

**WSR 21-13-073**  
**EXPEDITED RULES**  
**REDISTRICTING COMMISSION**  
[Filed June 15, 2021, 8:36 a.m.]

Title of Rule and Other Identifying Information: Chapter 417-06 WAC, Third party submissions.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The redistricting commission has reestablished itself since the last redistricting exercise in 2011-2012 and its third party submissions rules need to be updated to reflect the technologies being used in this redistricting cycle. The rules also need to reflect the challenges posed to this decennial redistricting cycle given the pandemic. The proposal allows for the submission of written, graphic, audio or video files from individuals or interest groups. Prior to receipt of the PL 94-171 data from the Census Bureau, it explains how to submit third-party comments and descriptions of communities of interest. Once data is received, the rule describes the parameters of a formal third-party plan, encouraging the use of the MyDistricting mapping tool or similar programs.

Reasons Supporting Proposal: In the last ten years, the development of open source online redistricting software and the more pervasive public use of online tools has enabled the public to engage with the redistricting process effectively using these online softwares. There is less interest and use of paper maps and CD-ROMs. The commission has also revamped its website and offers on that website all of the tools mentioned in the revised WAC to allow for the submission of written, graphic, audio or video files from individuals or interest groups.

Statutory Authority for Adoption: RCW 44.05.080(1). The commission is obliged to adopt rules pursuant to the Administrative Procedure Act, chapter 34.05 RCW, to carry out the provisions of Article II, section 43 of the state constitution and chapter 44.05 RCW.

Statute Being Implemented: Article II, section 43 of the state Constitution and chapter 44.05 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state redistricting commission, governmental.

Name of Agency Personnel Responsible for Drafting: Lorri Showalter, 1007 Washington Street S.E., Olympia, WA, 360-790-8534; Implementation: Lisa McLean, 1007 Washington Street S.E., Olympia, WA, 360-522-0373; and Enforcement: Sarah Augustine, 1007 Washington Street S.E., Olympia, WA, 360-999-5209.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The redistricting commission discussed and approved this rule revision at a special meeting held on June 7, 2021.

This notice meets the following criteria to use the expedited adoption process for these rules:

Relates only to internal governmental operations that are not subject to violation by a person.

Content is explicitly and specifically dictated by statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The commission has an obligation to explain to the public how it will be accepting public comment. The procedure has changed since the last redistricting cycle due to advances

in technology. Thus, the commission is laying out its revised internal governmental operations.

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Lisa McLean, Washington State Redistricting Commission, P.O. Box 40948, Olympia, WA 98504-0948, phone 360-999-5209, email Lisa.McLean@redistricting.wa.gov, AND RECEIVED BY August 23, 2021.

June 15, 2021

Lisa McLean  
Executive Director

OTS-3119.1

**Chapter 417-06 WAC  
THIRD-PARTY SUBMISSIONS**

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

**WAC 417-06-100 Purpose.** The commission encourages individuals and interest groups to submit proposed redistricting plans and descriptions of recognized communities of interest to the commission. The purpose of this chapter is to establish methods by which such plans and descriptions may be submitted to the commission.

[Statutory Authority: RCW 44.05.080(1). WSR 91-20-006, § 417-06-100, filed 9/19/91, effective 10/20/91.]

AMENDATORY SECTION (Amending WSR 01-13-123, filed 6/20/01, effective 7/9/01)

**WAC 417-06-110 Definitions.** As used in this chapter:

(1) All words and phrases defined in chapter one of this title (WAC 417-01-120) and RCW 44.05.020 shall have the same meaning for the purposes of this chapter.

(2) "Commission plan" means a proposed plan of redistricting, including any amendment to a proposed plan of redistricting, that is submitted to the commission by a commissioner, or by the chair or the staff of the commission. It also means a plan of redistricting, including any amendment to a proposed plan of redistricting, that is prepared by or at the direction of one or more of the commissioners.

(3) "Formal third-party plan" means a redistricting plan other than a commission plan that meets the requirements of WAC 417-06-130 and that covers all of the territory of the state, or that covers at least all of the territory of the state that lies to the east of, or to the west of, the crest of the Cascade range.

(4) "Partial (~~formal~~) third-party plan" means a plan other than a commission plan that would qualify as a formal third-party plan except that it covers a smaller geographical area than a formal third-party plan.

(5) "~~(Informal plan)~~ Description of a community of interest" means a (~~redistricting plan~~) written, graphic, audio or video file submitted by an individual or interest group other than ((a)) the commission ((plan that does not qualify as a formal plan or a partial formal plan)) that explains or portrays an area or areas that make up a recognized community of interest.

(6) "Third-party (~~amendment~~) comment" means a written, graphic, audio or video proposal for an amendment to a commission plan or a third-party plan, submitted to the commission by an individual or interest group other than the commissioners or the chair or staff of the commission. A third-party (~~amendment~~) comment may be a formal third-party plan, a partial (~~formal~~) third-party plan, or (~~an informal plan~~) a description of a community of interest.

~~((7) "Third party plan" means a plan of redistricting that is a formal plan, a partial formal plan, an informal plan or a third party amendment, submitted to the commission by an individual or interest group other than the commissioners or the chair or staff of the commission.))~~

[Statutory Authority: RCW 44.05.080(1). WSR 01-13-123, § 417-06-110, filed 6/20/01, effective 7/9/01; WSR 91-20-006, § 417-06-110, filed 9/19/91, effective 10/20/91.]

AMENDATORY SECTION (Amending WSR 11-15-010, filed 7/7/11, effective 8/7/11)

**WAC 417-06-130 Format for formal or partial third-party plans.**

(1) Any (~~formal~~) third-party plan submitted to the commission shall be submitted electronically in the following (~~approved~~) formats:

(a) (~~Electronic submissions: Formal plan electronic submissions from individuals and groups are encouraged, and shall be made on either:~~

~~(i) CD-ROMs containing a table of equivalencies file giving the census block to district assignments as assignment files in Excel or Access; or~~

~~(ii)) A text file format containing polygon identification and polygon district assignment columns; or~~

~~((iii) As district files containing a district identification number; or~~

~~(iv) As)) (b) A shape file or geodatabase; or~~

~~((v) In a format approved by the U.S. Department of Justice.~~

~~(b) Paper map submissions: The commission will have available for public purchase paper maps, created using current geographic data provided by the U.S. Bureau of the Census. The maps will be sold for an amount (to be established by the executive director) sufficient to cover the cost to the commission of producing the map copies. Map~~

scale may vary, depending on the population density in the area covered. Maps may be purchased singly or in sets. Formal plan paper map submissions from individuals and groups shall be made on the maps provided by the commission, or on full-size copies thereof. Explanations of the commission's maps, and) (c) A submission from the MyDistricting tool on the website.

(2) Instructions to users for submission of formal or partial third-party plans, of descriptions of a community of interest, or of a third-party amendment shall be (~~made available free of charge from the commission.~~

~~Materials explaining these format(s) shall be~~) posted on the commission website ([www.redistricting.wa.gov](http://www.redistricting.wa.gov)), and made available free of charge from the commission.

(3) The commission shall post census and geographic data on the commission website ([www.redistricting.wa.gov](http://www.redistricting.wa.gov)). (~~Such data will also be available on CD-ROM at a charge (to be established by the executive director) sufficient to cover the cost to the commission of producing CD-ROM copies of the electronic files.~~

~~Each electronic formal))~~ (4) A formal or partial third-party plan submission shall be based upon current and official Census Bureau (of the Census) geography and Public Law 94-171 file unique block identity code of state, county, tract, and block (~~, and shall be accompanied by a full description of its contents, including an identification by name and/or location of each data file that is contained, a detailed record layout for each such file, a record count for each such file, and a full description of the format~~)).

~~((2))~~ (5) Individuals and groups submitting formal or partial third-party plans shall supplement their (paper map or electronic) submissions with the following information: Name, address, and (telephone number) email address (if available) of a contact person; (a submission cover letter; the total number of plans submitted;) a narrative explanation of the plan's ~~(compliance)~~ conformity with the constitutional and statutory requirements identified in WAC 417-06-120; and a description of the original source materials and data used for the submission. They may also include with the formal or partial third-party plan such other supporting materials and data as they deem appropriate.

[Statutory Authority: RCW 44.05.080(2). WSR 11-15-010, § 417-06-130, filed 7/7/11, effective 8/7/11. Statutory Authority: RCW 44.05.080(1). WSR 01-13-123, § 417-06-130, filed 6/20/01, effective 7/9/01; WSR 91-20-006, § 417-06-130, filed 9/19/91, effective 10/20/91.]

AMENDATORY SECTION (Amending WSR 01-13-123, filed 6/20/01, effective 7/9/01)

**WAC 417-06-140 Format for ((informal plans)) description of a community of interest.** (~~The commission requests that~~) Individuals and interest groups submitting (informal plans use the paper map or electronic submission formats that are required for formal plans. The commission will accept informal plans that are submitted in nonconforming formats; however, such plans may not be capable of being tested for population data against the official census geography and Public Law 94-171 files that are incorporated in the commission's sys-

~~tems-))~~ description of a community of interest to the commission may use the following formats:

(1) By sending through the commission website (www.redistricting.wa.gov) a video file, a written comment, or map drawn using the MyDistricting tool; or

(2) By sending an email to the commission's comment box, comment@redistricting.wa.gov; or

(3) By leaving a voicemail message on the commission's comment telephone line, 360-524-4390; or

(4) By sending a written comment, drawn map, or video or audio file to P.O. Box 40948, Olympia, Washington 98504-0948.

[Statutory Authority: RCW 44.05.080(1). WSR 01-13-123, § 417-06-140, filed 6/20/01, effective 7/9/01; WSR 91-20-006, § 417-06-140, filed 9/19/91, effective 10/20/91.]

AMENDATORY SECTION (Amending WSR 11-15-010, filed 7/7/11, effective 8/7/11)

**WAC 417-06-150 Time and place of submissions.** Early submission of ~~((third party plans))~~ description of communities of interest is encouraged. All submissions and supporting materials should be mailed ~~((or delivered))~~ to the commission's office ~~((not to a commissioner))~~ in Olympia, or they may be presented to commission staff at any public hearing held by the commission. Submissions may be electronically mailed to the commission's address identified in WAC 417-01-125, or made directly to the commission through any redistricting mapping tool on its web site. The date of the electronically mailed submission shall be the date the delivered materials are received by the commission. The submission envelope, cover letter and all other submission materials should be clearly marked: "Redistricting Plan Submission." The person or organization submitting the plan bears the responsibility and accepts the risk to ensure timely delivery of the plan to the commission. The commission has no responsibility to review untimely or ~~improperly submitted plans-))~~ in Olympia, electronically mailed to the commission's comment inbox (comment@redistricting.wa.gov) or posted on the website, or left as a voicemail message at the commission's comment line at 360-524-4390. Submissions made to a specific commissioner or staff member may not reach the entire commission.

[Statutory Authority: RCW 44.05.080(2). WSR 11-15-010, § 417-06-150, filed 7/7/11, effective 8/7/11. Statutory Authority: RCW 44.05.080(1). WSR 01-13-123, § 417-06-150, filed 6/20/01, effective 7/9/01; WSR 91-20-006, § 417-06-150, filed 9/19/91, effective 10/20/91.]

AMENDATORY SECTION (Amending WSR 91-20-006, filed 9/19/91, effective 10/20/91)

**WAC 417-06-160 Public access to third-party ~~((plans))~~ submissions.** Any third-party ~~((plan submitted))~~ submission to the commission, together with any supporting materials or data submitted in connection therewith, will be a public document, subject to inspection

and copying in compliance with the commission's rules with respect to public records (chapter 417-02 WAC).

[Statutory Authority: RCW 44.05.080(1). WSR 91-20-006, § 417-06-160, filed 9/19/91, effective 10/20/91.]

AMENDATORY SECTION (Amending WSR 01-13-123, filed 6/20/01, effective 7/9/01)

**WAC 417-06-170 Public rights in third-party ((plans)) submissions.** ((The submission of)) Any third-party ((plan)) submission to the commission shall be deemed for all purposes a release and waiver, and an unconditional assignment to the state, of any proprietary or ownership rights therein, and in any materials or data submitted in connection therewith. The commission, the state supreme court, and any other person or entity shall have the free and unrestricted right to make any use whatever, without any charge (except for copying charges that may be assessed by the commission in response to public records requests for plans, under WAC 417-06-160 and chapter 417-02 WAC) and free of any trademark, copyright or similar restriction, of all or any part of any such third-party plan, and any such materials or data.

[Statutory Authority: RCW 44.05.080(1). WSR 01-13-123, § 417-06-170, filed 6/20/01, effective 7/9/01; WSR 91-20-006, § 417-06-170, filed 9/19/91, effective 10/20/91.]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 417-06-135            Format for partial formal plans.

## WSR 21-13-148

## EXPEDITED RULES

## DEPARTMENT OF HEALTH

[Filed June 22, 2021, 1:43 p.m.]

Title of Rule and Other Identifying Information: WAC 246-809-330 Supervised postgraduate experience requirements, licensure of mental health counselors, marriage and family therapists, and social workers. The department of health (department) is proposing a permanent rule amendment to WAC 246-809-330 to remove the limit on distance supervision hours that may be obtained by social worker associates applying for licensure, consistent with statutory amendments made by SHB 1007 (chapter 21, Laws of 2021).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed amendment to WAC 246-809-330 is to align with statutory amendments to RCW 18.225.090 made by SHB 1007. Currently, both RCW 18.255.090 and WAC 246-809-330 limit the number of distance supervision hours that may be obtained to forty hours for a social worker associate-advanced and sixty hours for a social worker associate-independent clinical. Statutory amendments effective July 24, 2021, will remove the limits on distance supervision hours, creating a conflict with WAC 246-809-330. Amending WAC 246-809-330 through expedited rule making to remove limits on distance supervision hours will align the regulation with the statute.

Reasons Supporting Proposal: Statutory amendments made by SHB 1007 create a conflict between the statute and regulation. Amending WAC 246-809-330 by expedited rule making to remove conflicting language will align the regulation with new statutory amendments. Additionally, this change will allow social worker associates to more easily find an available supervisor and obtain enough supervised experience hours to apply for full licensure. In the short term, this change will promote social distancing and mitigate transmission of COVID-19; in the longer term, it will likely facilitate completion of supervised experience hours by social worker associates and may increase the number of applicants who are able to become fully licensed.

Statutory Authority for Adoption: RCW 18.225.040.

Statute Being Implemented: SHB 1007 (chapter 21, Laws of 2021) codified in RCW 18.225.090.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Brandon Williams, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4611.

This notice meets the following criteria to use the expedited repeal process for these rules:

The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: The statutory requirement in which the rule is based has been repealed. The proposed repealed rule language [language] will align with amendments made by SHB 1007.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Brandon Williams, Department of Health, P.O. Box 47850, Olympia, WA 98504-7850, phone 360-236-4611, email <https://fortress.wa.gov/doh/policyreview>, AND RECEIVED BY September 6, 2021.

June 22, 2021  
 Kristin Peterson, JD  
 Deputy Secretary, Policy and Planning  
 for Umair A. Shah, MD, MPH  
 Secretary

### OTS-3066.1

AMENDATORY SECTION (Amending WSR 20-12-074, filed 6/1/20, effective 7/2/20)

#### **WAC 246-809-330 Supervised postgraduate experience requirements.**

(1) Licensed advanced social worker.

(a) Applicants who have held an active advanced social worker license for the past five consecutive years or more in another state or territory, without a disciplinary record or disqualifying criminal history, are deemed to have met the supervised experience requirements for Washington state licensure in subsection (1)(c) of this section.

(b) In accordance with RCW 18.225.090 and 18.225.095, for applicants who can demonstrate they have practiced as a substance use disorder professional for at least three years within ten years from the date their application for an advanced social worker license is submitted to the department, the department shall reduce the total required supervised hours from three thousand two hundred hours to two thousand eight hundred eighty hours. The requirements in subsection (3)(c)(i) through (iii) of this section shall apply regardless of the reduction of total required hours.

(c) The supervised experience requirement consists of a minimum of three thousand two hundred hours with ninety hours of supervision by a licensed independent clinical social worker or a licensed advanced social worker who has been licensed or certified for at least two years. Of those hours:

(i) Eight hundred hours must be in direct client contact; and

(ii) Ninety hours must be in direct supervision as follows:

(A) Fifty hours must include direct supervision by a licensed advanced social worker or licensed independent clinical social worker; these hours may be in one-to-one supervision or group supervision; and

(B) Forty hours may be with an equally qualified licensed mental health practitioner as defined in WAC 246-809-310(3). These hours must be in one-to-one supervision (~~and~~

~~(iii) Distance supervision is limited to forty supervision hours~~)).

(2) Licensed independent clinical social worker.



(a) Applicants who have held an active independent clinical social worker license for the past five consecutive years or more in another state or territory, without a disciplinary record or disqualifying criminal history, are deemed to have met the supervised experience requirements for Washington state licensure in (c) of this subsection.

(b) In accordance with RCW 18.225.090 and 18.225.095, for applicants who can demonstrate they have practiced as a substance use disorder professional for at least three years within ten years from the date their application for an independent clinical social worker license is submitted to the department, the department shall reduce the total required supervised hours from four thousand hours to three thousand six hundred hours. The requirements in subsection (2)(c)(i) and (ii) of this section shall apply regardless of the reduction of total required hours.

(c) The experience requirement consists of a minimum of four thousand hours of experience, over a period of not less than three years. Of those four thousand hours:

(i) One thousand hours must be direct client contact supervised by a licensed independent clinical social worker;

(ii) One hundred thirty hours of direct supervision as follows:

(A) Seventy hours must be with an independent clinical social worker;

(B) Sixty hours may be with an equally qualified licensed mental health practitioner as defined in WAC 246-809-310(3); and

(C) Sixty hours of the one hundred thirty hours of direct supervision must be in one-to-one supervision. The remaining seventy hours may be in one-to-one supervision or group supervision (~~and~~

~~(D) Distance supervision is limited to sixty supervision hours~~)).

(3) Licensed social worker associate-advanced and licensed social worker associate-independent clinical applicants are not required to have supervised postgraduate experience prior to becoming an associate.

(4) Licensed social worker associate-advanced and licensed social worker associate-independent clinical applicants must declare they are working toward full licensure.

[Statutory Authority: 2019 c 444, 2019 c 446, 2019 c 351, and RCW 18.19.050, 18.205.060, 18.225.040, 43.70.110, and 43.70.250. WSR 20-12-074, § 246-809-330, filed 6/1/20, effective 7/2/20. Statutory Authority: RCW 18.225.040. WSR 17-13-082, § 246-809-330, filed 6/16/17, effective 7/17/17.]

## WSR 21-13-152

## EXPEDITED RULES

## DEPARTMENT OF HEALTH

[Filed June 22, 2021, 2:11 p.m.]

Title of Rule and Other Identifying Information: WAC 246-809-990 regarding license renewals for licensed counselor associates, and 246-811-035 regarding renewals for substance use disorder professional trainees. The department of health (department) proposes amending two behavioral health professions under the authority of the secretary of health to implement HB 1063 (chapter 57, Laws of 2021). Proposed amendments will incorporate by reference statutes that now allow additional license renewals for licensed counselor associates and substance use disorder professional trainees. Additionally, a proposed amendment will make a housekeeping change to remove an outdated citation.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed amendments is to align rules with recent statutory changes. HB 1063 created an exception to the statutory limits on associate and trainee license renewals for licensed counselors and substance use disorder professionals (SUDP). Proposed rule amendments will incorporate statutory amendments by reference.

Previously, both the statute and the rules limited licensed counselor associates to six license renewals and SUDP trainees to four license renewals. Under amendments made by HB 1063, the secretary of health may allow additional renewals when a governor-declared emergency has resulted in barriers to testing or training. Proposed amendments to WAC 246-809-990 and 246-811-035 will clarify that statutory limits to associate and trainee license renewals apply, except as provided by statute.

An additional proposed amendment to WAC 246-809-990 will remove an outdated citation.

Reasons Supporting Proposal: HB 1063 is intended to address some of the impacts of the COVID-19 declared emergency on behavioral health profession associates and trainees. Impacts include training and testing barriers, layoffs, and more limited opportunities to complete supervised experience hours. These unanticipated setbacks could result in an associate or trainee exhausting the number of renewals allowed by statute without completing the supervised experience hours necessary to achieve full licensure. Providing additional renewals under HB 1063 will allow associates and trainees to continue their path to full licensure and help increase Washington's behavioral health professional workforce

Statutory Authority for Adoption: RCW 18.225.040 and 18.205.060.

Statute Being Implemented: HB 1063 (chapter 57, Laws of 2021); RCW 18.225.145 and 18.205.095.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of health, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Brandon Williams, 111 Israel Road S.E., Tumwater, WA 98501, 360-236-4611.

This notice meets the following criteria to use the expedited adoption process for these rules:

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes,

rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Incorporating by reference the statutory exception established by HB 1063 will align the rules with statute.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Brandon Williams, Department of Health, Office of Health Professions, P.O. Box 47850, Olympia, WA 98504-7850, phone 360-236-4611, email <https://fortress.wa.gov/doh/policyreview>, AND RECEIVED BY September 6, 2021.

June 22, 2021  
 Kristin Peterson  
 Deputy Secretary, Policy and Planning  
 for Umair A. Shah, MD, MPH  
 Secretary

**OTS-3067.2**

AMENDATORY SECTION (Amending WSR 20-12-074, filed 6/1/20, effective 7/2/20)

**WAC 246-809-990 Licensed counselor, and associate—Fees and renewal cycle.** (1) Except for a probationary license as described in WAC 246-809-095, a license must be renewed every year on the practitioner's birthday as provided in chapter 246-12 WAC (~~(, Part 2)~~).

(2) Associate licenses are valid for one year and must be renewed every year on the date of issuance. The associate license may be renewed no more than six times, except as provided in RCW 18.225.145.

(3) The following nonrefundable fees will be charged:

| Title   | Fee      |
|---|----------|
| <b>Licensed marriage and family therapist</b> |          |
| <b>Original application</b>                   |          |
| Application and initial license               | \$290.00 |
| UW online access fee (HEAL-WA)                | 16.00    |
| <b>Active license renewal</b>                 |          |
| Renewal                                       | 180.00   |
| Late renewal penalty                          | 90.00    |
| Expired license reissuance                    | 85.00    |
| UW online access fee (HEAL-WA)                | 16.00    |

| <b>Title</b>   | <b>Fee</b> |
|--|------------|
| <b>Retired active license renewal</b>  |            |
| Renewal  | 70.00      |
| Late renewal penalty   | 35.00      |
| UW online access fee (HEAL-WA)   | 16.00      |
| <b>Duplicate license</b>   | 10.00      |
| <b>Verification of license</b>   | 25.00      |
| <b>Licensed marriage and family therapy associate</b>                                  |            |
| <b>Original application</b>  |            |
| Application  | 65.00      |
| UW online access fee (HEAL-WA)   | 16.00      |
| <b>Renewal</b>   |            |
| Renewal  | 50.00      |
| UW online access fee (HEAL-WA)   | 16.00      |
| Late renewal penalty   | 50.00      |
| Expired license reissuance   | 40.00      |
| <b>Duplicate license</b>   | 10.00      |
| <b>Verification of license</b>   | 25.00      |
| <b>Licensed mental health counselor</b>  |            |
| <b>Original application</b>  |            |
| Application  | 95.00      |
| Initial license  | 80.00      |
| UW online access fee (HEAL-WA)   | 16.00      |
| <b>Active license renewal</b>  |            |
| Renewal  | 90.00      |
| Late renewal penalty   | 50.00      |
| Expired license reissuance   | 65.00      |
| UW online access fee (HEAL-WA)   | 16.00      |
| <b>Retired active license renewal</b>  |            |
| Renewal retired active   | 70.00      |
| Late renewal penalty   | 35.00      |
| UW online access fee (HEAL-WA)   | 16.00      |
| <b>Duplicate license</b>   | 10.00      |
| <b>Verification of license</b>   | 25.00      |
| <b>Licensed mental health counselor associate</b>                                      |            |
| <b>Original application</b>  |            |
| Application  | 35.00      |
| <b>Renewal</b>   |            |
| Renewal  | 25.00      |
| Late renewal penalty   | 25.00      |
| Expired license reissuance   | 40.00      |
| <b>Duplicate license</b>   | 10.00      |
| <b>Verification of license</b>   | 25.00      |
| <b>Licensed advanced social worker and licensed independent clinical social worker</b> |            |
| <b>Original application</b>  |            |
| Application  | 100.00     |
| Initial license  | 100.00     |

| <b>Title</b>   | <b>Fee</b> |
|--|------------|
| UW online access fee (HEAL-WA)   | 16.00      |
| <b>Active license renewal</b>  |            |
| Renewal  | 100.00     |
| Late renewal penalty   | 50.00      |
| Expired license reissuance   | 72.50      |
| UW online access fee (HEAL-WA)   | 16.00      |
| <b>Retired active license renewal</b>  |            |
| Renewal retired active   | 65.00      |
| Late renewal penalty   | 30.00      |
| UW online access fee (HEAL-WA)   | 16.00      |
| <b>Duplicate license</b>   | 10.00      |
| <b>Verification of license</b>   | 25.00      |
| <b>Licensed advanced social worker associate<br/>and licensed independent clinical social<br/>worker associate</b> |            |
| <b>Original application</b>  |            |
| Application  | 35.00      |
| UW online access fee (HEAL-WA)*  | 16.00      |
| <b>Renewal</b>   |            |
| Renewal  | 25.00      |
| Late renewal penalty   | 25.00      |
| UW online access fee (HEAL-WA)*  | 16.00      |
| Expired license reissuance   | 40.00      |
| <b>Duplicate license</b>   | 10.00      |
| <b>Verification of license</b>   | 25.00      |

\* Surcharge applies to independent clinical social worker associate only.

(4) For a probationary license as described under WAC 246-809-095, the following nonrefundable fees will be charged:

| <b>Title</b>                                  | <b>Fee</b> |
|---|------------|
| <b>Licensed marriage and family therapist</b> |            |
| <b>Original application</b>                   |            |
| Application and initial license               | \$290.00   |
| <b>Active license renewal</b>                 |            |
| Renewal                                       | 180.00     |
| Late renewal penalty                          | 90.00      |
| Expired license reissuance                    | 85.00      |
| <b>Duplicate license</b>                      | 10.00      |
| <b>Verification of license</b>                | 25.00      |
| <b>Licensed mental health counselor</b>       |            |
| <b>Original application</b>                   |            |
| Application and initial license               | 175.00     |
| <b>Active license renewal</b>                 |            |
| Renewal                                       | 90.00      |
| Late renewal penalty                          | 50.00      |
| Expired license reissuance                    | 65.00      |
| <b>Duplicate license</b>                      | 10.00      |

| Title  | Fee    |
|--|--------|
| Verification of license  | 25.00  |
| <b>Licensed advanced social worker and licensed independent clinical social worker</b> |        |
| <b>Original application</b>  |        |
| Application and initial license  | 200.00 |
| <b>Active license renewal</b>  |        |
| Renewal  | 100.00 |
| Late renewal penalty   | 50.00  |
| Expired license reissuance   | 72.50  |
| <b>Duplicate license</b>   | 10.00  |
| <b>Verification of license</b>   | 25.00  |

[Statutory Authority: 2019 c 444, 2019 c 446, 2019 c 351, and RCW 18.19.050, 18.205.060, 18.225.040, 43.70.110, and 43.70.250. WSR 20-12-074, § 246-809-990, filed 6/1/20, effective 7/2/20. Statutory Authority: RCW 43.70.250 and 43.70.280. WSR 18-01-098, § 246-809-990, filed 12/18/17, effective 4/1/18. Statutory Authority: RCW 43.70.110, 43.70.280 and 18.225.145. WSR 15-19-149, § 246-809-990, filed 9/22/15, effective 1/1/16. Statutory Authority: RCW 18.130.250, 18.225.170, 43.70.110, and 43.70.250. WSR 13-24-097, § 246-809-990, filed 12/3/13, effective 2/1/14. Statutory Authority: RCW 43.70.110 (3) (c) and 43.70.250. WSR 12-19-088, § 246-809-990, filed 9/18/12, effective 11/1/12. Statutory Authority: RCW 43.70.110 and 43.70.112. WSR 11-19-098, § 246-809-990, filed 9/20/11, effective 1/1/12. Statutory Authority: RCW 43.70.110, 43.70.250, and 2010 c 37. WSR 10-19-071, § 246-809-990, filed 9/16/10, effective 10/15/10. Statutory Authority: Chapter 18.225 RCW. WSR 09-15-039, § 246-809-990, filed 7/8/09, effective 7/8/09. Statutory Authority: RCW 43.70.110, 43.70.250 and 2008 c 329. WSR 08-16-008, § 246-809-990, filed 7/24/08, effective 7/25/08. Statutory Authority: RCW 43.70.250, [43.70.]280 and 43.70.110. WSR 05-12-012, § 246-809-990, filed 5/20/05, effective 7/1/05. Statutory Authority: 2001 c 251, RCW 43.70.250. WSR 01-17-113, § 246-809-990, filed 8/22/01, effective 9/22/01.]

#### OTS-3104.1

AMENDATORY SECTION (Amending WSR 21-02-002, filed 12/23/20, effective 1/23/21)

**WAC 246-811-035 Certification of a substance use disorder professional trainee.** (1) The department of health will issue a substance use disorder professional trainee certificate to an individual who:

- Submits an application on forms the department provides;
- Includes written documentation to meet the eligibility criteria;
- Declares that he or she is enrolled in an approved school and gaining the experience required to receive a substance use disorder professional credential.

(2) A substance use disorder professional trainee must submit a signed declaration with their annual renewal that states they are enrolled in an approved education program, or have completed the educational requirements, and are obtaining the experience requirements for a substance use disorder professional credential.

(3) A substance use disorder professional trainee certificate can only be renewed four times, except as provided in RCW 18.205.095.

[Statutory Authority: RCW 18.19.050, 18.29.130, 18.29.210, 18.34.120, 18.46.060, 18.55.095, 18.84.040, 18.88B.060, 18.89.050, 18.130.050, 18.138.070, 18.155.040, 18.200.050, 18.205.060, 18.215.040, 18.230.040, 18.240.050, 18.250.020, 18.290.020, 18.360.030, 18.360.070, 70.41.030, 70.230.020, 71.12.670, and 18.108.085. WSR 21-02-002, § 246-811-035, filed 12/23/20, effective 1/23/21. Statutory Authority: 2019 c 444, 2019 c 446, 2019 c 351, and RCW 18.19.050, 18.205.060, 18.225.040, 43.70.110, and 43.70.250. WSR 20-12-074, § 246-811-035, filed 6/1/20, effective 7/2/20. Statutory Authority: Chapter 18.205 RCW. WSR 09-14-111, § 246-811-035, filed 6/30/09, effective 7/1/09.]

**WSR 21-13-167**  
**EXPEDITED RULES**  
**HEALTH CARE AUTHORITY**  
 [Filed June 23, 2021, 10:33 a.m.]

Title of Rule and Other Identifying Information: WAC 182-51-0100 Definitions.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To correct a typographical error.

Reasons Supporting Proposal: The health care authority (HCA) is amending this rule to correct an erroneous cross-reference in subsection (18). The cross-reference should refer to WAC 182-51-0100 (5)(b), rather than subsection (3)(b).

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Jason Crabbe, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-9563; Implementation and Enforcement: Julie Colacurcio, P.O. Box 45506, Olympia, WA 98504-5506, 360-725-9585.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: This rule making is for correction purposes only as allowed by RCW 34.05.353 (1)(c).

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Wendy Barcus, HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1306, fax 360-586-9272, email arc@hca.wa.gov, AND RECEIVED BY August 24, 2021.

June 23, 2021  
 Wendy Barcus  
 Rules Coordinator

**OTS-3120.1**

AMENDATORY SECTION (Amending WSR 21-10-008, filed 4/22/21, effective 5/23/21)

**WAC 182-51-0100 Definitions.** For the purposes of this chapter:



- (1) "Authority" means the health care authority.
- (2) "Calendar days" means the same as in WAC 182-526-0010.
- (3) "Calendar year" means the period from January 1st to December 31st of each year.
- (4) "Confidential information" means information collected by the authority according to RCW 43.71C.020 through 43.71C.080, which is not subject to public disclosure under chapter 42.56 RCW and must be held confidential by all data recipients, according to WAC 182-51-0900.
- (5) "Covered drug" means any prescription drug that:
  - (a) A covered manufacturer intends to introduce to the market in Washington state at a wholesale acquisition cost of ten thousand dollars or more for a course of treatment lasting less than one month or a thirty-day supply, whichever period is longer; or
  - (b) Meets all of the following:
    - (i) Is currently on the market in Washington state;
    - (ii) Is manufactured by a covered manufacturer; and
    - (iii) Has a wholesale acquisition cost of more than one hundred dollars for a course of treatment lasting less than one month or a thirty-day supply, and, taking into account only price increases that take effect on or after October 1, 2019, the manufacturer increases the wholesale acquisition cost such that:
      - (A) The new wholesale acquisition cost is twenty percent higher than the wholesale acquisition cost on the same day of the month, twelve months before the date of the proposed increase; or
      - (B) The new wholesale acquisition cost is fifty percent higher than the wholesale acquisition cost on the same day of the month, thirty-six months before the date of the proposed increase.
- (6) "Covered manufacturer" means a person, corporation or other entity engaged in the manufacture of prescription drugs sold in or into Washington state. "Covered manufacturer" does not include a private label distributor or retail pharmacy that sells a drug under the retail pharmacy's store label, or a prescription drug repackager.
- (7) "Data" means all data provided to the authority under RCW 43.71C.020 through 43.71C.080 and any analysis prepared by the authority.
- (8) "Data recipient" means an individual or entity authorized to receive data under RCW 43.71C.100.
- (9) "Data submission guide" means the document that identifies the data required under chapter 43.71C RCW, and provides instructions for submitting this data to the authority, including guidance on required format for reporting, for each reporting entity.
- (10) "Food and drug administration (FDA) approval date" means the deadline for the FDA to review applications for new drugs or new biologics after the new drug application or biologic application is accepted by the FDA as complete in accordance with the Prescription Drug User Fee Act of 1992 (106 Stat. 4491; P.L. 102-571).
- (11) "Health plan," "health carrier," and "carrier" mean the same as in RCW 48.43.005.
- (12) "Introduced to market" means marketed in Washington state.
- (13) "Pharmacy benefit manager" means the same as defined in RCW 19.340.010.
- (14) "Pharmacy services administrative organization" means an entity that:
  - (a) Contracts with a pharmacy to act as the pharmacy's agent with respect to matters involving a pharmacy benefit manager, third-party payor, or other entities, including negotiating, executing, or admin-

istering contracts with the pharmacy benefit manager, third-party payor, or other entities; and

(b) Provides administrative services to pharmacies.

(15) "Pipeline drug" means a drug or biologic product containing a new molecular entity, not yet approved by the Food and Drug Administration, for which a manufacturer intends to seek initial approval from the Food and Drug Administration under an original new drug application under 21 U.S.C. Sec. 355(b) or under a biologics license application under 42 U.S.C. Sec. 262 to be marketed in Washington state.

(16) "Prescription drug" means a drug regulated under chapter 69.41 or 69.50 RCW that is prescribed for outpatient use and distributed in a retail setting, including generic, brand name, specialty drugs, and biological products.

(17) "Private label distributor" means a firm that does not participate in the manufacture or processing of a drug but instead markets and distributes under its own trade name, and labels a drug product made by someone else.

(18) "Qualifying price increase" means a price increase described in subsection ~~((3))~~ (5)(b) of this section.

(19) "Rebate" means negotiated price concessions, discounts, however characterized, that accrue directly or indirectly to a reporting entity in connection with utilization of prescription drugs by reporting entity members including, but not limited to, rebates, administrative fees, market share rebates, price protection rebates, performance-based price concessions, volume-related rebates, other credits, and any other negotiated price concessions or discounts that are reasonably anticipated to be passed through to a reporting entity during a coverage year, and any other form of price concession prearranged with a covered manufacturer, dispensing pharmacy, pharmacy benefit manager, rebate aggregator, group purchasing organization, or other party which are paid to a reporting entity and are directly attributable to the utilization of certain drugs by reporting entity members.

(20) "Reporting entity" means carriers, covered manufacturers, health carriers, health plans, pharmacy benefit managers, and pharmacy services administrative organizations, which are required to or voluntarily submit data according to chapter 43.71C RCW.

(21) "Wholesale acquisition cost" means, with respect to a prescription drug, the manufacturer's list price for the drug to wholesalers or direct purchasers in the United States, excluding any discounts, rebates, or reductions in price, for the most recent month for which the information is available, as reported in wholesale acquisition cost guides or other publications of prescription drug pricing.

[Statutory Authority: RCW 41.05.021, 41.05.160, 43.71C.010, 43.71C.050, 43.71C.100, and 43.71C.110. WSR 21-10-008, § 182-51-0100, filed 4/22/21, effective 5/23/21. Statutory Authority: RCW 41.05.021, 41.05.160 and 2019 c 334. WSR 20-19-079, § 182-51-0100, filed 9/15/20, effective 10/16/20.]

**WSR 21-13-169**  
**EXPEDITED RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Filed June 23, 2021, 11:27 a.m.]

Title of Rule and Other Identifying Information: Puget Sound salmon commodity board.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to amend WAC 16-585-020 to allow up to two additional members to the board of the Puget Sound Salmon Commission. As authorized under RCW 15.65.680, the board may appoint up to two nonvoting members to serve in an advisory capacity. In addition, due to a change in management, the public records provisions in this chapter are being amended to change contact information for records requests.

Reasons Supporting Proposal: Having the option to appoint up to two additional nonvoting advisory members would allow the Puget Sound Salmon Commission to leverage the knowledge of industry experts, including experienced harvesters who no longer meet the requirements to be voting members of the board. Providing updated contact information is necessary to comply with RCW 42.56.040.

Statutory Authority for Adoption: RCW 15.65.047, 15.65.680, and 42.56.040.

Statute Being Implemented: RCW 15.65.680 and 42.56.040.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Puget Sound Salmon Commission and Washington state department of agriculture, governmental.

Name of Agency Personnel Responsible for Drafting: Teresa Norman, Olympia, Washington, 360-902-2043; Implementation and Enforcement: Megan Johnson, Kennewick, Washington, 509-585-2671.

This notice meets the following criteria to use the expedited adoption process for these rules:

Relates only to internal governmental operations that are not subject to violation by a person.

Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule.

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: These rules apply only to the administration of the Puget Sound salmon commission and are not subject to violation by a person. The amendment is authorized under RCW 15.65.680 and does not rise to the level of requiring a referendum of producers.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU

OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Teresa Norman, Washington State Department of Agriculture, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-2043, fax 360-902-2092, email [tnorman@agr.wa.gov](mailto:tnorman@agr.wa.gov), AND RECEIVED BY August 24, 2021.

June 23, 2021  
Derek I. Sandison  
Director

### OTS-3007.3

AMENDATORY SECTION (Amending WSR 05-13-008, filed 6/3/05, effective 7/4/05)

**WAC 16-585-020 Puget Sound salmon commodity board.** (1) Administration. The provisions of this marketing order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership. The board shall consist of seven members, six of whom shall be affected producers appointed or elected as provided in this section. The director shall appoint one additional member to the board who is not an affected producer to represent the director. The position representing the director shall be a voting member.

(a) Director-appointed affected producer positions on the board shall be designated as position one, position two, and position three.

(b) Elected affected producer positions on the board shall be designated as position four, position five, and position six.

(c) The position representing the director who is not an affected producer shall be designated as position seven.

(3) Qualifications for board membership. The producer members of the board must be practical producers of the affected commodity and must be a citizen and resident of this state, over the age of eighteen years. Each affected producer board member must be and have been actually engaged in producing such commodity within the state of Washington for a period of five years and has during that period derived a substantial portion of his/her income therefrom and who is not primarily engaged in business, directly or indirectly, as a handler or other dealer. The qualification of members of the board as herein set forth must continue during their terms of office.

(4) Term of office.

(a) The term of office for members of the board shall be three years. One-third of the membership as nearly as possible shall be appointed or elected each year.

(b) The term of office for the initial board members shall be as follows:

Positions one and four shall be for one year from the date of first election or until the first subsequent annual election is held.

Positions two and five shall be for two years from the date of first election or until the second subsequent annual election is held.

Positions three and six shall be for three years from the date of first election or until the third subsequent annual election is held.

(c) To accomplish the transition to a commodity board structure where the director appoints a majority of the board members, the names of the currently elected board members in positions one, two, and three shall be forwarded to the director for appointment within thirty days of the effective date of this amended marketing order.

(5) Nominations of elected or director-appointed board members. Each year the director shall call a nomination meeting for elected or director-appointed affected producer board members. The meeting(s) shall be held at least thirty days in advance of the date set by the director for the election or advisory vote of board members.

(a) Notice of every nomination meeting shall be published in a newspaper of general circulation within the affected area defined in this marketing order not less than ten days in advance of the date of the meeting; and, in addition, written notice of every meeting shall be given to all affected producers according to the list maintained by the board pursuant to RCW 15.65.295.

(b) Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting.

(c) Any qualified affected producer may be nominated orally for membership on the board at a nomination meeting. Nominations may also be made within five days after the meeting by written petition filed with the director signed by not less than five affected producers.

(d) If the board moves and the director approves that the nomination meeting procedure be deleted, the director shall give notice of the open commission position(s) by mail to all affected producers. The notice shall call for nominations in accordance with this marketing order and shall give the final date for filing nominations which shall not be less than twenty days after the notice was mailed.

(e) When only one nominee is nominated by the affected producers for any position, RCW 15.65.250 shall apply.

(f) As authorized under RCW 15.65.680, the voting board may appoint up to two additional nonvoting members to serve in an advisory capacity from among producers, handlers or others with expertise in the Puget Sound salmon industry including, but not limited to, state and tribal fisheries partners. Advisory board member appointments are for a three-year period. A nonvoting advisory member may serve additional consecutive terms of office if reappointed by the board.

(6) Election or advisory vote of board members.

(a) An election or advisory vote shall be conducted by secret ballot under the supervision of the director. Each affected producer shall be entitled to one vote.

(b) Elected affected producer members of the board shall be elected during the month of February of each year by a majority of the votes cast by the affected producers. If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) An advisory vote shall be conducted for affected producer board members appointed by the director under the provisions of RCW 15.65.243 during the month of January of each year. The names of the two candidates receiving the most votes in the advisory vote shall be forwarded to the director for potential appointment to the board. In the event there are only two candidates nominated for a board position, an advisory vote may not be held and the candidates' names shall be forwarded to the director for potential appointment.

(d) Notice of every election or advisory vote for board membership shall be published in a newspaper of general circulation within

the affected area defined in this marketing order not less than ten days in advance of the date of the election or advisory vote. Not less than ten days prior to every election or advisory vote for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears upon the list of such affected producers maintained by the board pursuant to RCW 15.65.295. Any other producer entitled to vote may obtain a ballot by application to the director upon establishing his/her qualifications.

(e) Nonreceipt of a ballot by any person entitled to vote shall not invalidate the election or advisory vote of a board member.

(7) Vacancies.

(a) In the event of a vacancy on the board in an elected position, the board shall appoint a qualified person to fill the unexpired term. The appointment shall be made at the board's first or second meeting after the position becomes vacant.

(b) In the event of a vacancy in a director-appointed position, the position shall be filled as specified in RCW 15.65.270.

(8) Quorum. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) Board compensation. No member of the board shall receive any salary or other compensation, but each member may be compensated for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board in accordance with RCW 43.03.230 together with travel expenses in accordance with RCW 43.03.050 and 43.03.060. The board may adopt, by resolution, provisions for reimbursement of actual travel expenses incurred by members of the board in carrying out the provisions of this marketing order pursuant to RCW 15.65.270. A board member may, in the discretion of the board, serve and be compensated as an employee of the commission.

(10) Powers and duties of the board. The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director;

(b) To elect a chairperson and other officers as it deems advisable;

(c) To employ and discharge at its discretion such assistance and personnel as the board determines necessary and proper to carry out the purpose of the order and to effectuate the policies of the act;

(d) To pay from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order and rules adopted under the order. Expenses may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe;

(e) To reimburse any applicant who has deposited funds with the director in order to defray the costs of formulating the order;

(f) To establish a fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day;

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, disbursements, moneys, and other financial transactions made and done pursuant to this order. Records, books, and accounts shall be audited as provided in the act subject to procedures and methods law-

fully prescribed by the state auditor. Books and accounts shall be closed as of the last day of each fiscal year. A copy of the audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and each member of the board;

(h) To require bond of board members and employees of the board in positions of trust in an amount the board deems necessary. Premiums for a bond or bonds shall be paid by the board from assessments collected. A bond shall not be necessary if any board member or employee is covered by any blanket bond covering officials or employees of the state of Washington;

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year. At least sixty days prior to the beginning of its fiscal year, the board shall prepare and submit to the director for approval its research plan, its commodity-related education and training plan, and its budget;

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters;

(k) To recommend to the director, administrative rules, orders and amendments thereto for the exercise of the director's power in connection with this marketing order;

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of this marketing order and the act, along with the necessary authority and procedure for obtaining such information;

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon the person by the act or this order;

(n) To confer with and cooperate with the legally constituted authorities of other states of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders;

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section;

(p) To sue or be sued;

(q) To borrow money and incur indebtedness;

(r) To work cooperatively with other local, state, and federal agencies; universities; and national organizations for the purposes provided in this order;

(s) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local. Personal service contracts must comply with chapter 39.29 RCW;

(t) To accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies;

(u) To enter into contracts or agreements for research in the production, processing, transportation, marketing, use, or distribution of Puget Sound gillnet salmon;

(v) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of the commission. The retention of a private attorney is subject to review by the office of the attorney general;

(w) To engage in appropriate fund-raising activities for the purpose of supporting activities authorized by this marketing order;

(x) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, manufacture, regulation, transportation, distribution, sale, or use of Puget Sound gillnet salmon including activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission;

(y) To maintain a list of the names and addresses of affected producers that may be compiled from information used to collect assessments under the provisions of this marketing order and data on the value of each affected producer's production for a minimum three-year period pursuant to RCW 15.65.280;

(z) To maintain a list of the names and addresses of persons who handle Puget Sound gillnet salmon within the affected area and data on the amount and value of the Puget Sound gillnet salmon handled for a minimum three-year period by each person pursuant to RCW 15.65.280;

(aa) To maintain a list of names and addresses of all affected persons who produce Puget Sound gillnet salmon and the amount, by unit, of Puget Sound gillnet salmon produced during the past three years pursuant to RCW 15.65.295;

(bb) To maintain a list of all persons who handle Puget Sound gillnet salmon and the amount of Puget Sound gillnet salmon handled by each person during the past three years pursuant to RCW 15.65.295;

(cc) To establish a foundation using commission funds as grant money for the purposes established in this marketing order pursuant to RCW 15.65.043.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least semiannually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act). Notice of the time and place of regular meetings shall be published on or before January of each year in the *Washington State Register*. Notice of any change to the meeting schedule shall be published in the state register at least twenty days prior to the rescheduled meeting date.

(b) The board shall hold an annual membership meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by notifying the regular news media.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the board members and affected producers. Notice for special meetings shall be in compliance with chapter 42.30 RCW.

[Statutory Authority: RCW 15.65.047 and chapter 34.05 RCW. WSR 05-13-008, § 16-585-020, filed 6/3/05, effective 7/4/05. Statutory Authority: RCW 15.65.060 and 15.65.180. WSR 02-14-091, § 16-585-020, filed 7/1/02, effective 8/1/02. Statutory Authority: RCW 15.65.050 and chapter 16.65 WAC [15.65 RCW]. WSR 95-15-102, § 16-585-020, filed 7/19/95, effective 8/19/95.]



AMENDATORY SECTION (Amending WSR 17-05-036, filed 2/8/17, effective 3/11/17)

**WAC 16-585-110 Requests for public records.** (1) All requests for disclosure of public records must be submitted in writing directly to the commission's public records officer by mail to Puget Sound Salmon Commission, (~~(1900 W. Nickerson St., #116, PMB 210, Seattle, WA 98119)~~) 6601 W. Deschutes Avenue, Suite C-2, Kennewick, WA 99336. The request may also be submitted by fax to (~~(206-542-3930)~~) 509-585-2671 or by email to: (~~([soundcatch@seanet.com](mailto:soundcatch@seanet.com))~~) [mjohnson@agmgt.com](mailto:mjohnson@agmgt.com). The written request should include:

(a) The name, address and telephone number or other contact information of the person requesting the records;

(b) The calendar date on which the request is made; and

(c) Sufficient information to readily identify records being requested.

(2) Any person wishing to inspect the commission's public records may make an appointment with the public records officer to inspect the records at the commission office during regular business hours. In order to adequately protect the commission's public records, the following will apply:

(a) Public records made available for inspection may not be removed from the area the commission makes available for inspection.

(b) Inspection of any public record will be conducted in the presence of the public records officer or designee.

(c) Public records may not be marked or altered in any manner during the inspection.

(d) The commission has the discretion to designate the means and the location for the inspection of records. The viewing of those records that require specialized equipment shall be limited to the availability of that equipment located at the commission's office and the availability of authorized staff to operate that equipment.

[Statutory Authority: RCW 15.65.047, 42.56.040, and chapter 34.05 RCW. WSR 17-05-036, § 16-585-110, filed 2/8/17, effective 3/11/17.]

AMENDATORY SECTION (Amending WSR 17-05-036, filed 2/8/17, effective 3/11/17)

**WAC 16-585-135 Records index.** The commission shall establish a records index, which shall be made available for public review. (~~(The records index may be accessed on the commission's web site at <http://soundcatch.org/>.)~~)

[Statutory Authority: RCW 15.65.047, 42.56.040, and chapter 34.05 RCW. WSR 17-05-036, § 16-585-135, filed 2/8/17, effective 3/11/17.]

WSR 21-13-171

EXPEDITED RULES

HEALTH CARE AUTHORITY

[Filed June 23, 2021, 11:41 a.m.]

Title of Rule and Other Identifying Information: WAC 182-513-1230 Program of all-inclusive care for the elderly (PACE).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The health care authority (HCA) is amending this section to replace "chemical dependency" with "substance use disorder (SUD)."

Reasons Supporting Proposal: HCA is amending this section as part of a larger effort to fix outdated behavioral health references and terminology, to update references to correct state agencies, and to make other minor housekeeping changes related to behavioral health integration.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Micheal Williams, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1346; Implementation and Enforcement: Mark Westenhaver, P.O. Box 45534, Olympia, WA 98504-5534, 360-725-1324.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

This notice meets the following criteria to use the expedited adoption process for these rules:

Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Corrects terminology.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO HCA Rule Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1306, fax 360-586-9272, email arc@hca.wa.gov, AND RECEIVED BY August 24, 2021.

June 23, 2021  
Wendy Barcus  
Rules Coordinator

OTS-3170.1

AMENDATORY SECTION (Amending WSR 17-03-116, filed 1/17/17, effective 2/17/17)

**WAC 182-513-1230 Program of all-inclusive care for the elderly (PACE).** (1) The program of all-inclusive care for the elderly (PACE) provides long-term services and supports (LTSS), medical, mental health, and (~~chemical dependency~~) substance use disorder (SUD) treatment through a department-contracted managed care plan using a personalized plan of care for each enrollee.

(2) Program rules governing functional eligibility for PACE are listed under WAC 388-106-0700, 388-106-0705, 388-106-0710, and 388-106-0715.

(3) A person is financially eligible for PACE if the person:

(a) Is age:

(i) Fifty-five or older and disabled under WAC 182-512-0050; or

(ii) Sixty-five or older;

(b) Meets nursing facility level of care under WAC 388-106-0355;

(c) Lives in a designated PACE service area;

(d) Meets financial eligibility requirements under this section;

and

(e) Agrees to receive services exclusively through the PACE provider and the PACE provider's network of contracted providers.

(4) Although PACE is not a home and community based (HCB) waiver program, financial eligibility is determined using the HCB waiver rules under WAC 182-515-1505 when a person is living at home or in an alternate living facility (ALF), with the following exceptions:

(a) PACE enrollees are not subject to the transfer of asset rules under WAC 182-513-1363; and

(b) PACE enrollees may reside in a medical institution thirty days or longer and still remain eligible for PACE services. The eligibility rules for institutional coverage are under WAC 182-513-1315 and 182-513-1380.

(5) A person may have to pay third-party resources as defined under WAC 182-513-1100 in addition to the room and board and participation.

[Statutory Authority: RCW 41.05.021, 41.05.160, P.L. 111-148, 42 C.F.R. §§ 431, 435, and 457, and 45 C.F.R. § 155. WSR 17-03-116, § 182-513-1230, filed 1/17/17, effective 2/17/17.]