i. A misdemeanor **domestic violence**<sup>17</sup> offense shall meet the requirements in Section 14.A and have attended a defense training or CLE on domestic violence representation.~~

~~ii. A gross misdemeanor **drug offense** shall meet the requirements in Section 14.A and have attended a defense training or CLE on drug offenses.~~

~~iii. A misdemeanor **sex offense**<sup>18</sup> shall meet the requirements in Section 14.A; and~~

~~1. Has served one year as a criminal defense attorney or prosecutor;~~

~~2. Has been trial counsel alone or with other trial counsel and conducted a significant portion of either:~~

~~a. Two criminal cases in which the prosecution has rested, at least one of which was presented to a jury, or~~



b. One criminal trial in which the prosecution has rested and has completed a trial training academy;

3. Has attended a CLE on sex offenses including training about collateral consequences of sex offense convictions and child hearsay.

iv. Each lead counsel representing a person accused of a **misde-meanor DUI** offense shall meet the requirements in Section 14.A and has completed a CLE within the past two years on the topic of DUI defense representation.

c. **Felony Mid and Felony Low Cases** - Each lead counsel shall meet the following requirements:

i. The minimum requirements set forth in Section 14.A;

ii. Has served one year as a criminal defense attorney or one year as a prosecutor; and

iii. Has been trial counsel alone or with other trial counsel and conducted a significant portion of either:

1. Two criminal trials in which the prosecution rested, or

2. One criminal trial in which the prosecution has rested and has completed a trial training academy.

iv. Each attorney shall be accompanied at their first felony trial by an attorney who is qualified for this or higher case categories.

d. **Felony Sex Cases** - Each lead counsel shall meet the following requirements:

i. The minimum requirements set forth in Section 14.A;

ii. Has served two years as either a criminal defense attorney or prosecutor;

iii. Has been trial counsel alone or with other trial counsel and handled a significant portion of the trial in three felony cases in which the state has rested, at least one of which was submitted to a jury; and

iv. Has attended a CLE on sex offenses, including training about collateral consequences of sex offense convictions and child hearsay.

Failure to Register as a Sex Offender cases are in the Felony-Mid and Low Category.

e. **Felony High - Other Cases** - Each lead counsel shall meet the following requirements:

i. The minimum requirements set forth in Section 14.A;

ii. Has served two years as either a criminal defense attorney or prosecutor; and

iii. Has been trial counsel alone or with other trial counsel and handled a significant portion of the trial in three felony cases in which the state has rested, at least one of which was submitted to a jury.

f. **Felony High - Life Without Parole and Murder Cases** - Each lead counsel shall meet the following requirements:

i. The minimum requirements set forth in Section 14.A;

ii. At least three years' experience in adult felony cases, including at least two years as a defense attorney representing people in adult felony cases;

iii. Has been lead counsel or co-counsel in four adult felony trials in which the state has rested, at least one of which was submitted to a jury and at least one of which was a Felony-High case; and

iv. Has completed a defense training or CLE on mitigation and challenging prior convictions.

g. **Felony Resentencing, Revocation, or Reference Hearing** - Each lead counsel shall meet the following requirements:

i. The minimum requirements set forth in Section 14.A; and

ii. Be qualified to represent the client in a Felony-Mid and Low case.

**h. Felony Material Witness Representation** - Each attorney representing a material witness shall be qualified to represent a client in Felony-Mid and Felony-Low cases, unless there is reason to believe the witness has legal exposure for a more serious felony offense to be charged, in which case lead counsel shall be qualified to represent a person accused of that more serious offense.

**i. Specialty Courts** - Each attorney representing a client in a specialty court (e.g., mental health court, drug court, veterans court, homelessness court, juvenile therapeutic court, community court, and family therapeutic court) shall meet the following requirements:

i. The minimum requirements set forth in Section 14.A;

ii. Be familiar with mental health and substance use issues, housing, treatment alternatives, and when representing veterans, resources available for veterans.

**3. Juvenile Trial Court Cases** - The qualification requirements below apply to representation of respondents in Juvenile Court.

**a. Misdemeanor Low and Misdemeanor Probation Hearings** - Each attorney representing the accused in Misdemeanor-Low case or Misdemeanor Probation Hearings shall meet the requirements as outlined in Section 14.A.

**b. Misdemeanor High Cases** - Each lead counsel representing a person accused of:

i. A misdemeanor **domestic violence**<sup>19</sup> offense shall meet the requirements in Section 14.A and have attended a defense training or CLE on domestic violence representation.

ii. A gross misdemeanor **drug offense** shall meet the requirements in Section 14.A and have attended a defense training or CLE on drug offenses.

iii. A misdemeanor **sex offense**<sup>20</sup> shall meet the requirements in Section 14.A; and

1. Has served one year as a criminal defense attorney or prosecutor;

2. Has been trial counsel alone or with other trial counsel and conducted a significant portion of either:

a. Two criminal cases in which the prosecution has rested, at least one of which was presented to a judge for verdict, or

b. The significant portion of one criminal trial in which the prosecution has rested and has completed a trial training academy;

3. Has attended a CLE on sex offenses including training about collateral consequences of sex offense adjudications and child hearsay.

**c. Felony Mid and Felony Low Cases** - Each lead counsel shall meet the following requirements:

i. Meet the requirements set forth in Section 14.A;

ii. Has served one year as a criminal defense attorney or one year as a prosecutor; and

iii. Has been trial counsel alone or with other trial counsel and conducted a significant portion of either:

1. Two criminal trials in which the prosecution rested; or

2. One criminal trial in which the prosecution has rested and has completed a trial training academy.

iv. Each attorney shall be accompanied at their first felony trial by an attorney who is qualified for this or higher case categories.

d. **Felony Sex Cases** - Each lead counsel shall meet the following requirements:

i. The minimum requirements set forth in Section 14.A;

ii. Has served two years as either a criminal defense attorney or prosecutor;

iii. Has been trial counsel alone or with other trial counsel and handled a significant portion of the trial in three felony cases in which the state has rested; and

iv. Has attended a CLE on sex offenses, including training about collateral consequences of sex offense convictions and child hearsay.

Failure to Register as a Sex Offender cases are in the Felony Mid and Low Category.

e. **Felony High - Other Cases** - Each lead counsel shall meet the following requirements:

i. The minimum requirements set forth in Section 14.A;

ii. Has served two years as either a criminal defense attorney or prosecutor; and

iii. Has been trial counsel alone or with other trial counsel and handled a significant portion of the trial in three felony cases in which the state has rested, at least one of which was submitted to a judge or jury for verdict.

f. **Felony High - Murder Cases** - Each lead counsel shall meet the following requirements:

i. The minimum requirements set forth in Section 14.A;

ii. At least three years' experience in adult felony cases, including at least two years as a defense attorney representing persons in adult felony cases; and

iii. Has been lead counsel or co-counsel in four adult felony trials in which the state has rested, at least one of which was submitted to a judge for verdict and at least one of which was a Felony-High case.

g. **Felony Resentencing, Revocation, or Reference Hearing** - Each lead counsel shall meet the following requirements:

i. The minimum requirements set forth in Section 14.A; and

ii. Is qualified to represent the client in a Felony-Mid and Low case.

h. **Specialty Courts** - Each attorney representing a client in a specialty court (e.g., mental health court, drug court, veterans court, homelessness court, juvenile therapeutic court, community court, and family therapeutic court) shall meet the following requirements:

i. The minimum requirements set forth in Section 14.A;

ii. Be familiar with mental health and substance use issues, housing, treatment alternatives, and when representing veterans, resources available for veterans.

i. **Juvenile Court Status Offense Cases** - Each lead counsel representing a client in a Child in Need of Services (CHINS), At-Risk Youth (ARY), Truancy, or other status offense case shall meet the following requirements:

i. The minimum requirements set forth in Section 14.A; and

ii. Either:

1. Have represented youth in at least two similar cases under the supervision or consultation with an attorney qualified under this case type, or

2. Completed at least three hours of CLE training specific to Juvenile Status Offense Cases.

**4. Civil Cases - Trial Court Cases**

a. **Representing Children and Youth in Dependency Cases** - Attorneys representing children and youth in dependency matters should be familiar with expert services and treatment resources available in dependency cases. Each lead counsel representing children and youth in a dependency matter shall meet the following requirements:

i. Meet the minimum requirements set forth in Section 14.A and the requirements for training and experience in the *Representation of Children and Youth in Dependency Cases Practice, Caseload and Training Standards*, Washington Supreme Court Commission on Children in Foster Care, at the Request of the Legislature (Rev. Sept. 2022)<sup>21</sup>;

ii. Have knowledge, training, experience, and ability in communicating effectively with children, or have participated in at least one consultation per case either with a state Office of Civil Legal Aid resource attorney or other attorney qualified under this section; and

iii. Attorneys representing children and youth in termination of parental rights cases shall have six months' dependency experience or have significant experience in conducting complex litigation.

b. **Representing Parents in Dependency Cases** - Attorneys representing parents in dependency matters should be familiar with expert services and treatment resources available in dependency cases. Each lead counsel representing children and youth in a dependency matter shall meet the following requirements:

i. Meet the minimum requirements as outlined in Section 14.A;

ii. Be familiar with the *American Bar Association Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases and the Family Justice Initiative Attributes*; and

iii. Attorneys representing parents in termination of parental rights cases shall have either six months' dependency experience or significant experience in handling complex litigation.

c. **Civil Commitment Cases** (RCW 71.05) - Each lead counsel representing a respondent shall meet the following requirements:

i. The minimum requirements set forth in Section 14.A;

ii. Each lead counsel in a 90- or 180-day commitment hearing shall have prepared and conducted at least five 14-day hearings;

iii. Each lead counsel shall be accompanied at counsel's first 90- or 180-day commitment hearing by a supervisor or consult with a qualified attorney before the hearing;

iv. Each lead counsel in a civil commitment trial shall have conducted at least two contested 14-day hearings as lead counsel or been co-counsel with a more experienced attorney in two 90- or 180-day contested commitment hearings.

v. Have a basic knowledge of the classification of mental disorders, as described in the most recent Diagnostic and Statistical Manual of Mental Disorders ("DSM")<sup>22</sup> and other resources, and the ability to read and understand medical terminology related to mental disorders and treatment of persons with a mental illness, substance use disorder, co-occurring disorders, and chemical dependency. Counsel shall have ready access to the most recent DSM, as well as research resources for related medical conditions. Counsel should also have basic knowledge and understanding of common personality disorders and medical conditions that may produce similar symptoms. Counsel shall be familiar with the classes of medication prescribed to treat mental disorders and chemical dependency and the possible effect of those medications on the client's ability to interact with counsel and to participate in court proceedings. Counsel should be familiar with treatment facilities, both in-patient and out-patient, that provide serv-

ices to persons with mental illness, including the scope of those services. Counsel should be familiar with local facilities and state hospitals that may be remote from where the client lives. Counsel should be familiar with the limitations on available treatment and transportation obstacles associated with such facilities.

**d. Representing Clients Acquitted by Reason of Insanity (RCW 10.77)** - Each attorney representing persons who are acquitted by reason of insanity in post-commitment proceedings shall meet the following requirements:

- i. The minimum requirements set forth in Section 14.A;
- ii. Have at least three years' experience of either criminal trial experience, dependency experience, or civil commitment proceedings under RCW 71.05; and
- iii. Has a basic knowledge of the classification of mental disorders, as described in the most recent Diagnostic and Statistical Manual of Mental Disorders ("DSM") and other resources, related to the treatment of persons with a mental illness and substance use;<sup>23</sup> and
- iv. Each counsel representing persons in this category shall meet qualification requirements established by the Washington State Office of Public Defense for this type of representation.

**e. Sex Offender Commitment Cases (RCW 71.09)** - There should be two attorneys on each sex offender commitment case. The lead counsel shall meet the following requirements:

- i. The minimum requirements set forth in Section 14.A;
  - ii. At least three years' criminal trial experience;
  - iii. One year experience as a felony trial defense or criminal appeals attorney;
  - iv. One year of appellate experience or demonstrated legal writing ability;
  - v. Has been lead defense counsel in at least one felony trial;
- and
- vi. Has experience as defense counsel in cases involving each of the following:
    - 1. Mental health issues;
    - 2. Sexual offenses;
    - 3. Expert witnesses; and
    - 4. Familiarity with the Civil Rules.

vii. Other counsel working on a sex offender commitment case should meet the minimum requirements in Section 14.A and have either one year's experience as a public defender or significant experience in the preparation of criminal cases, including legal research and writing and training in trial advocacy.

**f. Contempt of Court Cases (Child Support Enforcement)** - Each lead counsel representing a respondent in a contempt of court case shall meet the following requirements:

- i. The minimum requirements set forth in Section 14.A;
- ii. Each lead counsel shall be accompanied by a supervisor or more experienced attorney at his or her first contempt of court hearing and at his or her first two contested contempt of court hearings and participate in at least one consultation per case for their first five non-contested hearings with a WDA resource attorney or another attorney qualified in this area of practice; and
- iii. Be familiar with the Rules of Civil Procedure.

*Standard 14.3. Appellate Representation.* Each attorney who is counsel for a case on appeal to the Washington Supreme Court or to the Washington Court of Appeals shall meet the following requirements:

~~A. The minimum requirements as outlined in Section 1; and~~

~~B. Either:~~

~~i. has filed a brief with the Washington Supreme Court or any Washington Court of Appeals in at least one criminal case within the past two years; or~~

~~ii. has equivalent appellate experience, including filing appellate briefs in other jurisdictions, at least one year as an appellate court or federal court clerk, extensive trial level briefing, or other comparable work.~~

~~C. Attorneys with primary responsibility for handling a death penalty appeal shall have at least five years' criminal experience, preferably including at least one homicide trial and at least six appeals from felony convictions, and meet the requirements of SPRC 2.~~

~~RALJ Misdemeanor Appeals to Superior Court: Each attorney who is counsel alone for a case on appeal to the Superior Court from a court of limited jurisdiction should meet the minimum requirements as outlined in Section 1, and have had significant training or experience in either criminal appeals, criminal motions practice, extensive trial level briefing, clerking for an appellate judge, or assisting a more experienced attorney in preparing and arguing a RALJ appeal.~~

### **5. Appellate Cases**

**a. Adult Criminal and Juvenile Court Representation in Appellate Courts Other Than Superior Court RALJ Appeals** - Each lead counsel in an appellate matter before the Court of Appeals or Supreme Court shall meet the following requirements:

i. The minimum requirements set forth in Section 14.A;

ii. Has filed six appellate briefs as counsel for a party in the Washington Supreme Court or Court of Appeals, or appellate courts of other jurisdictions, including at least five criminal, dependency (RCW 13.34), civil commitment (RCW 71.05) or sex offender commitment (RCW 71.09) cases; or participated in consultation with a qualified attorney in each case until this requirement is satisfied; and

iii. Each lead counsel representing a client on appeal in a Felony High Murder, Felony High LWOP, Felony High, or Sex Offender Commitment case shall:

1. Meet the requirements of Standard 14.C.5.a.ii; and

2. Has filed 15 appellate briefs in criminal cases as counsel for a party in the Washington Supreme Court or Court of Appeals, or appellate courts of other jurisdictions, or shall participate in consultation with a qualified attorney in each case until this requirement is satisfied.

**b. Dependency Representation in Appellate Courts** - Each lead counsel shall meet the following requirements:

i. The minimum requirements set forth in Section 14.A;

ii. The requirements in Standard 14.C.5.a.ii; and

iii. Be familiar with the *American Bar Association Standards of Practice for Attorneys Representing Parents in Abuse and Neglect Cases and the Family Justice Initiative Attributes.*

**c. RALJ Misdemeanor Appeals and Writs to Superior Court** - Each lead counsel representing a client in an appellate matter to Superior Court from a court of limited jurisdiction shall meet the following requirements:

i. The minimum requirements set forth in Section 14.A; and

ii. Either:

1. Has clerked for an appellate court judge; or

2. Has represented clients in at least three substantive testimonial motion hearings or trials; or

3. Has the assistance of a more experienced attorney in preparing and arguing the RALJ appeal.

~~Standard 14.4. Legal Interns.~~

~~A. Legal interns must meet the requirements set out in APR 9.~~

~~B. Legal interns shall receive training pursuant to APR 9, and in offices of more than seven attorneys, an orientation and training program for new attorneys and legal interns should be held.~~

6. Legal Interns - Legal interns who appear in court shall:

a. Meet the requirements set out in Section 14.A;

b. Meet the requirements set out in APR 9;

c. Receive training and supervision pursuant to APR 9; and

d. Complete an orientation and training program for legal interns.

### **~~Standards 15-18~~**

~~{RESERVED}~~

#### **Standard 15: Disposition of Client Complaints**

##### **Standard:**

15.A. Jurisdictions that administer public defense services shall provide a process for receiving, investigating, and promptly responding to client complaints. Complaints should first be directed to the assigned attorney, firm, or agency that is providing or provided representation.

15.B. Public defense agencies and contractors with multi-attorney private firms shall include investigation and disposition of client complaints in their supervisory services.

15.C. The complaining client should be informed as to the disposition of their complaint in a timely manner.

#### **Standard 16: Cause for Termination of Defender Services and Removal of Attorney**

##### **Standard:**

Contracts for public defense services shall include the grounds for termination of the contract by the parties. Termination of a public defense attorney's or private firm's contract unilaterally by the jurisdiction should only be for good cause. Termination for good cause shall include, but not be limited to, the failure of a contract attorney or firm to provide effective or quality representation to clients; the willful disregard of the rights and best interests of the client; and the willful disregard of these Standards and the WSBA Standards for Indigent Defense Services.

Removal by the court of an appointed attorney from representation normally should not occur over the objection of the attorney and the client.

#### **Standard 17: Non-Discrimination**

##### **Standard:**

Public defense contracts and assigned counsel policies shall include language prohibiting discrimination by the jurisdiction, contractor, contractor's attorneys, or assigned counsel on the grounds of race, ethnicity, religion, national origin, language, age, marital status, gender identity, sexual orientation, or disability. The public defense administrator and all public defense attorneys and support staff shall comply with all federal, state, and local non-discrimination requirements.

**Standard 18: Guidelines for Awarding Defense Contracts****Standard:**

Recruitment for public defense contracts and assigned counsel lists should include efforts to achieve a diverse public defense workforce.

Attorneys or firms applying for contracts or placement on assigned counsel lists must demonstrate their ability to meet these Standards for Indigent Defense and the WSBA Standards for Indigent Defense Services. Their contracts must comply with Washington Rule of Professional Conduct 1.8(m).

The county or city should award contracts for public defense services and select attorneys for assigned counsel lists only after determining that the applicant has demonstrated professional qualifications consistent with both these Standards and the Supreme Court Standards for Indigent Defense. Under no circumstances should a contract be awarded on the basis of cost alone

Judges, judicial staff, city attorneys, county prosecutors, and law enforcement officers shall not select the attorneys who will be included in a contract or an assigned counsel list.

**Standard 19: Independence and Oversight of Public Defense Services<sup>24</sup>****Standard:**

Public defense providers should not be restrained from independently advocating for the resources and reforms necessary to provide defense related services for all clients. This includes efforts to foster system improvements, efficiencies, access to justice, and equity in the legal system.

Judges and judicial staff shall not manage and oversee public defense offices, public defense contracts, or assigned counsel lists. Judges and judicial staff in superior courts and courts of limited jurisdiction shall not select public defense administrators or the attorneys who provide public defense services.

Attorneys with public defense experience insulated from judicial and political influence should manage and oversee public defense services.

The terms "manage" and "oversee" include: drafting, awarding, renewing, and terminating public defense contracts; adding attorneys or removing them from assigned counsel lists; developing case weighting policies; monitoring attorney caseload limits and case-level qualifications; monitoring quality; monitoring compliance with contracts, policies, procedures, and standards; and recommending compensation.

The agencies, organizations, and administrators responsible for managing and overseeing public defense services shall apply these Standards, the WSBA Standards for Indigent Defense Services, and the WSBA Performance Guidelines in their management and oversight duties.

Jurisdictions unable to employ attorneys with public defense experience to manage and oversee public defense services shall consult with established city, county, or state public defense offices, or engage experienced public defense providers as consultants regarding management and oversight duties.

**CERTIFICATION OF COMPLIANCE**

For criminal and juvenile offender cases, and civil commitment proceedings under chapter 71.05 RCW, a signed Certification of Compliance with Applicable Standards must be filed by an appointed attorney





<u>PD Misdemeanor Case Category</u>	<u>Seriousness Level</u>	<u>Case Value</u>	<u>CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL</u>
<u>Misdemeanor - High</u>	<u>GM</u>	<u>1.5</u>	<u>Assault 4 (RCW 9A.36.041(3))</u>
<u>Misdemeanor - High</u>	<u>GM</u>	<u>1.5</u>	<u>Attempt, Solicitation, or Conspiracy of a Class C Felony ((RCW 9A.28.020-040))</u>
<u>Misdemeanor - High</u>	<u>GM</u>	<u>1.5</u>	<u>Communication with a Minor for Immoral Purposes (RCW 9.68A.090)</u>
<u>Misdemeanor - High</u>	<u>GM</u>	<u>1.5</u>	<u>Driving While Under the Influence (RCW 46.61.502(6))</u>
<u>Misdemeanor - High</u>	<u>GM</u>	<u>1.5</u>	<u>H&amp;R Attended (RCW 46.52.020)</u>
<u>Misdemeanor - High</u>	<u>GM</u>	<u>1.5</u>	<u>Harassment (RCW 9A.46.020(1-2))</u>
<u>Misdemeanor - High</u>	<u>GM</u>	<u>1.5</u>	<u>Indecent Exposure to Person Under Age 14 (first offense) (RCW 9A.88.010)</u>
<u>Misdemeanor - High</u>	<u>GM</u>	<u>1.5</u>	<u>Physical Control of a Vehicle While Under the Influence (RCW 46.61.504(6))</u>
<u>Misdemeanor - High</u>	<u>GM</u>	<u>1.5</u>	<u>Possession of a Controlled Substance (RCW 69.50.4013)</u>
<u>Misdemeanor - High</u>	<u>GM</u>	<u>1.5</u>	<u>Reckless Driving RCW 46.61.150</u>
<u>Misdemeanor - High</u>	<u>GM</u>	<u>1.5</u>	<u>Sexual Misconduct with a Minor 2 (RCW 9A.44.096)</u>
<u>Misdemeanor - High</u>	<u>GM</u>	<u>1.5</u>	<u>Stalking (RCW 9A.46.110 (1-5))</u>
<u>Misdemeanor - High</u>	<u>GM</u>	<u>1.5</u>	<u>Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(1))</u>
<u>Misdemeanor - High</u>	<u>GM</u>	<u>1.5</u>	<u>Unlawful carrying or handling of a firearm (RCW 9.41.270)</u>
<u>Misdemeanor - High</u>	<u>GM</u>	<u>1.5</u>	<u>Vehicle Prowling 2 (first or second offense) (RCW 9A.52.100 (1-2))</u>
<u>Misdemeanor - High</u>	<u>GM</u>	<u>1.5</u>	<u>Violation of Anti-Harassment Protection Order (RCW 7.105.450)</u>
<u>Misdemeanor - High</u>	<u>GM/M</u>	<u>1.5</u>	<u>Domestic Violence Offense listed in RCW 10.99.020(4) or RCW 9.41.040 (2)(a)(i)(B-D)</u>
	<u>GM/M</u>	<u>1.5</u>	<u>Municipal Crimes shall be the same case category as the equivalent State crime. When there is no State crime, a Municipal Gross Misdemeanor is Misdemeanor - High and a Simple Misdemeanor is a Misdemeanor - Felony - Low</u>
<u>Misdemeanor - Low</u>	<u>M</u>	<u>1</u>	<u>Attempt, Solicitation, or Conspiracy to Commit a Gross Misdemeanor (RCW 9A.28.020-040)</u>
<u>Misdemeanor - High</u>	<u>M</u>	<u>1</u>	<u>Minor Driving After Alcohol (RCW 46.61.503)</u>
<u>Misdemeanor - High</u>	<u>M</u>	<u>1</u>	<u>Negligent Driving 1 RCW 46.61.5249</u>

All unlisted felonies are Felony Low

<u>PD Felony Case Category</u>	<u>Seriousness Level</u>	<u>Case Value</u>	<u>CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL</u>
<u>Felony - Low</u>	<u>1</u>	<u>1</u>	<u>Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)</u>
<u>Felony - Low</u>	<u>1</u>	<u>1</u>	<u>False Verification for Welfare (RCW 74.08.055)</u>
<u>Felony - Low</u>	<u>1</u>	<u>1</u>	<u>Forgery (RCW 9A.60.020)</u>
<u>Felony - Low</u>	<u>1</u>	<u>1</u>	<u>Fraudulent Creation or Revocation of a Mental Health Advance Directive (RCW 9A.60.060)</u>
<u>Felony - Low</u>	<u>1</u>	<u>1</u>	<u>Malicious Mischief 2 (RCW 9A.48.080)</u>
<u>Felony - Low</u>	<u>1</u>	<u>1</u>	<u>Mineral Trespass (RCW 78.44.330)</u>
<u>Felony - Low</u>	<u>1</u>	<u>1</u>	<u>Possession of Stolen Property 2 (RCW 9A.56.160)</u>
<u>Felony - Low</u>	<u>1</u>	<u>1</u>	<u>Reckless Burning 1 (RCW 9A.48.040)</u>
<u>Felony - Low</u>	<u>1</u>	<u>1</u>	<u>Spotlighting Big Game 1 (RCW 77.15.450 (3)(b))</u>
<u>Felony - Low</u>	<u>1</u>	<u>1</u>	<u>Suspension of Department Privileges 1 (RCW 77.15.670 (3)(b))</u>
<u>Felony - Low</u>	<u>1</u>	<u>1</u>	<u>Taking Motor Vehicle Without Permission 2 (RCW 9A.56.075)</u>
<u>Felony - Low</u>	<u>1</u>	<u>1</u>	<u>Theft 2 (RCW 9A.56.040)</u>
<u>Felony - Low</u>	<u>1</u>	<u>1</u>	<u>Theft from a Vulnerable Adult 2 (RCW 9A.56.400(2))</u>

<u>PD Felony Case Category</u>	<u>Seriousness Level</u>	<u>Case Value</u>	<u>CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL</u>
<u>Felony - Low</u>	<u>1</u>	<u>1</u>	<u>Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at \$750 or more but less than \$5,000) (RCW 9A.56.096 (5)(b))</u>
<u>Felony - Low</u>	<u>1</u>	<u>1</u>	<u>Transaction of insurance business beyond the scope of licensure (RCW 48.17.063)</u>
<u>Felony - Low</u>	<u>1</u>	<u>1</u>	<u>Unlawful Fish and Shellfish Catch Accounting (RCW 77.15.630 (3)(b))</u>
<u>Felony - Low</u>	<u>1</u>	<u>1</u>	<u>Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)</u>
<u>Felony - Low</u>	<u>1</u>	<u>1</u>	<u>Unlawful Possession of a Personal Identification Device (RCW 9A.56.320)</u>
<u>Felony - Low</u>	<u>1</u>	<u>1</u>	<u>Unlawful Possession of Fictitious Identification (RCW 9A.56.320)</u>
<u>Felony - Low</u>	<u>1</u>	<u>1</u>	<u>Unlawful Possession of Instruments of Financial Fraud (RCW 9A.56.320)</u>
<u>Felony - Low</u>	<u>1</u>	<u>1</u>	<u>Unlawful Possession of Payment Instruments (RCW 9A.56.320)</u>
<u>Felony - Low</u>	<u>1</u>	<u>1</u>	<u>Unlawful Production of Payment Instruments (RCW 9A.56.320)</u>
<u>Felony - Low</u>	<u>1</u>	<u>1</u>	<u>Unlawful Releasing, Planting, Possessing, or Placing Deleterious Exotic Wildlife (RCW 77.15.250 (2)(b))</u>
<u>Felony - Low</u>	<u>1</u>	<u>1</u>	<u>Unlawful Trafficking in Food Stamps (RCW 9.91.142)</u>
<u>Felony - Low</u>	<u>1</u>	<u>1</u>	<u>Unlawful Use of Food Stamps (RCW 9.91.144)</u>
<u>Felony - Low</u>	<u>1</u>	<u>1</u>	<u>Unlawful Use of Net to Take Fish 1 (RCW 77.15.580 (3)(b))</u>
<u>Felony - Low</u>	<u>1</u>	<u>1</u>	<u>Vehicle Prowl 1 (RCW 9A.52.095)</u>
<u>Felony - Low</u>	<u>1</u>	<u>1</u>	<u>Violating Commercial Fishing Area or Time 1 (RCW 77.15.550 (3)(b))</u>
<u>Felony - Low</u>	<u>2</u>	<u>1</u>	<u>Commercial Fishing Without a License 1 (RCW 77.15.500 (3)(b))</u>
<u>Felony - Low</u>	<u>2</u>	<u>1</u>	<u>Computer Trespass 1 (RCW 9A.90.040)</u>
<u>Felony - Low</u>	<u>2</u>	<u>1</u>	<u>Counterfeiting (RCW 9.16.035(3))</u>
<u>Felony - Low</u>	<u>2</u>	<u>1</u>	<u>Electronic Data Service Interference (RCW 9A.90.060)</u>
<u>Felony - Low</u>	<u>2</u>	<u>1</u>	<u>Electronic Data Tampering 1 (RCW 9A.90.080)</u>
<u>Felony - Low</u>	<u>2</u>	<u>1</u>	<u>Electronic Data Theft (RCW 9A.90.100)</u>
<u>Felony - Low</u>	<u>2</u>	<u>1</u>	<u>Engaging in Fish Dealing Activity Unlicensed 1 (RCW 77.15.620(3))</u>
<u>Felony - Low</u>	<u>2</u>	<u>1</u>	<u>Escape from Community Custody (RCW 72.09.310)</u>
<u>Felony - Low</u>	<u>2</u>	<u>1</u>	<u>Failure to Register as a Sex Offender (first, second, or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)</u>
<u>Felony - Low</u>	<u>2</u>	<u>1</u>	<u>Failure to Register as a Sex Offender (second or subsequent offense) (RCW 9A.44.130 prior to June 10, 2010, and RCW 9A.44.132)</u>
<u>Felony - Low</u>	<u>2</u>	<u>1</u>	<u>Health Care False Claims (RCW 48.80.030)</u>
<u>Felony - Low</u>	<u>2</u>	<u>1</u>	<u>Identity Theft 2 (RCW 9.35.020(3))</u>
<u>Felony - Low</u>	<u>2</u>	<u>1</u>	<u>Improperly Obtaining Financial Information (RCW 9.35.010)</u>
<u>Felony - Low</u>	<u>2</u>	<u>1</u>	<u>Malicious Mischief 1 (RCW 9A.48.070)</u>
<u>Felony - Low</u>	<u>2</u>	<u>1</u>	<u>Organized Retail Theft 2 (RCW 9A.56.350(3))</u>
<u>Felony - Low</u>	<u>2</u>	<u>1</u>	<u>Possession of a Stolen Vehicle (RCW 9A.56.068)</u>
<u>Felony - Low</u>	<u>2</u>	<u>1</u>	<u>Possession of Stolen Property 1 (RCW 9A.56.150)</u>
<u>Felony - Low</u>	<u>2</u>	<u>1</u>	<u>Retail Theft with Special Circumstances 2 (RCW 9A.56.360(3))</u>
<u>Felony - Low</u>	<u>2</u>	<u>1</u>	<u>Scrap Processing, Recycling, or Supplying Without a License (second or subsequent offense) (RCW 19.290.100)</u>
<u>Felony - Low</u>	<u>2</u>	<u>1</u>	<u>Theft 1 (RCW 9A.56.030)</u>
<u>Felony - Low</u>	<u>2</u>	<u>1</u>	<u>Theft of a Motor Vehicle (RCW 9A.56.065)</u>
<u>Felony - Low</u>	<u>2</u>	<u>1</u>	<u>Theft of Rental, Leased, Lease-purchased, or Loaned Property (valued at \$5,000 or more) (RCW 9A.56.096 (5)(a))</u>
<u>Felony - Low</u>	<u>2</u>	<u>1</u>	<u>Theft with the Intent to Resell 2 (RCW 9A.56.340(3))</u>
<u>Felony - Low</u>	<u>2</u>	<u>1</u>	<u>Trafficking in Insurance Claims (RCW 48.30A.015)</u>

PD Felony Case Category	Seriousness Level	Case Value	CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL
Felony - Low	<u>2</u>	<u>1</u>	Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290 (4)(a))
Felony - Low	<u>2</u>	<u>1</u>	Unlawful Participation of Non-Indians in Indian Fishery (RCW 77.15.570(2))
Felony - Low	<u>2</u>	<u>1</u>	Unlawful Practice of Law (RCW 2.48.180)
Felony - Low	<u>2</u>	<u>1</u>	Unlawful Purchase or Use of a License (RCW 77.15.650 (3)(b))
Felony - Low	<u>2</u>	<u>1</u>	Unlawful Trafficking in Fish, Shellfish, or Wildlife 2 (RCW 77.15.260 (3)(a))
Felony - Low	<u>2</u>	<u>1</u>	Unlicensed Practice of a Profession or Business (RCW 18.130.190(7))
Felony - Low	<u>3</u>	<u>1</u>	Animal Cruelty 1 (Sexual Conduct or Contact) (RCW 16.52.205(3))
Felony - Low	<u>3</u>	<u>1</u>	Assault 3 (Except Assault 3 of a Peace Officer With a Projectile Stun Gun) (RCW 9A.36.031 except subsection (1)(h))
Felony - Low	<u>3</u>	<u>1</u>	Assault of a Child 3 (RCW 9A.36.140)
Felony - Low	<u>3</u>	<u>1</u>	Bail Jumping with class B or C (RCW 9A.76.170 (3)(c))
Felony - Low	<u>3</u>	<u>1</u>	Burglary 2 (RCW 9A.52.030)
Felony - Low	<u>3</u>	<u>1</u>	Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
Felony - Low	<u>3</u>	<u>1</u>	Criminal Gang Intimidation (RCW 9A.46.120)
Felony - Low	<u>3</u>	<u>1</u>	Custodial Assault (RCW 9A.36.100)
Felony - Low	<u>3</u>	<u>1</u>	Cyber Harassment (RCW 9A.90.120 (2)(b))
Felony - Low	<u>3</u>	<u>1</u>	Escape 2 (RCW 9A.76.120)
Felony - Low	<u>3</u>	<u>1</u>	Extortion 2 (RCW 9A.56.130)
Felony - Low	<u>3</u>	<u>1</u>	False Reporting 2 (RCW 9A.84.040 (2)(b))
Felony - Low	<u>3</u>	<u>1</u>	Harassment (RCW 9A.46.020)
Felony - Low	<u>3</u>	<u>1</u>	Hazing (RCW 28B.10.901 (2)(b))
Felony - Low	<u>3</u>	<u>1</u>	Intimidating a Public Servant (RCW 9A.76.180)
Felony - Low	<u>3</u>	<u>1</u>	Introducing Contraband 2 (RCW 9A.76.150)
Felony - Low	<u>3</u>	<u>1</u>	Malicious Injury to Railroad Property (RCW 81.60.070)
Felony - Low	<u>3</u>	<u>1</u>	Manufacture of Untraceable Firearm with Intent to Sell (RCW 9.41.190)
Felony - Low	<u>3</u>	<u>1</u>	Manufacture or Assembly of an Undetectable Firearm or Untraceable Firearm (RCW 9.41.325)
Felony - Low	<u>3</u>	<u>1</u>	Mortgage Fraud (RCW 19.144.080)
Felony - Low	<u>3</u>	<u>1</u>	Negligently Causing Substantial Bodily Harm By Use of a Signal Preemption Device (RCW 46.37.674)
Felony - Low	<u>3</u>	<u>1</u>	Organized Retail Theft 1 (RCW 9A.56.350(2))
Felony - Low	<u>3</u>	<u>1</u>	Perjury 2 (RCW 9A.72.030)
Felony - Low	<u>3</u>	<u>1</u>	Possession of Incendiary Device (RCW 9.40.120)
Felony - Low	<u>3</u>	<u>1</u>	Possession of Machine Gun, Bump-Fire Stock, Undetectable Firearm, or Short-Barreled Shotgun or Rifle (RCW 9.41.190)
Felony - Low	<u>3</u>	<u>1</u>	Retail Theft with Special Circumstances 1 (RCW 9A.56.360(2))
Felony - Low	<u>3</u>	<u>1</u>	Securities Act violation (RCW 21.20.400)
Felony - Low	<u>3</u>	<u>1</u>	Tampering with a Witness (RCW 9A.72.120)
Felony - Low	<u>3</u>	<u>1</u>	Telephone Harassment (subsequent conviction or threat of death) (RCW 9.61.230(2))
Felony - Low	<u>3</u>	<u>1</u>	Theft of Livestock 2 (RCW 9A.56.083)
Felony - Low	<u>3</u>	<u>1</u>	Theft with the Intent to Resell 1 (RCW 9A.56.340(2))
Felony - Low	<u>3</u>	<u>1</u>	Trafficking in Stolen Property 2 (RCW 9A.82.055)
Felony - Low	<u>3</u>	<u>1</u>	Unlawful Hunting of Big Game 1 (RCW 77.15.410 (3)(b))
Felony - Low	<u>3</u>	<u>1</u>	Unlawful Imprisonment (RCW 9A.40.040)

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<u>Felony - Low</u>	<u>3</u>	<u>1</u>	<u>Unlawful Misbranding of Fish or Shellfish 1 (RCW 77.140.060(3))</u>
<u>Felony - Low</u>	<u>3</u>	<u>1</u>	<u>Unlawful possession of firearm in the second degree (RCW 9A.040(2))</u>
<u>Felony - Low</u>	<u>3</u>	<u>1</u>	<u>Unlawful Taking of Endangered Fish or Wildlife 1 (RCW 77.15.120 (3)(b))</u>
<u>Felony - Low</u>	<u>3</u>	<u>1</u>	<u>Unlawful Trafficking in Fish, Shellfish, or Wildlife 1 (RCW 77.15.260 (3)(b))</u>
<u>Felony - Low</u>	<u>3</u>	<u>1</u>	<u>Unlawful Use of a Nondesigned Vessel (RCW 77.15.530(4))</u>
<u>Felony - Low</u>	<u>3</u>	<u>1</u>	<u>Vehicle Assault, by the operation or driving of a vehicle with disregard for the safety of others (RCW 46.61.522)</u>
<u>Felony - Low</u>	<u>4</u>	<u>1</u>	<u>Driving While Under the Influence (3 or more offenses) (RCW 46.61.502(6))</u>
<u>Felony - Low</u>	<u>4</u>	<u>1</u>	<u>Influencing Outcome of Sporting Event (RCW 9A.82.070)</u>
<u>Felony - Low</u>	<u>4</u>	<u>1</u>	<u>Physical Control of a Vehicle While Under the Influence (three or more offenses) (RCW 46.61.504(6))</u>
<u>Felony - Low</u>	<u>4</u>	<u>1</u>	<u>Theft of Livestock 1 (RCW 9A.56.080)</u>
<u>Felony - Low</u>	<u>4</u>	<u>1</u>	<u>Threats to Bomb (RCW 9.61.160)</u>
<u>Felony - Low</u>	<u>4</u>	<u>1</u>	<u>Trafficking in Stolen Property 1 (RCW 9A.82.050)</u>
<u>Felony - Low</u>	<u>4</u>	<u>1</u>	<u>Unlawful factoring of a credit card or payment card transaction (RCW 9A.56.290 (4)(b))</u>
<u>Felony - Low</u>	<u>4</u>	<u>1</u>	<u>Unlawful transaction of health coverage as a health care service contractor (RCW 48.44.016(3))</u>
<u>Felony - Low</u>	<u>4</u>	<u>1</u>	<u>Unlawful transaction of health coverage as a health maintenance organization (RCW 48.46.033(3))</u>
<u>Felony - Low</u>	<u>4</u>	<u>1</u>	<u>Unlawful transaction of insurance business (RCW 48.15.023(3))</u>
<u>Felony - Low</u>	<u>4</u>	<u>1</u>	<u>Unlicensed practice as an insurance professional (RCW 48.17.063(2))</u>
<u>Felony - Low</u>	<u>4</u>	<u>1</u>	<u>Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))</u>
<u>Felony - Low</u>	<u>4</u>	<u>1</u>	<u>Vehicle Prowling 2 (third or subsequent offense) (RCW 9A.52.100(3))</u>
<u>Felony - Low</u>	<u>5</u>	<u>1</u>	<u>Abandonment of Dependent Person 2 (RCW 9A.42.070)</u>
<u>Felony - Low</u>	<u>5</u>	<u>1</u>	<u>Advancing money or property for extortionate extension of credit (RCW 9A.82.030)</u>
<u>Felony - Low</u>	<u>5</u>	<u>1</u>	<u>Air bag diagnostic systems (RCW 46.37.660 (2)(c))</u>
<u>Felony - Low</u>	<u>5</u>	<u>1</u>	<u>Air bag replacement requirements (RCW 46.37.660 (1)(c))</u>
<u>Felony - Low</u>	<u>5</u>	<u>1</u>	<u>Bail Jumping with class A (RCW 9A.76.170 (3)(b))</u>
<u>Felony - Low</u>	<u>5</u>	<u>1</u>	<u>Extortionate Extension of Credit (RCW 9A.82.020)</u>
<u>Felony - Low</u>	<u>5</u>	<u>1</u>	<u>Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)</u>
<u>Felony - Low</u>	<u>5</u>	<u>1</u>	<u>Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (RCW 46.37.650 (1)(c))</u>
<u>Felony - Low</u>	<u>5</u>	<u>1</u>	<u>Perjury 1 (RCW 9A.72.020)</u>
<u>Felony - Low</u>	<u>5</u>	<u>1</u>	<u>Possession of a Stolen Firearm (RCW 9A.56.310)</u>
<u>Felony - Low</u>	<u>5</u>	<u>1</u>	<u>Rendering Criminal Assistance 1 (RCW 9A.76.070)</u>
<u>Felony - Low</u>	<u>5</u>	<u>1</u>	<u>Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650 (2)(c))</u>
<u>Felony - Low</u>	<u>6</u>	<u>1</u>	<u>Bail Jumping with Murder 1 (RCW 9A.76.170 (3)(a))</u>
<u>Felony - Low</u>	<u>6</u>	<u>1</u>	<u>Bribery (RCW 9A.68.010)</u>
<u>Felony - Low</u>	<u>6</u>	<u>1</u>	<u>Intimidating a Judge (RCW 9A.72.160)</u>
<u>Felony - Low</u>	<u>6</u>	<u>1</u>	<u>Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)</u>
<u>Felony - Low</u>	<u>6</u>	<u>1</u>	<u>Malicious placement of an imitation device 2 (RCW 70.74.272 (1)(b))</u>
<u>Felony - Low</u>	<u>6</u>	<u>1</u>	<u>Theft from a Vulnerable Adult 1 (RCW 9A.56.400(1))</u>
<u>Felony - Low</u>	<u>6</u>	<u>1</u>	<u>Theft of a Firearm (RCW 9A.56.300)</u>
<u>Felony - Low</u>	<u>6</u>	<u>1</u>	<u>Unlawful Storage of Ammonia (RCW 69.55.020)</u>

<u>PD Felony Case Category</u>	<u>Seriousness Level</u>	<u>Case Value</u>	<u>CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL</u>
<u>Felony - Low</u>	<u>7</u>	<u>1</u>	<u>Air bag diagnostic systems (causing bodily injury or death) (RCW 46.37.660 (2)(b))</u>
<u>Felony - Low</u>	<u>7</u>	<u>1</u>	<u>Air bag replacement requirements (causing bodily injury or death) (RCW 46.37.660 (1)(b))</u>
<u>Felony - Low</u>	<u>7</u>	<u>1</u>	<u>Civil Disorder Training (RCW 9A.48.120)</u>
<u>Felony - Low</u>	<u>7</u>	<u>1</u>	<u>False Reporting 1 (RCW 9A.84.040 (2)(a))</u>
<u>Felony - Low</u>	<u>7</u>	<u>1</u>	<u>Malicious placement of an explosive 3 (RCW 70.74.270(3))</u>
<u>Felony - Low</u>	<u>7</u>	<u>1</u>	<u>Manufacture or import counterfeit, nonfunctional, damaged, or previously deployed air bag (causing bodily injury or death) (RCW 46.37.650 (1)(b))</u>
<u>Felony - Low</u>	<u>7</u>	<u>1</u>	<u>Sell, install, or reinstall counterfeit, nonfunctional, damaged, or previously deployed airbag (RCW 46.37.650 (2)(b))</u>
<u>Felony - Low</u>	<u>7</u>	<u>1</u>	<u>Sending, bringing into state depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.060(1))</u>
<u>Felony - Low</u>	<u>7</u>	<u>1</u>	<u>Unlawful Possession of a Firearm in the first degree (RCW 9.41.040(1))</u>
<u>Felony - Low</u>	<u>7</u>	<u>1</u>	<u>Use of a Machine Gun or Bump-fire Stock in Commission of a (RCW 9.41.225)</u>
<u>Felony - Low</u>	<u>8</u>	<u>1</u>	<u>Theft of Ammonia (RCW 69.55.010)</u>
<u>Felony - Low</u>		<u>1</u>	<u>Attempt, Solicitation, or Conspiracy of a Class B Felony (RCW 9A.28.020-040)</u>
<u>Felony - Mid</u>	<u>4</u>	<u>1.5</u>	<u>Arson 2 (RCW 9A.48.030)</u>
<u>Felony - Mid</u>	<u>4</u>	<u>1.5</u>	<u>Assault 2 (RCW 9A.36.021)</u>
<u>Felony - Mid</u>	<u>4</u>	<u>1.5</u>	<u>Assault 3 (of a Peace Officer with a Projectile Stun Gun) (RCW 9A.36.031 (1)(h))</u>
<u>Felony - Mid</u>	<u>4</u>	<u>1.5</u>	<u>Assault 4 (third domestic violence offense) (RCW 9A.36.041(3))</u>
<u>Felony - Mid</u>	<u>4</u>	<u>1.5</u>	<u>Assault by Watercraft (RCW 79A.60.060)</u>
<u>Felony - Mid</u>	<u>4</u>	<u>1.5</u>	<u>Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)</u>
<u>Felony - Mid</u>	<u>4</u>	<u>1.5</u>	<u>Cheating 1 (RCW 9.46.1961)</u>
<u>Felony - Mid</u>	<u>4</u>	<u>1.5</u>	<u>Commercial Bribery (RCW 9A.68.060)</u>
<u>Felony - Mid</u>	<u>4</u>	<u>1.5</u>	<u>Counterfeiting (RCW 9.16.035(4))</u>
<u>Felony - Mid</u>	<u>4</u>	<u>1.5</u>	<u>Endangerment with a Controlled Substance (RCW 9A.42.100)</u>
<u>Felony - Mid</u>	<u>4</u>	<u>1.5</u>	<u>Escape 1 (RCW 9A.76.110)</u>
<u>Felony - Mid</u>	<u>4</u>	<u>1.5</u>	<u>Hate Crime (RCW 9A.36.080)</u>
<u>Felony - Mid</u>	<u>4</u>	<u>1.5</u>	<u>Hit and Run with Vessel—Injury Accident (RCW 79A.60.200(3))</u>
<u>Felony - Mid</u>	<u>4</u>	<u>1.5</u>	<u>Hit and Run—Injury (RCW 46.52.020 (4)(b))</u>
<u>Felony - Mid</u>	<u>4</u>	<u>1.5</u>	<u>Identity Theft 1 (RCW 9.35.020(2))</u>
<u>Felony - Mid</u>	<u>4</u>	<u>1.5</u>	<u>Residential Burglary (RCW 9A.52.025)</u>
<u>Felony - Mid</u>	<u>4</u>	<u>1.5</u>	<u>Robbery 2 (RCW 9A.56.210)</u>
<u>Felony - Mid</u>	<u>4</u>	<u>1.5</u>	<u>Vehicle Assault, by being under the influence of intoxicating liquor or any drug, or by the operation or driving of a vehicle in a reckless manner (RCW 46.61.522)</u>
<u>Felony - Mid</u>	<u>5</u>	<u>1.5</u>	<u>Domestic Violence Court Order Violation (RCW 7.105.450, 10.99.040, 10.99.050, 26.09.300, 26.26B.050, or 26.52.070)</u>
<u>Felony - Mid</u>	<u>5</u>	<u>1.5</u>	<u>Extortion 1 (RCW 9A.56.120)</u>
<u>Felony - Mid</u>	<u>5</u>	<u>1.5</u>	<u>Kidnapping 2 (RCW 9A.40.030)</u>
<u>Felony - Mid</u>	<u>5</u>	<u>1.5</u>	<u>Persistent prison misbehavior (RCW 9.94.070)</u>
<u>Felony - Mid</u>	<u>5</u>	<u>1.5</u>	<u>Stalking (RCW 9A.46.110)</u>
<u>Felony - Mid</u>	<u>5</u>	<u>1.5</u>	<u>Taking Motor Vehicle Without Permission 1 (RCW 9A.56.070)</u>
<u>Felony - Mid</u>	<u>7</u>	<u>1.5</u>	<u>Burglary 1 (RCW 9A.52.020)</u>

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<u>Felony - Mid</u>	<u>7</u>	<u>1.5</u>	<u>Drive-by Shooting (RCW 9A.36.045)</u>
<u>Felony - Mid</u>	<u>7</u>	<u>1.5</u>	<u>Introducing Contraband 1 (RCW 9A.76.140)</u>
<u>Felony - Mid</u>	<u>9</u>	<u>1.5</u>	<u>Explosive devices prohibited (RCW 70.74.180)</u>
<u>Felony - Mid</u>	<u>9</u>	<u>1.5</u>	<u>Inciting Criminal Profiteering (RCW 9A.82.060 (1)(b))</u>
<u>Felony - Mid</u>	<u>9</u>	<u>1.5</u>	<u>Malicious placement of an explosive 2 (RCW 70.74.270(2))</u>
<u>Felony - Mid</u>	<u>10</u>	<u>1.5</u>	<u>Malicious explosion 3 (RCW 70.74.280(3))</u>
<u>Felony - Mid</u>	<u>10</u>	<u>1.5</u>	<u>Sexually Violent Predator Escape (RCW 9A.76.115)</u>
<u>Felony - Mid</u>		<u>1.5</u>	<u>Attempt, Solicitation, or Conspiracy of a Class A Felony (RCW 9A.28.020-040)</u>
<u>Felony - Mid</u>	<u>DG2</u>	<u>1.5</u>	<u>Felony Offense with Firearm Enhancement or Deadly Weapon Enhancement that becomes a Strike (RCW 9.94A.030 (32)(s) and 9.94A.825)</u>
<u>Felony - High</u>	<u>8</u>	<u>3</u>	<u>Arson 1 (RCW 9A.48.020)</u>
<u>Felony - High</u>	<u>9</u>	<u>3</u>	<u>Abandonment of Dependent Person 1 (RCW 9A.42.060)</u>
<u>Felony - High</u>	<u>9</u>	<u>3</u>	<u>Assault of a Child 2 (RCW 9A.36.130)</u>
<u>Felony - High</u>	<u>9</u>	<u>3</u>	<u>Robbery 1 (RCW 9A.56.200)</u>
<u>Felony - High</u>	<u>10</u>	<u>3</u>	<u>Criminal Mistreatment 1 (RCW 9A.42.020)</u>
<u>Felony - High</u>	<u>10</u>	<u>3</u>	<u>Kidnapping 1 (RCW 9A.40.020)</u>
<u>Felony - High</u>	<u>10</u>	<u>3</u>	<u>Leading Organized Crime (RCW 9A.82.060 (1)(a))</u>
<u>Felony - High</u>	<u>12</u>	<u>3</u>	<u>Assault 1 (RCW 9A.36.011)</u>
<u>Felony - High</u>	<u>12</u>	<u>3</u>	<u>Assault of a Child 1 (RCW 9A.36.120)</u>
<u>Felony - High</u>	<u>12</u>	<u>3</u>	<u>Malicious placement of an imitation device 1 (RCW 70.74.272 (1)(a))</u>
<u>Felony - High</u>	<u>13</u>	<u>3</u>	<u>Malicious explosion 2 (RCW 70.74.280(2))</u>
<u>Felony - High</u>	<u>13</u>	<u>3</u>	<u>Malicious placement of an explosive 1 (RCW 70.74.270(1))</u>
<u>Felony - High</u>	<u>14</u>	<u>3</u>	<u>Trafficking 1 (RCW 9A.40.100(1))</u>
<u>Felony - High</u>	<u>15</u>	<u>3</u>	<u>Malicious explosion 1 (RCW 70.74.280(1))</u>
<u>Felony - Sex</u>	<u>2</u>	<u>5</u>	<u>Voyeurism 1 (RCW 9A.44.115)</u>
<u>Felony - Sex</u>	<u>3</u>	<u>5</u>	<u>Promoting Prostitution 2 (RCW 9A.88.080)</u>
<u>Felony - Sex</u>	<u>4</u>	<u>5</u>	<u>Indecent Exposure to Person Under Age 14 (subsequent sex offense) (RCW 9A.88.010)</u>
<u>Felony - Sex</u>	<u>4</u>	<u>5</u>	<u>Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.070(2))</u>
<u>Felony - Sex</u>	<u>4</u>	<u>5</u>	<u>Viewing of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.075(1))</u>
<u>Felony - Sex</u>	<u>5</u>	<u>5</u>	<u>Child Molestation 3 (RCW 9A.44.089)</u>
<u>Felony - Sex</u>	<u>5</u>	<u>5</u>	<u>Criminal Mistreatment 2 (RCW 9A.42.030)</u>
<u>Felony - Sex</u>	<u>5</u>	<u>5</u>	<u>Custodial Sexual Misconduct 2 (RCW 9A.44.170)</u>
<u>Felony - Sex</u>	<u>5</u>	<u>5</u>	<u>Dealing in Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.050(2))</u>
<u>Felony - Sex</u>	<u>5</u>	<u>5</u>	<u>Incest 2 (RCW 9A.64.020(2))</u>
<u>Felony - Sex</u>	<u>5</u>	<u>5</u>	<u>Rape 3 (RCW 9A.44.060)</u>
<u>Felony - Sex</u>	<u>5</u>	<u>5</u>	<u>Sending, Bringing into State Depictions of Minor Engaged in Sexually Explicit Conduct 2 (RCW 9.68A.060(2))</u>
<u>Felony - Sex</u>	<u>5</u>	<u>5</u>	<u>Sexual Misconduct with a Minor 1 (RCW 9A.44.093)</u>
<u>Felony - Sex</u>	<u>5</u>	<u>5</u>	<u>Sexually Violating Human Remains (RCW 9A.44.105)</u>
<u>Felony - Sex</u>	<u>6</u>	<u>5</u>	<u>Incest 1 (RCW 9A.64.020(1))</u>
<u>Felony - Sex</u>	<u>6</u>	<u>5</u>	<u>Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct 1 (RCW 9.68A.070(1))</u>

<u>PD Felony Case Category</u>	<u>Seriousness Level</u>	<u>Case Value</u>	<u>CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL</u>
<u>Felony - Sex</u>	<u>6</u>	<u>5</u>	<u>Rape of a Child 3 (RCW 9A.44.079)</u>
<u>Felony - Sex</u>	<u>7</u>	<u>5</u>	<u>Child Molestation 2 (RCW 9A.44.086)</u>
<u>Felony - Sex</u>	<u>7</u>	<u>5</u>	<u>Custodial Sexual Misconduct 1 (RCW 9A.44.160)</u>
<u>Felony - Sex</u>	<u>7</u>	<u>5</u>	<u>Dealing in depictions of minor engaged in sexually explicit conduct 1 (RCW 9.68A.050(1))</u>
<u>Felony - Sex</u>	<u>7</u>	<u>5</u>	<u>Indecent Liberties (without forcible compulsion) (RCW 9A.44.100 (1) (b) and (c))</u>
<u>Felony - Sex</u>	<u>8</u>	<u>5</u>	<u>Commercial Sexual Abuse of a Minor (RCW 9.68A.100)</u>
<u>Felony - Sex</u>	<u>8</u>	<u>5</u>	<u>Promoting Prostitution 1 (RCW 9A.88.070)</u>
<u>Felony - Sex</u>	<u>9</u>	<u>5</u>	<u>Sexual Exploitation (RCW 9.68A.040)</u>
<u>Felony - Sex</u>	<u>10</u>	<u>5</u>	<u>Child Molestation 1 (RCW 9A.44.083)</u>
<u>Felony - Sex</u>	<u>10</u>	<u>5</u>	<u>Indecent Liberties (with forcible compulsion) (RCW 9A.44.100 (1)(a))</u>
<u>Felony - Sex</u>	<u>11</u>	<u>5</u>	<u>Rape 2 (RCW 9A.44.050)</u>
<u>Felony - Sex</u>	<u>11</u>	<u>5</u>	<u>Rape of a Child 2 (RCW 9A.44.076)</u>
<u>Felony - Sex</u>	<u>12</u>	<u>5</u>	<u>Promoting Commercial Sexual Abuse of a Minor (RCW 9.68A.101)</u>
<u>Felony - Sex</u>	<u>12</u>	<u>5</u>	<u>Rape 1 (RCW 9A.44.040)</u>
<u>Felony - Sex</u>	<u>12</u>	<u>5</u>	<u>Rape of a Child 1 (RCW 9A.44.073)</u>
<u>Felony - Sex</u>	<u>12</u>	<u>5</u>	<u>Trafficking 2 (RCW 9A.40.100(3))</u>
<u>Felony - Sex</u>		<u>5</u>	<u>Any Felony Offense where a Special Allegation of Sexual Motivation is alleged pursuant (RCW 9.94A835)</u>
<u>Felony - Sex</u>		<u>5</u>	<u>Attempt, Solicitation, or Conspiracy to Commit a Sex Offense (RCW 9A.28.020)</u>
<u>Felony - Murder</u>	<u>7</u>	<u>7</u>	<u>Homicide by Watercraft, by disregard for the safety of others (RCW 79A.60.050)</u>
<u>Felony - Murder</u>	<u>7</u>	<u>7</u>	<u>Negligently Causing Death By Use of a Signal Preemption Device (RCW 46.37.675)</u>
<u>Felony - Murder</u>	<u>7</u>	<u>7</u>	<u>Vehicular Homicide, by disregard for the safety of others (RCW 46.61.520)</u>
<u>Felony - Murder</u>	<u>8</u>	<u>7</u>	<u>Homicide by Watercraft, by the operation of any vessel in a reckless manner (RCW 79A.60.050)</u>
<u>Felony - Murder</u>	<u>8</u>	<u>7</u>	<u>Manslaughter 2 (RCW 9A.32.070)</u>
<u>Felony - Murder</u>	<u>9</u>	<u>7</u>	<u>Hit and Run—Death (RCW 46.52.020 (4)(a))</u>
<u>Felony - Murder</u>	<u>9</u>	<u>7</u>	<u>Homicide by Watercraft, by being under the influence of intoxicating liquor or any drug (RCW 79A.60.050)</u>
<u>Felony - Murder</u>	<u>11</u>	<u>7</u>	<u>Manslaughter 1 (RCW 9A.32.060)</u>
<u>Felony - Murder</u>	<u>11</u>	<u>7</u>	<u>Vehicular Homicide, by being under the influence of intoxicating liquor or any drug (RCW 46.61.520)</u>
<u>Felony - Murder</u>	<u>11</u>	<u>7</u>	<u>Vehicular Homicide, by the operation of any vehicle in a reckless manner (RCW 46.61.520)</u>
<u>Felony - Murder</u>	<u>14</u>	<u>7</u>	<u>Murder 2 (RCW 9A.32.050)</u>
<u>Felony - Murder</u>	<u>15</u>	<u>7</u>	<u>Homicide by abuse (RCW 9A.32.055)</u>
<u>Felony - Murder</u>	<u>15</u>	<u>7</u>	<u>Murder 1 (RCW 9A.32.030)</u>
<u>Felony - Murder</u>	<u>16</u>	<u>7</u>	<u>Aggravated Murder 1 (RCW 10.95.020)</u>
<u>Felony - Murder</u>		<u>7</u>	<u>Attempt, Solicitation, or Conspiracy to Commit Murder (RCW 9A.28.020-040)</u>
<u>Felony - LWOP</u>		<u>8</u>	<u>Any "Third Strike" or final offense where a life sentence could be imposed (RCW 9.94A575)</u>

<sup>1</sup> - "Counsel should not be paid on a flat fee basis, as such payment structures reward counsel for doing as little work as possible." ABA Ten Principles of a Public Defense Delivery System, Principle 2: Funding, Structure, and Oversight, n. 6 (August 2023) (citing *Wilbur v. Mt. Vernon*, No. C11-1100RSL, U.S.D.C. D. Wash., at 15 (Dec. 4, 2013) (district court finding that a flat fee contract "left the defenders compensated at such a paltry level that even a brief meeting at the outset of the representation would likely make the venture unprofitable."))



2 The American Bar Association's Ethics Opinion 06-441 states in part:

3 If workload prevents a lawyer from providing competent and diligent representation to existing clients, she must not accept new clients. If the  
4 clients are being assigned through a court appointment system, the lawyer should request that the court not make any new appointments. Once  
5 the lawyer is representing a client, the lawyer must move to withdraw from representation if she cannot provide competent and diligent  
6 representation.

7 Available at [https://www.americanbar.org/content/dam/aba/events/legal\\_aid\\_indigent\\_defendants/lsc-laid-ethics-opinion-06-441.pdf](https://www.americanbar.org/content/dam/aba/events/legal_aid_indigent_defendants/lsc-laid-ethics-opinion-06-441.pdf).

8 See, ABA Eight Guidelines of Public Defense Related to Excessive Workloads, Guidelines 1, 4, 5, 6, 7, 8 (August 2009).

9 RCW 10.101.050.

10 See Nicholas M. Pace, Malia N. Brink, Cynthia G. Lee, Stephen F. Hanlon, *National Public Defense Workload Study*, p. 99 (2023) (hereinafter  
11 NPDWS). In addition, the Washington Defender Association *Indigent Defense Standards* (1989) states: "An accepted standard for attorneys is  
12 to work 1650 billable hours per year." [https://defensenet.org/wp-content/uploads/2017/12/Final-2007-WDA-Standards-with-Commentary\\_18.12.06.pdf](https://defensenet.org/wp-content/uploads/2017/12/Final-2007-WDA-Standards-with-Commentary_18.12.06.pdf). Similarly, a study for the Massachusetts Committee for Public Counsel Services determined that an appropriate  
13 number of hours to spend directly representing clients per year is 1,662 hours, after deducting holidays, vacation time, training, and non-case  
14 duties. Center for Court Innovation, *The Committee for Public Counsel Services Answering Gideon's Call Project (2012-DB-BX-0010)*  
15 *Attorney Workload Assessment* 12 (Oct. 2014), available at <https://www.publiccounsel.net/cfo/wp-content/uploads/sites/8/2014/12/Attorney-Workload-Assessment.pdf>.

16 NPDWS, at 85.

17 Felony-High LWOP does not apply to Juvenile Court Offender cases.

18 The standards under this subsection are under review. To provide guidance in the interim, the prior standards are included only until revisions  
19 are approved.

20 Support staff necessary for effective representation "includes one supervisor for every ten attorneys; one investigator for every three attorneys;  
21 one social service caseworker for every three attorneys; one paralegal for every four felony attorneys; and one secretary for every four felony  
22 attorneys." Bureau of Justice Assistance, United States Department of Justice's *Keeping Defender Workloads Manageable*, 10 (2001), available  
23 at <https://www.ncjrs.gov/pdffiles1/bja/185632.pdf>. See also, National Association for Public Defense Policy Statement on Public Defense  
24 Staffing (May 2020), available at <https://publicdefenders.us/resources/policy-statement-on-statement-on-public-defense-staffing/>.  
See, RPC 1.4 "Communication."

25 National Association of Public Defense Policy Statement on Public Defense Staffing (May 2020): "Until empirical studies are further able to  
26 determine the number of staff necessary to support the lawyer, public defense systems, at a minimum, should provide, one investigator for  
27 every three lawyers, one mental health professional, often a social worker, for every three lawyers, and one supervisor for every 10 litigators.  
28 Additionally, there should be one paralegal and one administrative assistant for every 4 lawyers."

29 See, WSBA Guide to Best Practices for Client File Retention and Management at: [https://www.wsba.org/docs/default-source/resources-services/practice-management-\(lomap\)/guide-to-best-practices-for-client-file-retention-and-management.pdf?sfvrsn=306a3df1\\_10](https://www.wsba.org/docs/default-source/resources-services/practice-management-(lomap)/guide-to-best-practices-for-client-file-retention-and-management.pdf?sfvrsn=306a3df1_10).

30 Attorneys should keep records of cases in which the attorney served as co-counsel, trials, and attendance at trial academies.

31 Attorneys working toward qualification for a particular category of cases under this standard may associate with lead counsel who is qualified  
32 under this standard for that category of cases.

33 At least two lawyers shall be appointed for the trial and also for the direct appeal. The trial court shall retain responsibility for appointing  
34 counsel for trial. The Supreme Court shall appoint counsel for the direct appeal. Notwithstanding RAP 15.2 (f) and (h), the Supreme Court will  
35 determine all motions to withdraw as counsel on appeal. A list of attorneys who meet the requirements of proficiency and experience, and who  
36 have demonstrated that they are learned in the law of capital punishment by virtue of training or experience, and thus are qualified for  
37 appointment in death penalty trials and for appeals will be recruited and maintained by a panel created by the Supreme Court. All counsel for  
38 trial and appeal must have demonstrated the proficiency and commitment to quality representation which is appropriate to a capital case. Both  
39 counsel at trial must have five years' experience in the practice of criminal law (and) be familiar with and experienced in the utilization of  
40 expert witnesses and evidence, and not be presently serving as appointed counsel in another active trial level death penalty case. One counsel  
41 must be, and both may be, qualified for appointment in capital trials on the list, unless circumstances exist such that it is in the defendant's  
42 interest to appoint otherwise qualified counsel learned in the law of capital punishment by virtue of training or experience. The trial court shall  
43 make findings of fact if good cause is found for not appointing list counsel. At least one counsel on appeal must have three years' experience in  
44 the field of criminal appellate law and be learned in the law of capital punishment by virtue of training or experience. In appointing counsel on  
45 appeal, the Supreme Court will consider the list, but will have the final discretion in the appointment of counsel.

46 RCW 10.101.060 (1)(a)(iii) provides that counties receiving funding from the state Office of Public Defense under that statute must require  
47 "attorneys who handle the most serious cases to meet specified qualifications as set forth in the Washington state bar association endorsed  
48 standards for public defense services or participate in at least one case consultation per case with office of public defense resource attorneys  
49 who are so qualified. The most serious cases include all cases of murder in the first or second degree, persistent offender cases, and class A  
50 felonies."

51 Listed in RCW 9.41.040 (2)(a)(i)(B-D) or RCW 10.99.020(4).

52 Includes a violation of RCW 9.68A.090 (Communicating with a Child for Immoral Purposes), 9A.44.063 (Sexual Misconduct with a Minor in  
53 the Second Degree), or an attempt, solicitation, or conspiracy to commit a Class C felony that requires sex offender registration upon  
54 conviction pursuant to RCW 9A.44.140.

55 Listed in RCW 9.41.040 (2)(a)(i)(B-D) or RCW 10.99.020(4)

56 Includes a violation of RCW 9.68A.090 (Communicating with a Child for Immoral Purposes), 9A.44.063 (Sexual Misconduct with a Minor in  
57 the Second Degree), or an attempt, solicitation, or conspiracy to commit a Class C felony that requires sex offender registration upon  
58 conviction pursuant to RCW 9A.44.140.

59 Available at: [https://www.courts.wa.gov/subsite/CommFC/docs/](https://www.courts.wa.gov/subsite/CommFC/docs/revised%20practice%20standards%20for%20representation%20of%20children%20and%20youth%20in%20dependency%20cases.pdf)

60 revised%20practice%20standards%20for%20representation%20of%20children%20and%20youth%20in%20dependency%20cases.pdf.  
61 Counsel shall be familiar with the diagnostic manual in use by mental health professionals at the time of sentencing and the time of any  
62 hearing.

63 Counsel shall be familiar with the diagnostic manual in use by mental health professionals.

64 See Principle 1 of the ABA Ten Principles of a Public Defense Delivery System and Commentary (August 2023), including the  
65 recommendation a nonpartisan commission or advisory board oversee the public defense function, thus safeguarding against undue political  
66 pressure while also promoting efficiency and accountability for a publicly funded service.

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the state supreme court and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 24-16-096
RULES OF COURT
STATE SUPREME COURT
[June 7, 2024]

IN THE MATTER OF THE PROPOSED ) ORDER
AMENDMENTS TO SUPERIOR ) NO. 25700-A-1570
COURT AND COURT OF LIMITED )
JURISDICTION RULES BY THE BJA )
REMOTE PROCEEDINGS WORK )
GROUP )

The BJA Remote Proceedings Work Group, having recommended the adoption of the proposed amendments to Superior Court and Court of Limited Jurisdiction Rules, and the Court having considered the proposed amendments, and having determined unanimously that the proposed amendments attached hereto will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the proposed amendments as shown below are adopted.

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

DATED at Olympia, Washington this 7th day of June, 2024.

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

ARLJ 3
DEFINITION OF TERMS

As used in these rules, unless the context clearly requires otherwise:

(1) "Appear" or "appearance" means a physical appearance, remote appearance, or appearance through counsel.

(2) "Appear through counsel" and "appearance through counsel" means that counsel appears on behalf of the plaintiff, defendant, petitioner, or respondent.

(3) "City" shall be construed to include towns.

(4) "Counsel" means a person admitted to the practice of law by order of the Washington State Supreme Court.

(5) "Court" means any court inferior to the superior court.

(6) "Court proceeding" means all court hearings, depositions, and all other proceedings over which the court exercises jurisdiction.

(7) "Judge" shall include every judicial officer authorized, alone or with others, to hold or preside over any court of limited jurisdiction, or any court inferior to the superior court which may be hereinafter established.

(8) "Oaths" include affirmations.

(9) "Offenses against the State" shall, wherever appropriate, include offenses against a county or a city by virtue of violation of an ordinance or resolution.

(10) "Participant" means any person appearing in a court proceeding and includes, but is not limited to, (A) the plaintiff, defendant, petitioner or respondent, (B) counsel for the plaintiff, defendant, petitioner or respondent, (C) witnesses, (D) interpreters, (E) jurors, and (F) court reporters for depositions.

(11) "Physically appear" and "physical appearance" means present in person at the location of the court proceeding.

~~(4)-(12)~~ "Prosecuting Attorney" or "prosecutor" includes deputy prosecuting attorneys, and city attorneys, corporation counsel, and their deputies and assistants, or such other persons as may be designated by statute or court rule.

(13) "Remotely appear" and "remote appearance" means a telephonic appearance or appearance by remote technology approved by the court.

(14) "Remote technology" means technology that permits all participants to see and hear each other during the proceedings, speak as permitted by the judge, and allows confidential communications between counsel and client. The remote connection shall be of sufficient quality to ensure that participants are clearly visible and that the audio connection permits the making of the official court record of the proceedings.

~~(7)-(15)~~ "State", whenever appropriate, shall include a city or town.

(16) "Telephonic" means audio connections that permit all participants to hear each other during the proceedings, speak as permitted by the judge, and allow confidential communications between attorney and client. The audio connections shall be of sufficient quality to permit the making of the official court record of the proceedings.

## ARLJ 11

MISDEMEANANT PROBATION DEPARTMENT

## RULE 11.1

## DEFINITION

[Unchanged.]

## RULE 11.2 QUALIFICATIONS AND CORE SERVICES OF PROBATION DEPARTMENT PERSONNEL

**(a) Probation Officer Qualifications.**

(1)-(2) [Unchanged.]

(3) Education and training necessary to communicate effectively, both orally and in writing, to interview and counsel offenders with a wide variety of offender problems, including, but not limited, to alcoholism, domestic violence, mental illness, sexual deviancy; to testify ~~in court,~~; to communicate with referral resources, and to prepare legal documents and reports.

(4) [Unchanged.]

**(b) Probation Officer—Core Services.**

(1) Conduct ~~pre/post-sentence~~ pre- and postsentence investigations with ~~face-to-face~~ interviews and extensive research that includes, but is not limited to, criminal history, contact with victims, personal history, social and economic needs, community resource needs, counseling/treatment needs, work history, family and employer support, and complete written ~~pre/post-sentence~~ pre- and postsentence reports, which includes sentencing recommendations to the court.

(2) For offenders referred to the misdemeanor probation department, determine their risk to the community using a standardized clas-

sification system with a minimum of monthly ~~face-to-face~~ interviews for offenders classified at the highest level.

(3) Evaluate offenders' social problems, amenability to different types of treatment programs, and determine appropriate referral.

(4) Supervise offenders with ~~face-to-face~~ interviews depending on risk classification system.

(5)-(6) [Unchanged.]

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

**RULE 11.3**

**STATUTORY PROBATION SERVICE FEES TO BE USED FOR PROBATION SERVICES**

[Unchanged.]

**CRLJ 7**

**PLEADINGS ALLOWED: FORM OF MOTIONS**

**(a)** [Unchanged.]

**(b)** Motions and Other Papers.

(1)-(3) [Unchanged.]

(4) ~~Telephonic Argument by Remote Appearance~~. Oral argument on civil motions, including family law motions, may be heard by ~~conference telephone call~~ remote appearance in the discretion of the court. ~~The expense of the call shall be shared equally by the parties unless the court directs otherwise in the ruling or decision on the motion.~~

**(c)** [Unchanged.]

**CRLJ 26**

**DISCOVERY**

Discovery in courts of limited jurisdiction shall be permitted as follows:

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

**(c) Depositions.**

(1) [Unchanged.]

(2) Upon agreement of the parties or order of the court, remote depositions may be conducted using a remote technology and shall be treated the same as an in-person deposition.

~~(2)-(3)~~ Each party may take the deposition of two additional persons without prior permission of the court. The deposition shall conform to the provisions of CR 30.

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

**CRLJ 38**

**JURY TRIAL**

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

**(i) Remote Trials.** A bench or jury trial may be conducted in whole or in part by remote technology upon agreement of the parties or order of the court.

**CRLJ 43**

**TAKING OF TESTIMONY**

**(a) Testimony.**

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

~~ees and with appropriate safeguards, the court may permit testimony in open court by contemporaneous transmission from a different location.~~

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

**(b)-(c)** [Unchanged.]

**(d) Oaths of Witnesses.**

(1) *Administration.* The oaths of all witnesses

(i) shall be administered by the judge; and

(ii) shall be administered to each witness individually; ~~and~~

~~(iii) the witness shall stand while the oath is administered.~~

(2)-(3) [Unchanged.]

**(e)** [Unchanged.]

**(f) Adverse Party as Witness.**

(1) *Party or Managing Agent as Adverse Witness.* A party, or anyone who at the time of the notice is an officer, director, or other managing agent (herein collectively referred to as "managing agent") of a public or private corporation, partnership or association that is a party to an action or proceeding may be examined at the instance of any adverse party. Attendance Appearance of such deponent or witness may be compelled solely by notice (in lieu of a subpoena) given in the manner prescribed in CR 30 (b)(1) to opposing counsel of record. Notices for the attendance of a party or of a managing agent at the trial shall be given not less than 10 days before trial (exclusive of the day of service, Saturdays, Sundays, and court holidays). For good cause shown in the manner prescribed in CR 26(c), the court may make orders for the protection of the party or managing agent to be examined.

(2) [Unchanged.]

(3) *Refusal ~~to~~ Attend Appear and Testify; Penalties.* If a party or a managing agent refuses to ~~attend and~~ testify before the officer designated to take that person's deposition or at the trial after notice served as prescribed in CR 30 (b)(1), the complaint, answer, or reply of the party may be stricken and judgment taken against the party, and the contumacious party or managing agent may also be proceeded against as in other cases of contempt. This rule shall not be construed:

(i) [Unchanged.]

(ii) to prevent a party from using a subpoena to compel the ~~attendance~~ appearance of any party or managing agent to give testimony by deposition or at the trial; nor

(iii) [Unchanged.]

**(g)-(k)** [Unchanged.]

CRLJ 45  
SUBPOENA

**(a) Form; Issuance.**

(1) Every subpoena shall:

(A)-(B) [Unchanged.]

(C) command each person to whom it is directed to attend appear and give testimony or to produce and permit inspection and copying of designated books, documents, or tangible things in the possession,

custody or control of that person, or to permit inspection of premises, at a time and place therein specified; and

(D) [Unchanged.]

(2) A subpoena ~~for attendance~~ to appear at a deposition shall state the method for recording the testimony.

(3)-(4) [Unchanged.]

(b)-(d) [Unchanged.]

**(e) Subpoena for Taking Deposition, Producing Documents, or Permitting Inspection.**

(1) [Unchanged.]

(2) *Place of Examination.* A resident of the state may be required to ~~attend an~~ appear for examination, produce documents, or permit inspection only in the county where the person resides or is employed or transacts business in person, or at such other convenient place as is fixed by an order of the court. A nonresident of the state may be required to ~~attend an~~ appear for examination, produce documents, or permit inspection only in the county where the person is served with a subpoena, or within 40 miles from the place of service, or at such other convenient place as is fixed by an order of the court.

(3) [Unchanged.]

(4) *Local Depositions for Foreign Actions.* When any officer or person is authorized to take depositions in this state by the law of another state, territory, or country, with or without a commission, a subpoena to require ~~attendance~~ appearance before such officer or person may be issued by any court of this state for attendance at any place within its jurisdiction.

**(f) Subpoena ~~F~~or Hearing or Trial.**

(1) *When Witnesses Must ~~Attend~~ Appear—Fees and Allowances.* [Reserved. See RCW 5.56.010.]

(2) *When Excused.* A witness subpoenaed to ~~attend~~ appear in a civil case is dismissed and excused from further ~~attendance~~ appearance as soon as the witness has given testimony in chief and has been cross examined thereon, unless either party moves in open court that the witness remain in ~~attendance~~ appearance and the court so orders. Witness fees will not be allowed any witness after the day on which the witness' testimony is given, except when the witness has in open court been required to remain in further ~~attendance~~ appearance, and when so required the clerk shall note that fact.

**(g) Contempt.**

Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate cause for failure to obey exists when a subpoena purports to require a non-party to ~~attend~~ appear for a deposition, produce documents, or permit inspection at a place not within the limits provided by subsection (e) (2).

(h) [Unchanged.]

CRLJ 77.04

ADMINISTRATION OF OATH

The oaths or affirmations of all witnesses

(1) Shall be administered by the judge; and

(2) Shall be administered individually to each witness before ~~testifying. on coming to the stand, not to a group and in advance; and~~

~~(3) The witness shall stand while the oath or affirmation is pronounced.~~

## CrRLJ 2.2

## WARRANT OF ARREST OR SUMMONS UPON COMPLAINT

(a)-(b) [Unchanged.]

(c) **Requisites of a Warrant.** The warrant shall be in writing and in the name of the charging jurisdiction, shall be signed by the judge or clerk with the title of that office, and shall state the date when issued. It shall specify the name of the defendant, or if ~~his or her~~ the defendant's name is unknown, any name or description by which ~~he or she~~ the defendant can be identified with reasonable certainty. The warrant shall specify the offense charged against the defendant and that the court has found that probable cause exists to believe the defendant has committed the offense charged and shall command the defendant be arrested and ~~brought forthwith~~ appear before the court issuing the warrant. If the offense is not a capital offense, the court shall set forth in the order for the warrant, bail and/or other conditions of release.

(d)-(g) [Unchanged.]

## CrRLJ 2.5

## PROCEDURE ON FAILURE TO OBEY CITATION AND NOTICE

The court may order the issuance of a bench warrant for the arrest of any defendant who has failed to appear ~~before the court, either in person or by a lawyer,~~ in answer to a citation and notice, or an order of the court, upon which the defendant has promised in writing to appear, or of which the defendant has been served with or otherwise received notice to appear, if the sentence for the offense charged may include confinement in jail.

## CrRLJ 3.2

## RELEASE OF ACCUSED

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

(a)-(b) [Unchanged.]

(c) **Relevant Factors—Future Appearance.** In determining which conditions of release will reasonably assure the accused's appearance, the court shall, on the available information, consider the relevant facts including but not limited to:

(1) The accused's history of response to legal process, particularly court orders to ~~personally~~ appear;

(2)-(9) [Unchanged.]

(d)-(m) [Unchanged.]

(n) **Accused Released on Recognizance or Bail—Absence—Forfeiture.** If the accused has been released on the accused's own recognizance, on bail, or has deposited money instead thereof, and does not appear when the accused's ~~personal~~ appearance is ~~required~~ necessary or violates conditions of release, the court, in addition to the forfeiture of the recognizance, or of the money deposited, may direct the clerk to issue a bench warrant for the accused's arrest.

(o)-(q) [Unchanged.]

## CrRLJ 3.2.1

## PROCEDURE FOLLOWING WARRANTLESS ARREST—PRELIMINARY HEARING

(a)-(c) [Unchanged.]

**(d) Preliminary Appearance.**

(1) *Adult*. Unless an accused has appeared or will appear before the superior court for a preliminary appearance, any accused detained in jail must ~~be brought~~ appear before a court of limited jurisdiction as soon as practicable after the detention is commenced, but in any event before the close of business on the next court day.

(2) *Juveniles*. Unless an accused has appeared or will appear before the superior court for a preliminary appearance, any accused in whose case the juvenile court has entered a written order declining jurisdiction and who is detained in custody, must ~~be brought~~ appear before a court of limited jurisdiction as soon as practicable after the juvenile court order is entered, but in any event before the close of business on the next court day.

(3) [Unchanged.]

(e)-(f) [Unchanged.]

**(g) Preliminary Hearing on Felony Complaint.**

(1)-(3) [Unchanged.]

(4) A preliminary hearing shall be conducted as follows:

(i) the defendant may as a matter of right ~~be present~~ appear at such hearing;

(ii)-(iv) [Unchanged.]

(5)-(6) [Unchanged.]

CrRLJ 3.3

TIME FOR TRIAL

**(a) General Provisions.**

(1)-(2) [Unchanged.]

(3) *Definitions*. For purposes of this rule:

(i)-(ii) [Unchanged.]

~~(iii) "Appearance" means the defendant's physical presence in the trial court. Such presence constitutes appearance only if (A) the prosecutor was notified of the presence and (B) the presence is contemporaneously placed on the record under the cause number of the pending charge.~~

~~(iv)~~ (iii) "Arraignment" means the date determined under CrRLJ 4.1(b).

~~(v)~~ (iv) "Detained in jail" means held in the custody of a correctional facility pursuant to the pending charge. Such detention excludes any period in which a defendant is on electronic home monitoring, is being held in custody on an unrelated charge or hold, or is serving a sentence of confinement.

~~(vi)~~ (v) "Trial court" means the court where the pending charge was filed.

(4)-(6) [Unchanged.]

(b) [Unchanged.]

**(c) Commencement date.**

(1) [Unchanged.]

(2) *Resetting of commencement date*. On occurrence of one of the following events, a new commencement date shall be established, and the elapsed time shall be reset to zero. If more than one of these events occurs, the commencement date shall be the latest of the dates specified in this subsection.

(i) [Unchanged.]



(ii) *Failure To Appear*. The failure of the defendant to appear for any proceeding at which the defendant's ~~presence~~ appearance was required. The new commencement date shall be the date of the defendant's next physical appearance, remote appearance, or appearance through counsel in the court's discretion. The prosecutor shall be notified of the appearance and the appearance must be contemporaneously placed on the record under the cause number of the pending charge.

(iii)-(viii) [Unchanged.]

**(d) Trial Settings and Notice—Objections—Loss of Right to Object.**

(1) *Initial Setting of Trial Date*. The court shall, within 15 days of the defendant's actual arraignment ~~in~~ by the trial court or at the pretrial hearing, set a date for trial ~~which~~ that is within the time limits prescribed by this rule and notify counsel for each party of the date set. If a defendant is not represented by counsel, the notice shall be given to the defendant and may be mailed to the defendant's last known address. The notice shall set forth the proper date of the defendant's arraignment and the date set for trial.

(2)-(4) [Unchanged.]

**(e)** [Unchanged.]

**(f) Continuances.** Continuances or other delays may be granted as follows:

(1) *Written Agreement*. Upon written agreement of the parties, which must be signed by defense counsel or the defendant or all defendants, the court may continue the trial date to a specified date. In the absence of the defendant's signature or ~~presence~~ remote or physical appearance at the hearing, defense counsel's signature constitutes a representation that the defendant has been consulted and agrees to the continuance. The court's notice to defense counsel of new hearing dates constitutes notice to the defendant.

(2) [Unchanged.]

**(g)-(h)** [Unchanged.]

#### CrRLJ 3.4

##### APPEARANCE OF THE DEFENDANT

**(a)** [Unchanged.]

**(b) Appearance.** A defendant's appearance through counsel requires that counsel affirm, in writing or in open court, that they have consulted with the defendant since the last appearance and that the defendant waives the right to be present at the instant hearing, unless the matter is stayed pursuant to proceedings under chapter 10.77 RCW.

~~**(b) Definitions.** For purposes of this rule, "appear" or "appearance" means the defendant's physical appearance, remote appearance, or appearance through counsel as defined in the ARLJs.:~~

~~(1) "Physical appearance" means the defendant's appearance pursuant to the CrRLJ 3.3(a) definition of appearance.~~

~~(2) "Remote appearance" means the defendant appears through a telephonic or videoconference platform approved by the court.~~

~~(3) "Appearance through counsel" means that counsel appears on behalf of the defendant. Appearance through counsel requires that counsel affirm, in writing or in open court, that they have consulted with the defendant since the last appearance and that the defendant waives the right to be present at the instant hearing.~~

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

**(e) Failure To Appear.** In order to require the defendant's physical or remote ~~presence~~ appearance at any hearing other than those listed in subpart (b), the court must find good cause. If in any case the defendant fails to appear when their ~~presence~~ appearance is required, the court may order the clerk to issue a bench warrant for the defendant's arrest, which may be served as a warrant of arrest in other cases.

## CrRLJ 4.1

## ARRAIGNMENT

**(a) Time.**

(1) [Unchanged.]

(2) *Defendant Not Detained in Jail.* The defendant shall be arraigned not later than 14 days after that appearance ~~which~~ that next follows the filing of the complaint or citation and notice, if the defendant is not detained in such jail or subject to such conditions of release. Any delay in bringing the defendant before the court shall not affect the allowable time for arraignment, regardless of the reason for the delay. ~~For purposes of this rule, "appearance" has the meaning defined in CrRLJ 3.3 (a) (3) (iii).~~

**(b) - (g)** [Unchanged.]

## CrRLJ 4.6

## DEPOSITIONS

**(a) When Taken.** Upon a showing that a prospective witness may be unable to attend appear or prevented from attending appearing at a trial or hearing or if a witness refuses to discuss the case with either lawyer and that ~~his or her~~ the witness's testimony is material and that it is necessary to take ~~his or her~~ the witness's deposition in order to prevent a failure of justice, the court at any time after the filing of a complaint or citation and notice may upon motion of a party and notice to the parties order that ~~his or her~~ the witness's testimony be taken by deposition and that any designated books, papers, documents, or tangible objects, not privileged, be produced at the same time and place.

**(b) Notice of Taking.** The party at whose instance a deposition is to be taken shall give to every other party reasonable written notice of the time and ~~place~~ manner of appearance for taking the deposition. The notice shall state the name and address of each person to be examined. On motion of a party upon whom the notice is served, the court for cause shown may extend or shorten the time and may change the ~~place~~ manner of taking.

**(c) How Taken.** A deposition shall be taken in the manner provided in the Civil Rules for Courts of Limited Jurisdiction ~~civil actions~~. No deposition shall be used in evidence against any defendant who has not had notice of and an opportunity to participate in or ~~be present~~ appear at the taking thereof.

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

## CrRLJ 4.8

## SUBPOENAS

**(a) For Attendance of Witnesses at Hearing or Trial.** A subpoena commanding a person to attend appear and give testimony at a hearing or at trial ("a subpoena for testimony") shall be issued as follows:

(1) *Form; Issuance.*

(A) A subpoena for testimony shall (i) state the title of the action, the case number, the name of the court in which the action is pending, and, if different, the name of the court from which the subpoena is issued and (ii) command each person to whom it is directed to attend appear and give testimony at a specified time and place.

(B) (i) The court in which the action is pending or before which attendance appearance is required may issue a subpoena for testimony under the seal of that court, or the clerk may issue the subpoena for testimony in response to a praecipe. (ii) An attorney for a party also may sign and issue a subpoena for testimony unless subsection (iii) of this rule applies. (iii) The judge must approve a subpoena for a witness outside the county or counties contiguous with it unless the witness is an employee of the Washington State Department of Licensing; a Washington police department or sheriff's office; or the Washington State Patrol, including the Washington State Patrol Crime Laboratory Division and the Washington State Patrol Toxicology Laboratory Division.

(C) [Unchanged.]

(2)-(3) [Unchanged.]

(4) *When Witness Excused.* A witness subpoenaed to attend appear at a hearing or trial is excused from further attendance appearance as soon as the witness has given testimony in chief and has been cross-examined thereon, unless a party moves in open court that the witness remain ~~in attendance~~ and the court so orders. Witness fees will not be allowed any witness after the day on which the witness's testimony is given, except when the witness has in open court been required to remain ~~in further attendance~~, and when so required the clerk shall note that fact in the minutes.

(b)-(c) [Unchanged.]

## CrRLJ 6.12

## WITNESSES

(a) [Unchanged.]

(b) **When Excused.** A witness subpoenaed to attend appear in a criminal case is dismissed and excused ~~from further attendance~~ as soon as ~~he or she~~ the witness has given ~~his or her~~ their testimony in chief and has been cross-examined thereon, unless either party ~~makes requests~~ in open court that the witness remain ~~in attendance~~; and witness fees will not be allowed any witness after the day on which ~~his or her~~ their testimony is given, except when the witness has in open court been ~~required to remain in further attendance~~.

(c) **Persons Incompetent To Testify.** The following persons are incompetent to testify: (1) those who are of unsound mind, or intoxicated at the time of their ~~production~~ appearance for examination; and (2) those who do not have the capacity of receiving just impressions of the facts about which they are examined or who do not have the capacity of relating them truly. This shall not affect any recognized privileges.

(d) [Unchanged.]

## CrRLJ 7.3

## JUDGMENT

A judgment of conviction shall set forth whether the defendant was represented by a lawyer or waived representation by a lawyer, the

plea, the verdict or findings, and the adjudication and sentence. The court may order that its sentence include special conditions or requirements, including a specified schedule for the payment of a fine, restitution, or other costs, or the performance of community service. If the defendant is found not guilty or for any other reason is entitled to be discharged, judgment shall be entered accordingly. The judge or clerk shall enter the judgment on the record. The judgment and record of the sentencing proceedings of the courts of limited jurisdiction shall be preserved in perpetuity, either in an electronic or hard copy format. "Hard copy format" may include microfilm, microfiche, or a paper copy. At a minimum, the judgment and record of the sentencing proceedings shall include:

(a)-(g) [Unchanged.]

(h) The parties ~~present~~ appearing, including but not limited to the judge, attorneys, prosecutor, defense counsel, witnesses;

(i)-(l) [Unchanged.]

#### CrRLJ 7.6

##### PROBATION

(a)-(b) [Unchanged.]

(c) **Revocation or Modification of Probation.** The court shall not revoke or modify probation except (1) after a hearing in which the defendant ~~shall be present~~ physically or remotely appears or (2) upon stipulation of the parties. The defendant has the right to ~~be physically present~~ appear at all evidentiary hearings and any hearing the defense sets to reconsider bail or conditions of release. The court has discretion to allow the defendant to appear through counsel ~~or remotely~~.

(d) [Unchanged.]

(e) **Timing of Probation Hearing.** If a defendant is held in custody on the alleged probation violation, the court must hold a probation hearing in which the defendant has the right to ~~be physically present~~ appear within two weeks of the defendant's arrest unless the defendant requests a continuance. If the hearing is not set for a date within two weeks of arrest, the defendant shall be released pending the hearing.

(f)-(g) [Unchanged.]

#### IRLJ 3.3

##### PROCEDURE AT CONTESTED HEARING

(a) [Unchanged.]

(b) **Representation by Lawyer.** At a contested hearing, the plaintiff shall be represented by a lawyer representative of the prosecuting authority when prescribed by local court rule. The defendant may be represented by a lawyer. If the defendant is represented by a lawyer and the lawyer has filed a notice of appearance, including a waiver of the defendant's presence, the defendant ~~need not personally~~ may appear through counsel at the contested hearing unless the defendant's presence is otherwise required by statute or the court rules.

(c)-(e) [Unchanged.]

#### IRLJ 3.4

##### HEARING ON MITIGATING CIRCUMSTANCES

(a) [Unchanged.]

**(b) Procedure at Hearing.** The court shall hold an informal hearing, which shall not be governed by the Rules of Evidence. Subject to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the judge, is the best evidence reasonably obtainable, having due regard for its necessity, availability, and trustworthiness. The plaintiff and the defendant may each be represented by a lawyer. The defendant may present witnesses, but they may not be compelled to attend appear.

**(c)** [Unchanged.]

IRLJ 3.5

LOCAL RULE OPTIONS

~~**(a) Decisions on Written Statements.**~~

~~(1)-(5) [Unchanged.]~~

~~**(b) Telephonic or Video Conference Mitigation Hearings.**~~

~~(1) *Local Rule Permitted.* A court may adopt a local rule permitting defendants to appear at a mitigation hearing by telephone or video conference in lieu of an in-person appearance; such proceedings are open to the public.~~

~~(2) *Requirements.* Such local rule shall comply with the requirements that the hearings shall be conducted on the record and the defendant be advised that the hearing is being audio recorded, and the court shall advise the defendant in writing of its decision and any penalty imposed.~~

IRLJ 6.7

IDENTITY CHALLENGES AND RELIEF FROM JUDGMENT

**(a)** [Unchanged.]

**(b) Identity Challenge.**

(1)-(4) [Unchanged.]

(5) *Hearing Procedure.* The court may require the ~~presence of the~~ defendant to appear at the scheduled hearing. At the hearing, identification may be established by methods other than direct identification in court.

(6) [Unchanged.]

CR 1

SCOPE OF RULES

These rules govern the procedure in the superior court in all suits of a civil nature whether cognizable as cases at law or in equity with the exceptions stated in rule 81. They shall be construed and administered to secure the just, speedy, and inexpensive determination of every action. To this end, proceedings held by remote means are permitted.

CR 7

PLEADINGS ALLOWED; FORM OF MOTIONS

**(a)** [Unchanged.]

**(b) Motions and Other Papers.**

(1)-(4) [Unchanged.]

(5) *Telephonic Oral Argument by Remote Means.* Oral argument on civil motions, including family law motions, may be heard by remote means ~~conference telephone call~~ in the discretion of the court. The

~~expense of the call shall be shared equally by the parties~~ Parties shall bear their own costs of participation by conference call or other remote means unless the court directs otherwise in the ruling or decision on the motion.

(c)-(d) [Unchanged.]

## CR 26

## GENERAL PROVISIONS GOVERNING DISCOVERY

(a)-(e) [Unchanged.]

(f) **Discovery Conference.** At any time after commencement of an action the court may direct the attorneys for the parties to ~~appear before it for~~ attend a conference by remote means or in person on the subject of discovery. The court shall do so upon motion by the attorney for any party if the motion includes:

(1)-(5) [Unchanged.]

(g)-(h) [Unchanged.]

(i) **Motions; Conference of Counsel Required.** The court will not entertain any motion or objection with respect to rules 26 through 37 unless counsel have conferred with respect to the motion or objection. Counsel for the moving or objecting party shall arrange for a mutually convenient conference, whether in person or by telephone or by other remote means. If the court finds that counsel for any party, upon whom a motion or objection in respect to matters covered by such rules has been served, has willfully refused or failed to confer in good faith, the court may apply the sanctions provided under rule 37(b). Any motion seeking an order to compel discovery or obtain protection shall include counsel's certification that the conference requirements of this rule have been met.

(j) [Unchanged.]

## CR 39

## TRIAL BY JURY OR BY THE COURT

(-)-(c) [Unchanged.]

(d) **Trials by Remote Means.**

(1) By Stipulation. If the parties agree and the court approves, a trial may occur entirely or in part by remote means. In any remote trial, all participants must be able to see, hear, and speak with each other. The video and audio should be of sufficient quality to ensure participants are easily seen and understood. The court shall ensure that all hearings conducted pursuant to this rule are open to the public and that the public shall be able to simultaneously see and hear all participants.

(2) If any party proposes to hold a trial by remote means, a hearing shall be scheduled at least 30 days before trial, with at least 7 days' notice to the court and parties. The parties may agree to this hearing occurring fewer than 30 days before trial. Alternatively, the parties may present an agreement or stipulation that the trial be held by remote means. If all parties do not agree, the trial shall be held in person; provided, however, the court may allow a party or counsel to appear by remote means at an in-person trial. This rule does not address voir dire or pretrial matters. CR 43 governs whether any witness can be called remotely at a trial held in person.

## CR 45

SUBPOENA

(a) Form; Issuance.

(1) Every subpoena shall:

(A)-(B) [Unchanged.]

(C) command each person to whom it is directed to attend and give testimony or to produce and permit inspection and copying of designated books, documents, or tangible things in the possession, custody, or control of that person, or to permit inspection of premises, at a time and place therein specified, and, if testimony will be taken by remote means, will so state; and

(D) [Unchanged.]

(2) A subpoena for attendance at a deposition shall state the method for recording the testimony and whether the deposition will be conducted in person or by remote means.

(3)-(4) [Unchanged.]

(b)-(g) [Unchanged.]

(h) Form. A subpoena should be substantially in the form below.

Issued by the

SUPERIOR COURT FOR THE STATE OF WASHINGTON
COUNTY

No. \_

SUBPOENA IN A CIVIL CASE

v.

TO:

[ ] YOU ARE COMMANDED to appear in the Superior Court of the State of Washington at the place, date, and time specified below to testify in the above case

Table with 2 columns: PLACE OF TESTIMONY OR REMOTE MEANS LINK, COURTROOM, DATE AND TIME

[ ] YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case. Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. CR 30 (b)(6).

Table with 2 columns: PLACE OF DEPOSITION OR REMOTE MEANS LINK NOTICE, DATE AND TIME, METHOD OF RECORDING

[ ] YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or tangible things at the place, date, and time specified below (list documents or objects):

Table with 2 columns: PLACE, DATE AND TIME

[ ] YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

Table with 2 columns: ISSUING OFFICER SIGNATURE AND TITLE, DATE

PREMISES

DATE AND TIME

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

**PROOF OF SERVICE**

DATE

PLACE

SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the State of Washington that the foregoing information contained in the Proof of Service is true and correct.

Executed on \_\_\_\_\_

DATE/PLACE

SIGNATURE OF SERVER

ADDRESS OF SERVER

CR 45, Sections (c) & (d):

**(c) Protection of Persons Subject to Subpoenas.**

(1)-(2) [Unchanged.]

(3) If the person commanded to appear by remote means does not have adequate access to the necessary technology, they shall notify the issuing officer in writing within 5 days of receiving the subpoena. The issuing officer or commanding attorney must thereafter arrange access to the necessary technology for the witness, or issue an amended subpoena to conduct the deposition in person.

(3) (A)-(B) [Unchanged.]

**(d)** [Unchanged.]

**CrR 3.4**

**PRESENCE OF THE DEFENDANT**

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

**(e) Videoconference Remote Proceedings.**

(1) *Authorization.* Preliminary appearances held pursuant to CrR 3.2.1, arraignments held pursuant to this rule and CrR 4.1, bail hearings held pursuant to CrR 3.2, and trial settings held pursuant to CrR 3.3, may be conducted by ~~video conference~~ remote technology in which all participants can simultaneously see, hear, and speak with each other. Such proceedings shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule, or policy. All ~~video conference~~ hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the trial court judge. Any party may request an in-person hearing, which may in the trial court judge's discretion be granted.

(2) *Agreement.* Other trial court proceedings including the entry of a Statement of Defendant on Plea of Guilty as provided for by CrR 4.2 may be conducted by ~~video conference~~ remote technology only by



agreement of the parties, either in writing or on the record, and upon the approval of the trial court judge pursuant to local court rule.

(3) *Standards for ~~Videconferenee~~ Proceedings Held Remotely.* The judge, counsel, all parties, and the public must be able to see and hear each other during proceedings, and speak as permitted by the judge. The video and audio should be of sufficient quality to ensure participants are easily seen and understood. ~~Videconferenee~~ facilities Remote technology must provide for confidential communications between attorney and client, including a means during the hearing for the attorney and the client to read and review all documents executed therein, and security sufficient to protect the safety of all participants and observers. For purposes of ~~videconferenee~~ proceedings by remote technology, the electronic or facsimile signatures of the defendant, counsel, interested parties, and the court shall be treated as if they were original signatures. This includes all orders on judgment and sentence, no contact orders, statements of the defendant on pleas of guilty, and other documents or pleadings as the court shall determine are appropriate or necessary. ~~In interpreted proceedings, the interpreter must be located next to the defendant and t~~The proceeding must be conducted to assure that the interpreter can hear and speak with the defendant and hear all participants.

**(f) Videconferenee Proceedings by Remote Technology under Chapter 10.77 RCW.**

(1) *Authorization.* Proceedings held pursuant to chapter 10.77 RCW may be conducted by ~~video conferenee~~ remote technology in which all participants can simultaneously see, hear, and speak with each other except as otherwise directed by the trial court judge. When these proceedings are conducted via ~~video conferenee~~ remote technology, it is presumed that all participants will be physically present in the courtroom except for the forensic evaluator unless as otherwise provided by these rules, or as excused or excluded by the court for good cause shown. Good cause may include circumstances where at the time of the hearing, the court does not have the technological capability or equipment to conduct the conference by ~~video~~ remote technology as provided in this rule. Such ~~video~~ proceedings shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule, or policy. All ~~video conferenee~~ remote technology hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the trial court judge. Five days prior to the hearing date, any party may request the forensic evaluator be physically present in the courtroom, which may in the trial court judge's discretion be granted.

(2) *Standards for ~~Video Conferenee~~ Proceedings by Remote Technology under chapter 10.77 RCW.* The judge, counsel, all parties, and the public must be able to see and hear each other during the proceedings, and speak as permitted by the judge. ~~Video conferenee~~ facilities Remote technology must provide for confidential communications between attorney and client and security sufficient to protect the safety of all participants and observers. ~~In interpreted proceedings, the interpreter must be located next to the defendant and the proceeding must be conducted to assure that the interpreter can hear~~ and speak with the defendant and hear all participants.

Comment

[Unchanged.]

**Reviser's note:** The typographical errors in the above material occurred in the copy filed by the state supreme court and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 24-18-001**  
**NOTICE OF PUBLIC MEETINGS**  
**CENTRALIA COLLEGE**  
[Filed August 21, 2024, 1:38 p.m.]

**BOARD OF TRUSTEES**  
**Meeting Schedule for 2025**

DATE	TIME	LOCATION
Thursday, January 9, 2025	3:00 p.m.	College Boardroom
Thursday, February 13, 2025	3:00 p.m.	College Boardroom
Thursday, March 13, 2025	3:00 p.m.	College Boardroom
Thursday, April 10, 2025	3:00 p.m.	Centralia College East
Thursday, May 8, 2025	3:00 p.m.	College Boardroom
Thursday, June 12, 2025	3:00 p.m.	College Boardroom
Thursday, August 14, 2025	3:00 p.m.	College Boardroom
Thursday, September 11, 2025	3:00 p.m.	College Boardroom
Thursday, October 9, 2025	3:00 p.m.	College Boardroom
Thursday, November 13, 2025	3:00 p.m.	College Boardroom
Thursday, December 11, 2025	3:00 p.m.	College Boardroom

## WSR 24-18-011

## HEALTH CARE AUTHORITY

[Filed August 22, 2024, 12:17 p.m.]

## NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 24-0013 Add Adult Chiropractic Services and Acupuncturists and Certified Behavioral Health Support Specialists as Medicaid Providers.

Effective Date: January 1, 2025.

Description: The health care authority (HCA) intends to submit SPA 24-0013 to add the following to Attachment 3 section 6.d *Other Licensed Practitioners* in the medicaid state plan:

- Add adult chiropractic services as a medicaid service. Currently, only children under age 21 are eligible for chiropractic services under the early and periodic screening, diagnostic, and treatment benefit.
- Add acupuncturists as Medicaid providers, enabling them to provide and bill for certain acupuncture services.
- Add certified behavioral health support specialists (BHSS) as Medicaid providers in compliance with SB 5189. BHSS deliver brief, evidence-based interventions that include behavioral health, and must be under the supervision of a state credentialed provider whose scope of practice includes assessment, diagnosis, and treatment of identifiable mental and behavioral health conditions.

SPA 24-0013 is expected to increase the annual aggregate expenditures/reimbursement/payment for adult chiropractic services by \$2.1 million, acupuncturists by \$1.02 million, and BHSS by \$619,000.

A draft of SPA 24-0013 is available for review. HCA would appreciate any input or concerns regarding this SPA. To request a copy of the draft or submit comments, please contact the persons named below by September 23, 2024 (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

CONTACT: Andrea Allen or Yvonne Keller, CQCT and DBHR, 626 8th Avenue S.E., Olympia, WA 98504, phone 360-725-9805 (A. Allen) or 360-725-9993 (Y. Keller), TRS 711, email [andrea.allen@hca.wa.gov](mailto:andrea.allen@hca.wa.gov), [Yvonne.keller@hca.wa.gov](mailto:Yvonne.keller@hca.wa.gov).

WSR 24-18-012

HEALTH CARE AUTHORITY

[Filed August 22, 2024, 12:18 p.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 24-0046 Add Certified Behavioral Health Support Specialists as Medicaid Providers. Effective Date: January 1, 2025.

Description: The health care authority (HCA) intends to submit SPA 24-0046 to comply with SB 5189 by adding certified behavioral health support specialists (BHSS) as medicaid providers. BHSS deliver brief, evidence-based interventions that include behavioral health, and must be under the supervision of a state credentialed provider whose scope of practice includes assessment, diagnosis, and treatment of identifiable mental and behavioral health conditions.

SPA 24-0046 is expected to increase annual aggregate reimbursement/expenditures/payments by \$619,000.

HCA is in the process of developing the SPA. HCA would appreciate any input or concerns regarding this SPA. To request a copy of the SPA when it becomes available or submit comments, you may contact the person named below by September 23, 2024 (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

CONTACT: Yvonne Keller, Program Specialist, 626 8th Avenue S.E., Olympia, WA 98504, TRS 711, phone 360-725-9993, email yvonne.keller@hca.wa.gov.

**WSR 24-18-014**  
**NOTICE OF PUBLIC MEETINGS**  
**OFFICE OF**  
**CIVIL LEGAL AID**

(Civil Legal Aid Oversight Committee)  
[Filed August 22, 2024, 12:49 p.m.]

This is to advise that the civil legal aid oversight committee, established by RCW 2.53.010, will hold its quarterly meeting on Friday, September 27, 2024.

What: Quarterly meeting of the civil legal aid oversight committee.

When: September 27, 2024.

Time: 11:30 a.m. - 1:00 p.m.

Where: Virtual via Zoom link (below).

Open Meeting and Accommodations: The meeting is open to the public. The civil legal aid oversight committee fully complies with applicable laws ensuring access for persons with disabilities. Upon request, the civil legal aid oversight committee will make reasonable accommodation to ensure full accessibility and meaningful opportunity for interested individuals to participate in the meeting, regardless of physical, auditory, mental, cognitive, or other disabilities. Requests for an interpreter or assistive technology should be submitted at least 48 hours prior to the meeting in order to allow the oversight committee to accommodate.

Join Zoom meeting <https://us02web.zoom.us/j/86936454910>, Meeting ID 869 3645 4910; or One-tap mobile +12532050468,,86936454910# US, +12532158782,,86936454910# US (Tacoma), Meeting ID 869 3645 4910.

For further information about these meetings and/or to request reasonable accommodation, please contact Sara Robbins, director, office of civil legal aid, [sara.robbins@ocla.wa.gov](mailto:sara.robbins@ocla.wa.gov), 360-485-1544.

WSR 24-18-016

## AGENDA

LIQUOR AND CANNABIS  
BOARD

[Filed August 22, 2024, 12:50 p.m.]

**2024 Semi-Annual Rule Development Agenda  
July 1 - December 31, 2024**

The Washington state liquor and cannabis board (LCB) prepares a semi-annual rule-making agenda in January and July of each year to inform the public of expected upcoming rule changes. Pursuant to the Washington State Administrative Procedure Act (RCW 34.05.314), the agenda is filed with the office of the code reviser for publication in the Washington State Register. This report details current and anticipated rule-making activities for LCB. This agenda is for informational purposes and the noted dates of anticipated rule-making actions are estimates. There may be additional rule-making activities not anticipated at this time, such as to implement new state laws, meet federal requirements, or other circumstances.

LCB encourages the public to be involved in the rule-making process by attending public hearings and submitting written comments regarding rules. Rule-making information is available on the LCB website at <https://lcb.wa.gov/laws/current-rulemaking-activity>. To stay informed of our progress and be notified of any changes, please sign up for email notifications <https://public.govdelivery.com/accounts/WALCB/subscriber/new>. Under subscription topics, select *Rulemaking*.

Please contact Cassidy West at 360-878-4235 or [cassidy.west@lcb.wa.gov](mailto:cassidy.west@lcb.wa.gov) if you have questions.

**KEY**

APA: Administrative Procedure Act (chapter 34.05 RCW).

CR: "Code reviser" on the rule-making forms, which are produced by the office of the code reviser for use by all state agencies.

CR-101: Preproposal statement of inquiry filed under RCW 34.05.310.

CR-102: Proposed rule-making notice filed under RCW 34.05.320 or 34.05.340.

CR-103: Rule-making order permanently adopting a rule and filed under RCW 34.05.360 and 34.05.380.

CR-105: Expedited rule-making notice filed under RCW 34.05.353.

RCW: Revised Code of Washington.

WAC: Washington Administrative Code.

WSR: Washington State Register official filing reference number given by the office of the code reviser when a notice is filed.

**Alcohol Rule Making**

WAC Section (s)	Title	Description	Preproposal Notice (CR-101) Filing Date and WSR #	Proposed Rule (CR-102 or CR-105) Filing Date and WSR #	Public Hearing	Permanent Rule (CR-103) Filing Date and WSR #	Effective Date	Agency Contact
Title 314 WAC	<b>Emergency Liquor Permits</b>	Rule making to implement HB 2204, (chapter 91, Laws of 2024), establishing a special liquor permit to allow liquor manufacturers to sell products at other licensed premises during emergencies. The legislation became effective 6/6/24.	8/14/24 WSR 24-17-049	10/23/24	12/4/24	12/18/24	1/18/25	Daniel Jacobs Daniel.jacobs@lcb.wa.gov 360-480-1238
Title 314 WAC	<b>Retail Product Placement</b>	Rule making to amend existing rules to optimize the placement of alcohol products in retail spaces, balancing commercial interests with public health and safety concerns.	10/23/24	12/18/24	1/29/25	2/12/25	3/15/25	Cassidy West cassidy.west@lcb.wa.gov 360-878-4235

**Cannabis Rule Making**

WAC Section(s)	Title	Description	Preproposal Notice (CR-101) Filing Date and WSR #	Proposed Rule (CR-102 or CR-105) Filing Date and WSR #	Public Hearing	Permanent Rule (CR-103) Filing Date and WSR #	Effective Date	Agency Contact
314-55-096	<b>Cannabis Samples</b>	Rule making to amend WAC 314-55-096 to streamline and clarify regulatory requirements for vendor, educational, and internal quality control samples. This rule making was initiated following the acceptance of a 2022 petition requesting amendments to the cannabis sampling rules to reduce regulatory burdens and improve efficiency.	3/1/23 WSR 23-06-079	8/14/24 WSR 24-17-051	9/25/24	10/9/24	11/9/24	Cassidy West cassidy.west@lcb.wa.gov 360-878-4235



WAC Section(s)	Title	Description	Preproposal Notice (CR-101) Filing Date and WSR #	Proposed Rule (CR-102 or CR-105) Filing Date and WSR #	Public Hearing	Permanent Rule (CR-103) Filing Date and WSR #	Effective Date	Agency Contact
314-55-015	<b>Minors on Nonretail Premises</b>	Rule making to address the conditions under which minors may be allowed on a licensed producer or processor premises. This rule making was initiated in response to two petitions accepted in 2022, requesting an extension of a previously expired COVID-19 allowance.	2/28/24 WSR 24-06-026	10/9/24	12/4/24	12/18/24	1/18/25	Denise Laflamme Denise.laflamme@lcb.wa.gov 360-819-0452
314-55-570	<b>Social Equity in Cannabis Program</b>	Rule making to implement E2SSB 5080, (chapter 220, Laws of 2023), enhancing the social equity in cannabis program by providing clearer pathways for social equity applicants to enter the cannabis market. The legislation became effective on 7/23/23, except for section 5, which became effective on 7/1/24.	11/8/23 WSR 23-23-062	8/6/24 WSR 24-16-130	9/11/24	9/25/24	10/26/24	Cassidy West cassidy.west@lcb.wa.gov 360-878-4235
314-55-010 314-55-035 314-55-095 314-55-102 314-55-105 314-55-106 314-55-109	<b>THC Bill</b>	Rule making to implement E2SSB 5367, (chapter 365, Laws of 2023), providing clarity and consistency in the regulation of products containing tetrahydrocannabinol (THC) compounds to address public health and safety concerns raised by the rise of THC products on the unregulated market. The legislation became effective on 7/23/23.	6/21/23 WSR 23-13-129	8/6/24 WSR 24-16-126	9/11/24	9/25/24	10/26/24	Cassidy West cassidy.west@lcb.wa.gov 360-878-4235

WAC Section(s)	Title	Description	Preproposal Notice (CR-101) Filing Date and WSR #	Proposed Rule (CR-102 or CR-105) Filing Date and WSR #	Public Hearing	Permanent Rule (CR-103) Filing Date and WSR #	Effective Date	Agency Contact
314-55-115	<b>Cannabis Flexible Payment Terms</b>	Rule making to amend WAC 314-55-115 to allow greater flexibility in payment terms for transactions between cannabis licensees using checks, supporting business operations with more practical payment options. This rule making was initiated in response to a petition accepted in 2023 requesting additional flexibility for using checks as a form of payment.	5/8/24 WSR 24-11-035	7/31/24 WSR 24-16-063	9/11/24	9/25/24	10/26/24	Daniel Jacobs Daniel.jacobs@lcb.wa.gov 360-480-1238
314-55-083 314-55-087 314-55-089 314-55-090	<b>Medical Cannabis Excise Tax Exemption</b>	Rule making to implement SHB 1453, (chapter 79, Laws of 2024), to develop a regulatory framework for the establishment of a temporary excise tax exemption for certain cannabis products, effective until 6/30/29. The legislation became effective on 6/6/24.	4/24/24 WSR 24-10-042	7/17/24 WSR 24-15-066	8/28/24	9/11/24	10/12/24	Daniel Jacobs Daniel.jacobs@lcb.wa.gov 360-480-1238
314-55-097	<b>Sale of Cannabis Waste</b>	Rule making to implement SB 5376, (chapter 243, Laws of 2024), regulating the sale of cannabis waste to nonlicensees. The legislation became effective on 6/6/24.	5/22/24 WSR 24-11-158	9/11/24	10/23/24	11/6/24	12/7/24	Jeff Kildahl Jeff.kildahl@lcb.wa.gov 360-480-7960

WAC Section(s)	Title	Description	Preproposal Notice (CR-101) Filing Date and WSR #	Proposed Rule (CR-102 or CR-105) Filing Date and WSR #	Public Hearing	Permanent Rule (CR-103) Filing Date and WSR #	Effective Date	Agency Contact
314-55-099 5 314-55-102 314-55-103 314-55-109	<b>Transfer of Lab Accreditation Authority</b>	Rule making to implement 2SHB 2151, (chapter 69, Laws of 2024), which transfers the authority to accredit private cannabis testing laboratories to the Washington state department of agriculture. The legislation became effective on 7/1/24.	7/17/24 WSR 24-15-067	9/25/24	11/6/24	11/20/24	12/21/24	Denise Laflamme Denise.laflamme@lcb.wa.gov 360-819-0452
314-55-035	<b>Employee Stock Ownership Plans (ESOPs)</b>	Rule making responding to a petition accepted in 2023 requesting amendments to WAC 314-55-035 to allow cannabis businesses to offer stock ownership as a benefit to their employees through an ESOP and to clarify the classification of true parties of interest within ESOP structures.	10/9/24	12/18/24	1/29/25	2/12/25	3/15/25	Daniel Jacobs Daniel.jacobs@lcb.wa.gov 360-480-1238

**General Rule Making - All Industries**

WAC Section(s)	Title	Description	Preproposal Notice (CR-101) Filing Date and WSR #	Proposed Rule (CR-102 or CR-105) Filing Date and WSR #	Public Hearing	Permanent Rule (CR-103) Filing Date and WSR #	Effective Date	Agency Contact
Title 314-55 WAC	<b>Agency Acronym Update</b>	Rule making to revise the agency acronym from "WLSCB [WLSLCB]" to "LCB," and to update the agency name references from "Liquor Control Board" with "Liquor [and] Cannabis Board," to reflect current terminology, consistent with 2SSB 5052, (chapter 70, Laws of 2015).	N/A (Expedited)	5/8/24 WSR 24-11-037	N/A (Expedited)	7/31/24 WSR 24-16-064	8/31/24	Jeff Kildahl Jeff.kildahl@lcb.wa.gov 360-480-7960

WAC Section(s)	Title	Description	Preproposal Notice (CR-101) Filing Date and WSR #	Proposed Rule (CR-102 or CR-105) Filing Date and WSR #	Public Hearing	Permanent Rule (CR-103) Filing Date and WSR #	Effective Date	Agency Contact
Title 314-55 WAC	<b>Gender Neutral Pronouns</b>	Rule making to update regulatory language throughout Title 314 WAC to incorporate gender-specific pronouns, promoting inclusivity and equality across all regulations.	N/A (Expedited)	8/28/24	N/A (Expedited)	11/6/24	12/7/24	Jeff Kildahl Jeff.kildahl@lcb.wa.gov 360-480-7960
314-01-005 314-11-025 314-17-025 314-17-110	<b>Identification Reform</b>	Rule making to amend current rules related to acceptable forms of identification for alcohol and cannabis purchases in response to two 2023 petitions.	9/25/24	1/15/25	2/26/25	3/12/25	4/12/25	Daniel Jacobs Daniel.jacobs@lcb.wa.gov 360-480-1238

WSR 24-18-021

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF COMMERCE

(Developmental Disabilities Endowment Trust Fund)

[Filed August 23, 2024, 11:09 a.m.]

Following is the schedule of regular and special meetings for the Washington state department of commerce, developmental disabilities endowment trust fund governing board for 2024:

Type	Date	Time	Location
Regular/hybrid	March 14, 2024	10:00 a.m. - 2:00 p.m.	<b>Regular/hybrid meeting:</b> SeaTac Conference Center 17801 International Boulevard Mezzanine Level Seattle, WA 98158 To attend virtually, use the Microsoft Teams meeting link below this table. <b>Special Meetings:</b> Use the "Special/online" link provided to the left for each specific meeting.
Regular/hybrid	June 13, 2024	10:00 a.m. - 2:00 p.m.	
Special/online	July 15, 2024	1:00 - 2:00 p.m.	
Special/online	August 1, 2024	2:00 - 3:00 p.m.	
<del>Special/online</del> Special meeting cancelled. This will be a committee meeting instead.	August 22, 2024	4:00 - 5:00 p.m.	
Regular/hybrid - meeting shortened to accommodate a special meeting.	September 12, 2024	10:00 a.m. - 12:00 p.m.	
Special/online	September 12, 2024	12:00 - 2:00 p.m.	
Regular/hybrid	December 12, 2024	10:00 a.m. - 2:00 p.m.	

**Regular/hybrid meeting link:** Join Microsoft Teams meeting on your computer, mobile app, or room device [contact agency for links], Meeting ID 290 233 940 825, Passcode jQSju7; or call in (audio only) +1 564-999-2000,,666522219# United States, Olympia, (833) 322-1218,,666522219# United States (Toll-free), Phone Conference ID 666 522 219#.

If you need further information, contact Katie Hatam, Disabilities Workgroup, Community Economic Opportunities, Washington State Department of Commerce, P.O. Box 42525, Olympia, WA 09504 [98504]-2525, 360-725-3039, katie.hatam@commerce.wa.gov, csp@commerce.wa.gov, and www.commerce.wa.gov.

**WSR 24-18-025**

**NOTICE OF PUBLIC MEETINGS**

**BEEF COMMISSION**

[Filed August 23, 2024, 1:30 p.m.]

Fiscal Year 2024-2025

Meeting Schedule

In accordance with RCW 16.67.120, the Washington state beef commission will meet in fiscal year 2024-2025 as indicated below.

September 25, 2024	Regular meeting	Central Southwest Region, Ellensburg
November 13, 3024 [2024]	Regular meeting	Southeast Region, Pullman
January 22, 2025	Virtual meeting	
March 26 and 27, 2025	Strategic planning	Northwest Region, TBD
May 28, 2025	Budget and annual meeting	Northeast Region, Spokane

If you have any questions or need more information, please contact us at 253-625-3770.

**WSR 24-18-028**

**PUBLIC RECORDS OFFICER**

**YAKIMA VALLEY COLLEGE**

[Filed August 26, 2024, 9:18 a.m.]

Pursuant to RCW 42.56.580, the public records officer for Yakima Valley College is Alma Ramirez, c/o Human Resources Office, P.O. Box 22520, Yakima, WA 98909, phone 509-574-4671, fax 509-574-4638, email aramlrez@yvcc.edu [aramirez@yvcc.edu].

Teresa Rich, PhD  
President

WSR 24-18-035

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF HEALTH

(Applied Behavior Analysis Advisory Committee)

[Filed August 26, 2024, 1:43 p.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health (DOH), applied behavior analysis advisory committee (committee) for the year 2025. The committee meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person shown below for more information.

Agendas for the meetings listed below are made available in advance via GovDelivery and the DOH website. Every attempt is made to ensure that the agenda is up-to-date. However, the committee reserves the right to change or amend agendas at the meeting.

2025 Meeting Schedule

Approved by the Applied Behavior Analysis Committee

Date	Time	Location
February 28, 2025	10:00 a.m.	Microsoft (MS) Teams (physical location TBD)
June 27, 2025	10:00 a.m.	MS Teams (physical location TBD)
October 3, 2025	10:00 a.m.	MS Teams (physical location TBD)

If you need further information, please contact Shelbee Scrimo, Program Manager, DOH, Applied Behavior Analysis Advisory Committee, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4723, fax 360-236-2901, email shelbee.scrimo@doh.wa.gov, web www.doh.wa.gov.

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



WSR 24-18-036

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF HEALTH

(Board of Nursing Home Administrators)

[Filed August 26, 2024, 1:43 p.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health (DOH), board of nursing home administrators (board) for the year 2025. The board meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person shown below for more information.

Agendas for the meetings listed below are made available in advance via GovDelivery and the DOH website. Every attempt is made to ensure that the agenda is up-to-date. However, the board reserves the right to change or amend agendas at the meeting. Given the uncertainty of holding in-person meetings in 2023, we are assuming that all meetings will be held virtually.

Date	Time	Location
January 24, 2025	9:00 a.m.	Microsoft (MS) Teams (physical location TBD)
April 11, 2025	9:00 a.m.	MS Teams (physical location TBD)
July 25, 2025	9:00 a.m.	MS Teams (physical location TBD)
October 24, 2025	9:00 a.m.	MS Teams (physical location TBD)

If you need further information, please contact Shelbee Scrimo, Program Manager, DOH, Board of Nursing Home Administrators, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4723, fax 360-236-2901, email shelbee.scrimo@doh.wa.gov, web www.doh.wa.gov.

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

WSR 24-18-037

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF HEALTH

(Music Therapy Advisory Committee)

[Filed August 26, 2024, 1:44 p.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health (DOH), music therapist advisory committee (committee) for the year 2025. The committee meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person shown below for more information.

Agendas for the meetings listed below are made available in advance via GovDelivery and the DOH website. Every attempt is made to ensure that the agenda is up-to-date. However, the committee reserves the right to change or amend agendas at the meeting.

Date	Time	Location
February 14, 2025	9:00 a.m.	Microsoft Teams (physical location in Tumwater TBD)

If you need further information, please contact Shelbee Scrimo, Program Manager, DOH, Nursing Home Administrators, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4723, fax 360-236-2901, email shelbee.scrimo@doh.wa.gov, web www.doh.wa.gov.

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

**WSR 24-18-044**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF HEALTH**  
(Veterinary Board of Governors)  
[Filed August 27, 2024, 9:40 a.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health (DOH), veterinary board of governors (board) for the year 2025. The board meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person shown below for more information.

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

<b>Date</b>	<b>Time</b>	<b>Meeting Type</b>	<b>Location</b>
February 24, 2025	9:00 a.m.	Regular meeting	Microsoft (MS) Teams (physical location TBD)
February 25, 2025	9:00 a.m.	Business retreat	In person at Olympia, Washington
June 2, 2025	9:00 a.m.	Regular meeting	MS Teams (physical location TBD)
September 15, 2025	9:00 a.m.	Regular meeting	MS Teams (physical location TBD)
December 8, 2025	9:00 a.m.	Regular meeting	MS Teams (physical location TBD)

If you need further information, please contact: Poppy Budrow, Program Manager, DOH, Veterinary Board of Governors, P.O. Box 47852, Olympia, WA 98504-7852, phone 564-669-0026, fax 360-236-2901, email [poppy.budrow@doh.wa.gov](mailto:poppy.budrow@doh.wa.gov), web [www.doh.wa.gov](http://www.doh.wa.gov).

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

**WSR 24-18-048**

**NOTICE OF APPEAL**

**OFFICE OF THE GOVERNOR**

[Filed August 27, 2024, 12:56 p.m.]

**NOTICE OF APPEAL**

RCW 34.05.330(3)

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

On July 17, 2024, the Governor's Office received an appeal from Brad Thomsen, relating to the Washington State Fish and Wildlife Commission's denial of a petition to amend or repeal WAC 220-440-030 (*Public safety cougar removals*). The Governor's Office denied the appeal on August 27, 2024.

DATE: August 27, 2024

Kathryn Leathers  
General Counsel  
to the Governor

**WSR 24-18-049**  
**NOTICE OF PUBLIC MEETINGS**  
**OFFICE OF**  
**PUBLIC DEFENSE**

[Filed August 27, 2024, 12:59 p.m.]

September 2024 Advisory Committee Meeting

The Washington state office of public defense (OPD) has updated its September meeting location as follows:

On September 12, 2024, in person at Hilton Garden Inn, 3056 South 188th Street, SeaTac, WA 98188.

Meeting time is from 10:00 a.m. to 12:00 p.m., unless otherwise posted. Draft agendas are posted at [www.opd.wa.gov](http://www.opd.wa.gov) no less than one business day prior to the meeting.

Contact OPD at 360-586-3164 ext. 120 if you have questions regarding the above meeting schedule.

(Meeting dates, times, and location are subject to change.)

**WSR 24-18-051**

**POLICY STATEMENT**

**DEPARTMENT OF HEALTH**

[Filed August 28, 2024, 8:43 a.m.]

**Notice of Adoption  
Policy Statement**

Title: Telehealth Policy.

Issuing Entity: Chiropractic quality assurance commission (commission).

Subject Matter: The commission developed this policy statement to address licensing requirements, standards of care, and the role of the commission in evaluating technology and equipment used to facilitate telehealth services.

Effective Date: July 11, 2024.

Contact Person: Betty J. Moe, chiropractic quality assurance commission, director of policy and operations, [cqac@doh.wa.gov](mailto:cqac@doh.wa.gov).

## WSR 24-18-053

## HEALTH CARE AUTHORITY

[Filed August 28, 2024, 9:01 a.m.]

## NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 24-0026  
Community Health Workers, Community Health Representatives, and Com-  
munity Health Worker Services.

Effective Date: January 1, 2025.

Description: The health care authority (HCA) intends to submit SPA 24-0026 to add community health workers (CHW) and tribal community health representatives (CHR) as provider types to the medicaid state plan. CHWs and CHRs are frontline public health workers who are trusted members of and/or have a unique understanding of the community served. This trusting relationship enables the worker to serve as a liaison/link/intermediary between health/social services and the community to facilitate access to services and improve the quality and cultural competence of service delivery. CHWs and CHRs are supervised by any licensed practitioner within their scope of practice as defined by state law. Services include services such as assessments, care coordination, behavior change facilitation, health education, etc.

SPA 24-0026 is expected to increase annual aggregate expenditures/payments for CHW services by about \$2,000,000.

SPA 24-0026 is under development. To request a copy of the draft SPA when it becomes available or return comments, please contact the person named below. Please return comments by September 30, 2024. Please note that all comments are subject to public review and disclosure, as are the names of those who comment.

CONTACT: Nikki Banks, Community Health Integration Program Manager,  
626 8th Avenue S.E., Olympia, WA 98501, TRS (TDD/TTY) 711, email  
HCACHWGrant@hca.wa.gov.

**WSR 24-18-055**

**POLICY STATEMENT**

**DEPARTMENT OF HEALTH**

[Filed August 28, 2024, 9:15 a.m.]

**Notice of Adoption  
Policy Statement**

Title: Licensure by Endorsement—Substantially Equivalent Qualifications. CH-11-17-22.2.

Issuing Entity: Chiropractic quality assurance commission (CQAC).

Subject Matter: Identifies the states and territories of the United States, the District of Columbia, Puerto Rico, or providence of Canada with "substantially equivalent" licensing standards, allowing applicants to apply for licensure via endorsement.

Effective Date: July 11, 2024.

Contact Person: Betty J. Moe, CQAC, director of policy and operations, email cqac@doh.wa.gov.



**WSR 24-18-058**

**NOTICE OF PUBLIC MEETINGS**

**SOUTH PUGET SOUND**

**COMMUNITY COLLEGE**

[Filed August 28, 2024, 10:24 a.m.]

In compliance with RCW 42.30.075, the following are regular meetings of the board of trustees of South Puget Sound Community College, District 24:

Tuesday, September 10, 2024	2:30 p.m.	SPSCC Building 25-Boardroom
Tuesday, October 15, 2024	2:30 p.m.	SPSCC Building 25-Boardroom
Tuesday, November 12, 2024	2:30 p.m.	SPSCC Building 25-Boardroom
Tuesday, December 10, 2024	2:30 p.m.	SPSCC Building 25-Boardroom
Tuesday, January 14, 2025	2:30 p.m.	SPSCC Building 25-Boardroom
Tuesday, February 4, 2025	2:30 p.m.	SPSCC Building 25-Boardroom
Tuesday, March 11, 2025	2:30 p.m.	SPSCC Building 25-Boardroom
Tuesday, April 8, 2025	2:30 p.m.	SPSCC Building 25-Boardroom
Tuesday, May 13, 2025	2:30 p.m.	SPSCC Building 25-Boardroom
Tuesday, June 10, 2025	2:30 p.m.	SPSCC Building 25-Boardroom

If you have any questions, please contact Diana Toledo at 360-596-5206.

**WSR 24-18-063**  
**RULES COORDINATOR**  
**CLOVER PARK**  
**TECHNICAL COLLEGE**

[Filed August 28, 2024, 2:09 p.m.]

In accordance with RCW 34.05.312 and due to upcoming retirement, please replace Lisa Beach as Clover Park Technical College's rules coordinator with Thomas Oliver, senior executive assistant to the president, phone 253-589-5500, email Thomas.Oliver@cptc.edu.

Dr. Joyce Loveday  
President

**WSR 24-18-065**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Consumer Directed Employer Rate Setting Board)  
[Filed August 29, 2024, 10:26 a.m.]

Following is the schedule of regular meetings for the consumer directed employer rate setting board (RSB) for 2024:

<b>Date</b>	<b>Time</b>	<b>Location</b>
April 22	9:00 a.m. - 3:00 p.m.	Virtual: Zoom (Link will be added to the RSB website when established). In person: Blake Office Park West 4450 10th Avenue S.E. Lacey, WA 98503
April 24	9:00 a.m. - 3:00 p.m.	Virtual: Zoom (Link will be added to the RSB website when established). In person: Blake Office Park West 4450 10th Avenue S.E. Lacey, WA 98503
May 6	9:00 a.m. - 3:00 p.m.	Virtual: Zoom (Link will be added to the RSB website when established). In person: Blake Office Park West 4450 10th Avenue S.E. Lacey, WA 98503
May 16	9:00 a.m. - 3:00 p.m.	Virtual: Zoom (Link will be added to the RSB website when established). In person: Blake Office Park West 4450 10th Avenue S.E. Lacey, WA 98503
May 29	9:00 a.m. - 3:00 p.m.	Virtual: Zoom (Link will be added to the RSB website when established). In person: Blake Office Park West 4450 10th Avenue S.E. Lacey, WA 98503
June 5	9:00 a.m. - 3:00 p.m.	Virtual: Zoom (Link will be added to the RSB website when established). In person: Blake Office Park West 4450 10th Avenue S.E. Lacey, WA 98503
June 13	9:00 a.m. - 3:00 p.m.	Virtual: Zoom (Link will be added to the RSB website when established). In person: Blake Office Park West 4450 10th Avenue S.E. Lacey, WA 98503
July 8	9:00 a.m. - 3:00 p.m.	Virtual: Zoom (Link will be added to the RSB website when established). In person: Blake Office Park West 4450 10th Avenue S.E. Lacey, WA 98503

Date	Time	Location
July 25 Cancelled due to unexpected situation	9:00 a.m. - 3:00 p.m.	Virtual: Zoom (Link will be added to the RSB website when established) In-person: Blake Office Park East 4450 10th Avenue S.E. Lacey, WA 98503
August 8	9:00 a.m. - 12:00 p.m.	Virtual: Zoom (Link will be added to the RSB website when established). In person: Blake Office Park West 4450 10th Avenue S.E. Lacey, WA 98503
August 19	1:00 - 4:00 p.m.	Virtual: Zoom (Link will be added to the RSB website when established). In person: Blake Office Park West 4450 10th Avenue S.E. Lacey, WA 98503
August 27	1:00 - 4:00 p.m.	Virtual: Zoom (Link will be added to the RSB website when established). In person: 1009 College Street Lacey, WA 98503
August 30	9:00 - 11:00 a.m.	Virtual: Zoom (Link will be added to the RSB website when established). In person: Blake Office Park West 4450 10th Avenue S.E. Lacey, WA 98503

If you need further information, contact Sonya Declet, [CDERateSettingBoard@dshs.wa.gov](mailto:CDERateSettingBoard@dshs.wa.gov), <https://www.dshs.wa.gov/altsa/stakeholders/consumer-directed-employer-rate-setting-board>.

WSR 24-18-079

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF HEALTH

(Athletic Training Advisory Committee)

[Filed August 29, 2024, 2:32 p.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the approved schedule of regular meetings for the department of health (DOH), athletic training advisory committee (committee), for the year 2025. The committee meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

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

2025 Meeting Schedule

Approved by the Athletic Training Advisory Committee August 26, 2024

Date	Time	Location
May 5, 2025	9:00 a.m.	Webinar
September 15, 2025	9:00 a.m.	Tumwater

If you need further information, please contact Allyson McIver, Program Manager, Athletic Training Advisory Committee, DOH, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-2878, fax 360-236-2901, allyson.mciver@doh.wa.gov, www.doh.wa.gov.

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

**WSR 24-18-086**  
**NOTICE OF PUBLIC MEETINGS**  
**COUNTY ROAD**  
**ADMINISTRATION BOARD**

[Filed August 30, 2024, 9:30 a.m.]

- MEETING NOTICE:       October 24, 2024  
                              Marcus Whitman Hotel  
                              6 West Rose Street  
                              Walla Walla, WA 99362  
                              Native American Room  
                              Teams attendance available  
                              9:00 a.m. to 4:30 p.m.
- PUBLIC HEARING:         October 24, 2024  
                              Marcus Whitman Hotel  
                              6 West Rose Street  
                              Walla Walla, WA 99362  
                              Native American Room  
                              Teams attendance available  
                              9:15 a.m.
- MEETING NOTICE:       October 25, 2024  
                              Mini County Projects Field Trip  
                              around Walla Walla and Columbia  
                              Counties  
                              (No board action to be taken)  
                              8:00 to 11:00 a.m.

Individuals requiring reasonable accommodation may request written materials in alternative formats, sign language interpreters, physical accessibility accommodations, or other reasonable accommodation, by contacting Jason Bergquist at 360-753-5989. Hearing and/or speech impaired persons, call 1-800-833-6384.  
For questions, please call 360-753-5989.

WSR 24-18-100

NOTICE OF PUBLIC MEETINGS  
STATE BOARD FOR COMMUNITY  
AND TECHNICAL COLLEGES

[Filed September 3, 2024, 11:35 a.m.]

Following is the schedule of regular meetings for the state board for community and technical colleges for fiscal year 2024-25:

October 30-31, 2024	TBD
December 4-5, 2024	TBD
February 5-5, 2025	TBD
April 9-10, 2025	TBD
August 20-21, 2025	TBD
October 15-16, 2025	TBD
December 10-11 2025	TBD

If you need further information, please contact Sam Herriot, Government Relations Liaison, P.O. Box 42495, Olympia, WA 98504, 360-704-1019, sherriot@sbctc.edu, sbctc.edu.

**WSR 24-18-102**

**NOTICE OF PUBLIC MEETINGS**

**STATE REHABILITATION**

**COUNCIL FOR THE BLIND**

[Filed September 3, 2024, 11:55 a.m.]

The state rehabilitation council for the blind has changed the following regular meeting:

From: September 13, 2024, 9:00 a.m. to 3:00 p.m., at 3411 South Alaska Street, Room 130, Seattle, WA 98118.

To: September 13, 2024, 9:00 a.m. to 1:30 p.m., at 3411 South Alaska Street, Room 130, Seattle, WA 98118; or via Zoom.

If you need further information and/or reasonable accommodation to attend the meeting, contact Yvonne Verbraak, P.O. Box 40933, Olympia, WA 98504, 360-725-3834, 360-407-0679, yvonne.verbraak@dsb.wa.gov, www.dsb.wa.gov.



**WSR 24-18-105**  
**PUBLIC RECORDS OFFICER**  
**WORKFORCE TRAINING AND**  
**EDUCATION COORDINATING BOARD**  
[Filed September 3, 2024, 1:42 p.m.]

The workforce training and education coordinating board seeks to update the public records officer to communications manager, Andrew Lenderman, email [andrew.lenderman@wtb.wa.gov](mailto:andrew.lenderman@wtb.wa.gov).

The rest of the information for our agency can remain as is.

Marina Parr, Director  
Workforce System Advancement

## WSR 24-18-112

## HEALTH CARE AUTHORITY

[Filed September 4, 2024, 7:46 a.m.]

## NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 24-0026 Community Health Workers, Community Health Representatives, and Community Health Worker Services.

Effective Date: January 1, 2025.

Description: The health care authority (HCA) intends to submit SPA 24-0026 to add community health workers (CHW) and tribal community health representatives (CHR) as provider types to the Medicaid state plan. CHWs and CHRs are frontline public health workers who are trusted members of and/or have a unique understanding of the community served. This trusting relationship enables the worker to serve as a liaison/link/intermediary between health/social services and the community to facilitate access to services and improve the quality and cultural competence of service delivery. CHWs and CHRs are supervised by any licensed practitioner within their scope of practice as defined by state law. Services include services such as assessments, care coordination, behavior change facilitation, health education, etc.

SPA 24-0026 is expected to increase annual aggregate expenditures/payments for CHW services by about \$2,000,000.

SPA 24-0026 is under development. To request a copy of the draft SPA when it becomes available or return comments, please contact the person named below. Please return comments by September 30, 2024. Please note that all comments are subject to public review and disclosure, as are the names of those who comment.

CONTACT: Nikki Banks, Community Health Integration Program Manager, 626 8th Avenue S.E., Olympia, WA 98501, TRS (TDD/TTY) 711, email HCACHWGrant@hca.wa.gov.