

WSR 21-16-085

AGENDA

DEPARTMENT OF HEALTH
STATE BOARD OF HEALTH

[Filed August 2, 2021, 3:38 p.m.]

July 2021
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.

State Board of Health
Rule Making

| Authority | RCW or Session Law | WAC and Rule Title | CR-101 WSR # | CR-102 WSR # | CR-103 WSR # | CR-105 WSR # | Program Contact Name | Program Contact Phone |
|-----------------------|-----------------------------|---|--------------|-------------------|--------------|--------------|--------------------------------------|------------------------------|
| State Board of Health | Chapter 205 Laws of 2021 | Chapter 246-90 WAC, creating a new chapter to adopt requirements for local board of health membership. | 21-13-024 | | | | Samantha Pskowski or Kaitlyn Donahoe | 360-789-2358 or 360-584-6737 |
| State Board of Health | RCW 43.20.050 and 70.24.130 | Chapter 246-100 WAC, Communicable and certain other diseases; and chapter 246-101 WAC, Notifiable conditions. SBOH is considering amending these chapters to implement changes made by ESHB 1551 as it relates to HIV/AIDS. The board may also consider other technical or editorial changes as needed. | 20-15-112 | Anticipate Filing | | | Kaitlyn Donahoe or LinhPhung Huynh | 360-584-6737 or 360-789-6860 |

| Authority | RCW or Session Law | WAC and Rule Title | CR-101 WSR # | CR-102 WSR # | CR-103 WSR # | CR-105 WSR # | Program Contact Name | Program Contact Phone |
|-----------------------|--|--|--------------|-------------------|--------------|--------------|---------------------------------|------------------------------|
| State Board of Health | RCW 43.20.050 | WAC 246-203-130 Keeping of animals. | 19-21-018 | Anticipate Filing | | | Stuart Glasoe | 360-236-4111 |
| State Board of Health | RCW 43.20.050 and 70.90.120 | Chapter 246-260 WAC, Water recreation facilities; and chapter 246-262 WAC, Recreational water contact facilities. Chapter reviews. | 17-01-048 | | | | Peter Beaton or Kaitlyn Donahoe | 360-236-4031 or 360-584-6737 |
| State Board of Health | RCW 43.20.050 | Chapter 246-272A WAC, On-site sewage systems. | 18-06-082 | Anticipate Filing | | | Stuart Glasoe or Peter Beaton | 360-236-4111 or 360-236-4031 |
| State Board of Health | RCW 43.20.050 | Chapter 246-272A WAC, On-site sewage systems, drain field remediation. | 06-12-108 | | | | Stuart Glasoe or Peter Beaton | 360-236-4111 or 360-236-4031 |
| State Board of Health | RCW 43.20.050, 70.119A.080, and 70.142.010 | Chapter 246-290 WAC, Group A water supplies, per- and polyfluoroalkyl substances. | 18-01-080 | Anticipate Filing | | | Stuart Glasoe or Jocelyn Jones | 360-236-4111 or 360-236-3020 |
| State Board of Health | RCW 43.20.050 | Chapter 246-390 WAC, Lab certification and data reporting to incorporate changes for per- and polyfluoroalkyl substances. | 20-05-032 | Anticipate Filing | | | Jocelyn Jones or Stuart Glasoe | 360-236-3020 or 360-236-4111 |

**Department of Health
Rule Making**

| Authority | RCW or Session Law | WAC and Rule Title | CR-101 WSR # | CR-102 WSR # | CR-103 WSR # | CR-105 WSR # | Program Contact Name | Program Contact Phone |
|-----------------------------|-----------------------------|--|--------------|-------------------|--------------|--------------|----------------------|-----------------------|
| Board of Hearing and Speech | RCW 18.35.161 and 43.70.250 | WAC 246-828-020, 246-828-025, 246-828-04503, 246-828-075, 246-828-300, and 246-828-990, hearing and speech, examinations, definitions, postgraduate professional work experience requirements— Audiologist and speech-language pathologist, supervisors of students, expired license or certification, and hearing aid specialist, audiologist, speech-language pathologist, and speech-language pathology assistant fees and renewal cycle. | 19-13-038 | Anticipate Filing | | | Kim-Boi Shadduck | 360-236-2912 |

| Authority | RCW or Session Law | WAC and Rule Title | CR-101 WSR # | CR-102 WSR # | CR-103 WSR # | CR-105 WSR # | Program Contact Name | Program Contact Phone |
|--|---|--|-------------------|--------------|-------------------|--------------|----------------------|-----------------------|
| Board of Naturopathy | RCW 18.36A.160 | WAC 246-836-210 Authority to use, prescribe, dispense, and order. The board of naturopathy is considering rule making regarding the practice of nonsurgical cosmetic procedures in naturopathic practice, including education and training. The board is considering revising WAC 246-836-210 and creating a new section(s) of rule. | 20-24-042 | | | | Susan Gragg | 360-236-4941 |
| Board of Naturopathy | RCW 18.36A.160 | WAC 246-836-080 Continuing competency program. The board of naturopathy is considering amendments to the continuing education rules for naturopathic physicians in response to rule petitions. | Anticipate Filing | | | | Susan Gragg | 360-236-4941 |
| Board of Naturopathy | RCW 18.36A.160; and SB 5124 (chapter 179, Laws of 2021) | Chapter 246-836A WAC (new), Colon hydrotherapists; and chapter 246-836 WAC (new sections), Naturopathic physicians. The board of naturopathy is considering establishing a new chapter and section of rule to implement SB 5124 which establishes the colon hydrotherapist profession. | 21-16-030 | | | | Susan Gragg | 360-236-4941 |
| Board of Nursing Home Administrators | RCW 18.52.061 | WAC 246-843-130 Continuing education requirements for nursing home administrators. | 12-04-138 | 21-09-076 | Anticipate Filing | | Kendra Pitzler | 360-236-4723 |
| Board of Optometry | Chapter 76, Laws of 2020 | Chapter 246-851 WAC, Optometrics. The board of optometry is considering adding a new section for suicide prevention training, and repealing AIDS education requirements. | 12-04-025 | 21-07-090 | Anticipate Filing | | Loralei Walker | 360-236-4947 |
| Board of Osteopathic Physicians and Surgeons | RCW 18.57.005 and 18.130.050 | Chapter 246-853 WAC, Osteopathic physicians and surgeons. The board of osteopathic medicine and surgery is considering creating a new rule sections to regulate the use of telemedicine. | 20-18-039 | | | | Tracie Drake | 360-236-4766 |

| Authority | RCW or Session Law | WAC and Rule Title | CR-101 WSR # | CR-102 WSR # | CR-103 WSR # | CR-105 WSR # | Program Contact Name | Program Contact Phone |
|--|--|---|--------------|-------------------|-------------------|--------------|----------------------|-----------------------|
| Board of Osteopathic Physicians and Surgeons | RCW 18.57.005 and 18.130.050 | WAC 246-853-650 Safe and effective analgesia and anesthesia administration in office-based settings. The board of osteopathic medicine and surgery is considering rule amendments in response to a rule petition requesting changes to the definition of the term "minimal sedation." | 21-11-025 | | | | Tracie Drake | 360-236-4766 |
| Board of Osteopathic Physicians and Surgeons | RCW 18.57.005 and 18.130.050 | Chapter 246-853 WAC, Osteopathic physicians and surgeons. The board of osteopathic medicine and surgery is considering creating new rule sections to regulate the provision of anesthesia in a dental setting. | 21-09-070 | | | | Tracie Drake | 360-236-4766 |
| Board of Physical Therapy | RCW 18.74.023 | WAC 246-915-120 Foreign educated applicants. The board of physical therapy is considering changes to the requirement that passing scores for the internet-based Test of English as a Foreign Language (ibTOEFL) all be earned during the same test sitting. | 21-01-056 | Anticipate Filing | | | Kris Waidely | 360-236-4847 |
| Board of Physical Therapy | RCW 18.74.023 | WAC 246-915-085 Continuing competency— Physical therapists and physical therapist assistants. The board of physical therapy is considering general updates, revisions, and housekeeping amendments. | 20-19-142 | 21-13-119 | Anticipate Filing | | Kris Waidely | 360-236-4847 |
| Board of Physical Therapy | RCW 18.74.023; and HB 2446 (chapter 222, Laws of 2018) | Chapter 246-915 WAC, Physical therapists and physical therapist assistants. The board of physical therapy is considering necessary changes to existing rules for physical therapist supervision of assistive personnel per HB 2446 (chapter 222, Laws of 2018). The board is also proposing chapter amendments to make general updates, revisions, and housekeeping amendments. | 18-17-127 | | | | Kris Waidely | 360-236-4847 |

| Authority | RCW or Session Law | WAC and Rule Title | CR-101 WSR # | CR-102 WSR # | CR-103 WSR # | CR-105 WSR # | Program Contact Name | Program Contact Phone |
|---|-------------------------------|---|--------------|--------------|--------------|--------------|----------------------|-----------------------|
| Chiropractic Quality Assurance Commission | RCW 18.25.0171 and 18.130.050 | WAC 246-808-105, 246-808-115, 246-808-130, 246-808-133, 246-808-135, 246-808-140, 246-808-180, 246-808-181, 246-808-190, 246-808-201, 246-808-215, 246-808-510, and 246-808-535, regarding Licensure—Application and eligibility requirements. The chiropractic quality assurance commission is considering revising the rules and proposing to establish new temporary practice rules for military status or military-related status. | 16-21-080 | | | | Bob Nicoloff | 360-236-4924 |
| Chiropractic Quality Assurance Commission | RCW 18.25.0171 and 18.130.050 | WAC 246-808-540 Billing, 246-808-545 Improper billing practices, 246-808-550 Future care contracts prohibited, 246-808-560 Documentation of care, 246-808-565 Radiographic standards, 246-808-570 Pelvic or prostrate [prostate] examination prohibited, 246-808-575 Intravaginal adjustment restricted, 246-808-580 Acupuncture, 246-808-585 Clinically necessary X-rays, and 246-808-590 Sexual misconduct. The chiropractic quality assurance commission is considering amending these rules to align with current practice standards. | 16-23-106 | | | | Bob Nicoloff | 360-236-4924 |

| Authority | RCW or Session Law | WAC and Rule Title | CR-101 WSR # | CR-102 WSR # | CR-103 WSR # | CR-105 WSR # | Program Contact Name | Program Contact Phone |
|---|--|--|--------------|-------------------|--------------|--------------|----------------------|-----------------------|
| Chiropractic Quality Assurance Commission | RCW 18.25.0171 and 18.130.050 | WAC 246-808-010, 246-808-505, 246-808-600, 246-808-605, 246-808-610, 246-808-615, 246-808-620, 246-808-625, 246-808-630, 246-808-650, 246-808-655, 246-808-660, 246-808-670, 246-808-680, 246-808-685, 246-808-690, 246-808-695, 246-808-720, and 246-808-810. The chiropractic quality assurance commission is considering revising these rules regarding definitions, procedures, instrumentation, publicity, advertising, printed materials, transactions, costs, records, duties, mandatory reporting, associations, societies, insurance and professional liability carriers, courts, state and federal agencies, and conflict of interest. | 16-23-120 | Anticipate Filing | | | Bob Nicoloff | 360-236-4924 |
| Chiropractic Quality Assurance Commission | RCW 18.25.0171 and 18.130.050 | WAC 246-808-XXX Independent chiropractic examinations (ICE). The chiropractic quality assurance commission is considering creating rules to set standards for independent chiropractic physical examinations and patient records reviews. | 15-21-047 | | | | Bob Nicoloff | 360-236-4924 |
| Dental Quality Assurance Commission | RCW 18.32.002, 18.32.0365, and 18.32.640 | WAC 246-817-701 through 246-817-790, administration of anesthetic agents for dental procedures. The dental quality assurance commission is considering amendments to update general requirements. In addition to general updates, the commission is also considering amendments to address 24 hour on-call availability after a complex dental procedure, on-site inspections for all dentists holding sedation permits, and creation of a pediatric sedation endorsement. | 17-17-089 | | | | Jennifer Santiago | 360-236-4893 |

| Authority | RCW or Session Law | WAC and Rule Title | CR-101 WSR # | CR-102 WSR # | CR-103 WSR # | CR-105 WSR # | Program Contact Name | Program Contact Phone |
|-------------------------------------|--|---|-------------------|-------------------|--------------|--------------|--------------------------------|------------------------------|
| Dental Quality Assurance Commission | RCW 18.32.002, 18.32.0365, and 18.29.050 | WAC 246-817-581 Novel coronavirus disease 2019 vaccination delegation. The dental quality assurance commission is considering permanent rule making allowing dentists to delegate administration of novel coronavirus disease 2019 (COVID-19) vaccination to licensed dental hygienists with close supervision and demonstration of competency. | 21-07-020 | Anticipate Filing | | | Jennifer Santiago | 360-236-4893 |
| Dental Quality Assurance Commission | RCW 18.32.002, 18.32.0365, and 18.29.050 | WAC 246-817-440 Dentist continuing education. The dental quality assurance commission is considering rule amendments for the number of hours allowed under self-study methods. | 21-08-076 | Anticipate Filing | | | Jennifer Santiago | 360-236-4893 |
| Dental Quality Assurance Commission | RCW 18.32.002, 18.32.0365, and 18.29.050 | WAC 246-817-195 Licensure requirements for expanded function dental auxiliaries (EFDAs). The dental quality assurance commission is considering rule amendments to determine if placing and finishing amalgam restoration on clinical patients for expanded function dental auxiliary licensure is necessary during required education. | Anticipate Filing | | | | Jennifer Santiago | 360-236-4893 |
| Department of Health | Chapter 220, Laws of 2017 | Title 246 WAC, establishing a new chapter relating to rapid health information network data reporting. | 17-21-075 | | | | Amanda Morse | 206-437-2045 |
| Department of Health | RCW 70.342.075 and 43.70.040 | Title 246 WAC, Creating a new chapter of rules to establish nicotine content measurement standards for closed system nicotine containers use with vapor products. | 17-15-026 | | | | Stacia Wasmundt or Liz Clement | 360-236-2568 or 360-236-3309 |
| Department of Health | SHB 2246 (chapter 20, Laws of 2020) | Title 246 WAC, updating statutory references within multiple chapters of rule due to a legislative reorganization of Title 70 RCW and splitting it into two separate chapters, Title 70A RCW. | | Anticipate Filing | | | Nina Helping | 360-236-3065 |

| Authority | RCW or Session Law | WAC and Rule Title | CR-101 WSR # | CR-102 WSR # | CR-103 WSR # | CR-105 WSR # | Program Contact Name | Program Contact Phone |
|----------------------|--|---|--------------|-------------------|--------------|--------------|----------------------|-----------------------|
| Department of Health | RCW 34.05.220, 34.05.240, 42.56.070, and 43.70.040 | Chapter 246-08 WAC, Practice and procedure. Specifically addressing rules regarding department of health (department) adjudicative proceedings for declaratory orders; public record requests; agency indexes; and general agency administrative processes. The department 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. 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. | 19-16-114 | | | | Tami Thompson | 360-628-0096 |
| Department of Health | RCW 43.70.280 | Chapter 246-12 WAC, Administrative procedures and requirements for credentialed health care providers. | 17-10-007 | | | | Stephanie Vaughn | 360-236-4617 |
| Department of Health | RCW 43.70.280 | Chapter 246-12 WAC, creating a new section of rule for closure of abandoned incomplete health care credential applications. | 17-10-045 | | | | Stephanie Vaughn | 360-236-4617 |
| Department of Health | RCW 43.70.075; SHB 1049 (chapter 62, Laws of 2019) | Chapter 246-15 WAC, Whistleblower complaints in health care settings. | 20-07-054 | Anticipate Filing | | | Marlee O'Neill | 360-236-4845 |
| Department of Health | Chapter 43.70 RCW; ESHB 1094 (chapter 203, Laws of 2019) | Chapter 246-72 WAC, Medical marijuana consultant certification. DOH is opening the chapter to consider amendments that would enhance and clarify training requirements and practice parameters of a medical marijuana certified consultant. | 20-06-027 | Anticipate Filing | | | Shelly Rowden | 360-236-2820 |

| Authority | RCW or Session Law | WAC and Rule Title | CR-101 WSR # | CR-102 WSR # | CR-103 WSR # | CR-105 WSR # | Program Contact Name | Program Contact Phone |
|----------------------|---|--|-------------------|-------------------|--------------|--------------|-------------------------------|-----------------------|
| Department of Health | RCW 90.46.200 | Chapter 246-275 WAC, establishing a new chapter for on-site nonpotable water systems. | Anticipate Filing | | | | Jocelyn Jones | 360-236-3020 |
| Department of Health | RCW 70A.125.170 | WAC 256-296-020, 246-296-050, and 246-296-130, drinking water state revolving fund loan program - disadvantaged communities. | Anticipate Filing | | | | Nina Helpling | 360-236-3065 |
| Department of Health | RCW 70.38.115, 70.38.135, and 43.70.040 | Chapter 246-310 WAC, Certificate of need. Amending, creating, and repealing rules in order to clarify, streamline, and modernize language including need methodologies. | 20-02-008 | | | | Eric Hernandez | 360-236-2956 |
| Department of Health | RCW 70.41.030 | Chapter 246-320 WAC, Hospital licensing regulations (construction standards only). | 18-17-045 | | | | Susan Upton and John Williams | 360-236-2950 |
| Department of Health | SHB 2426 (chapter 115, Laws of 2020) | Chapter 246-322 WAC, Private psychiatric and alcoholism hospitals. DOH is considering creating a severity matrix for fines related to psychiatric hospital enforcement in order to implement SHB 2426 (chapter 115, Laws of 2020). | 20-14-108 | Anticipate Filing | | | Dan Overton | 360-236-2937 |
| Department of Health | RCW 18.46.060 | Chapter 246-329 WAC, proposed updates to childbirth center rules. | Anticipate Filing | | | | John Hilger | 360-236-2929 |
| Department of Health | RCW 70.127.120 | Chapter 246-335 WAC, In-home services. DOH will consider permanently adopting remote flexibilities that were used successfully during COVID-19. | Anticipate Filing | | | | John Hilger | 360-236-2929 |

| Authority | RCW or Session Law | WAC and Rule Title | CR-101 WSR # | CR-102 WSR # | CR-103 WSR # | CR-105 WSR # | Program Contact Name | Program Contact Phone |
|----------------------|--------------------------------|--|-------------------|-------------------|--------------|--------------|----------------------|-----------------------|
| Department of Health | RCW 70.127.120 | WAC 246-335-510, 246-335-545, 246-335-610, and 246-335-645, In-home services agencies. The department will consider: (1) Removing the requirement that supervision of aide services must be "during an on-site visit," (2) adding that a supervisory visit "may be conducted on-site or via telemedicine," (3) amending the definition of "telemedicine" to align with current practice, and (4) other related changes as appropriate. These permanent rules will replace emergency rules on the same subject. | Anticipate Filing | | | | John Hilger | 360-236-2929 |
| Department of Health | RCW 71.12.670 | WAC 246-337-040 Construction review services requirements. DOH is considering updating residential treatment facility rules to reflect upcoming changes to the Washington state building code. | 20-07-124 | Anticipate Filing | | | John Hilger | 360-236-2929 |
| Department of Health | RCW 71.24.037 | Chapter 246-341 WAC, Behavioral health agency licensing and certification. Phase two of a multi-phase project to modernize licensing and certification requirements. | 21-14-010 | | | | Julie Tomaro | 360-236-2937 |
| Department of Health | Chapters 70.114A and 43.70 RCW | Chapter 246-358 WAC, Temporary worker housing. The purpose is to consider including increased protections for housing occupants from communicable diseases such as COVID-19. | 20-19-047 | | | | Theresa Phillips | 360-236-3147 |
| Department of Health | RCW 43.70.040 and 70.170.060 | Chapter 246-453 WAC, Hospital charity care. DOH is considering amendments to implement SHB 6273 (chapter 263, Laws of 2018) regarding delineating charity care and notice requirements without restricting charity care. | 18-18-073 | Anticipate Filing | | | Carrie Baranowski | 360-236-4210 |

| Authority | RCW or Session Law | WAC and Rule Title | CR-101 WSR # | CR-102 WSR # | CR-103 WSR # | CR-105 WSR # | Program Contact Name | Program Contact Phone |
|----------------------|-------------------------------------|---|--------------|--------------|-------------------|--------------|----------------------|-----------------------|
| Department of Health | RCW 70.225.090 (2)(b) | Chapter 246-470 WAC, adding a new section relating to the prescription monitoring program (PMP) to establish a waiver process and criteria for facilities, entities, offices, or provider groups with ten or more prescribers to apply for an exemption from the PMP and electronic health record (EHR) integration required by SSB 5380. | 20-03-038 | | | | Carly Bartz-Overman | 360-236-3044 |
| Department of Health | RCW 43.70.780 | Chapter 246-770 WAC, Fruit and vegetable incentives. DOH is considering creating a new chapter to implement a fruit and vegetable incentives program. | 21-01-186 | | | | Alyssa Auvienen | 360-999-8967 |
| Department of Health | RCW 18.225.040 and 18.225.090 | Chapter 246-809 WAC, Licensure for mental health counselors, marriage and family therapists, and social workers. DOH is considering amending the chapter regarding education, recordkeeping, mandatory reporting, supervision, approved supervisor, continuing education, and other licensing standards and to make needed clarification and technical changes. | 18-11-029 | | | | Brandon Williams | 360-236-4611 |
| Department of Health | SHB 1007 (chapter 21, Laws of 2021) | WAC 246-809-330 Supervised postgraduate experience requirements. DOH is proposing to remove the limit on distance supervision hours that may be obtained by social worker associates applying for licensure, consistent with SHB 1007. | | | Anticipate Filing | 21-13-148 | Brandon Williams | 360-236-4611 |

| Authority | RCW or Session Law | WAC and Rule Title | CR-101 WSR # | CR-102 WSR # | CR-103 WSR # | CR-105 WSR # | Program Contact Name | Program Contact Phone |
|----------------------|------------------------------------|---|-------------------|--------------|-------------------|--------------|----------------------|-----------------------|
| Department of Health | HB 1063 (chapter 57, Laws of 2021) | WAC 246-809-990 Licensed counselor, and associate—Fees and renewal cycle, and 246-811-035 Certification of a substance use disorder professional trainee. Proposed amendments will incorporate by reference statutes that now allow additional license renewals for licensed counselor associates and substance use disorder professional (SUDP) trainees when a governor-declared emergency has resulted in barriers to testing or training. | | | Anticipate Filing | 21-13-152 | Brandon Williams | 360-236-4611 |
| Department of Health | HB 1504 | Chapter 246-810 WAC, Counselors. DOH will consider amending WAC 246-910-010 Definitions and 246-810-015 Agency affiliated counselor: Scope of practice and credentialing requirements. Other sections may also need to be amended. HB 1504 allowed student interns to apply for the agency affiliated counselor registration and requires the department to define "student intern." | Anticipate Filing | | | | Ted Dale | 360-236-2991 |
| Department of Health | RCW 18.225.040 | Chapter 246-811 WAC, Licensure for mental health counselors, marriage and family therapists, and social workers. Chapter rewrite. | Anticipate Filing | | | | Brandon Williams | 360-236-4611 |
| Department of Health | RCW 18.205.060 | Chapter 246-811 WAC, Chemical dependency professionals and chemical dependency professional trainees. DOH is considering amendments regarding chemical dependency professional trainee (CDPT) certification, supervision, approved supervisor requirements, disclosure information, disclosure statements, definitions, and clarifying and technical changes to other requirements, as needed. | 18-11-030 | | | | Ted Dale | 360-236-2991 |

| Authority | RCW or Session Law | WAC and Rule Title | CR-101 WSR # | CR-102 WSR # | CR-103 WSR # | CR-105 WSR # | Program Contact Name | Program Contact Phone |
|----------------------|---------------------------------------|---|-------------------|-------------------|--------------|-------------------|----------------------|-----------------------|
| Department of Health | RCW 18.205.060 | WAC 246-811-076 WAC, Eligibility for certification through alternative training. SUDP and substance use disorder professional trainees. DOH is considering amendments to the alternative training requirements for SUDP certification. The department will review possible amendments to the list of professions eligible for the alternative certification path: (1) Removal of osteopathic physician assistant, and (2) addition of pharmacists. Additionally, the department will consider any necessary clarification or technical changes. | Anticipate Filing | | | | Ted Dale | 360-236-2991 |
| Department of Health | EHB 1311 (chapter 165, Laws of 2021) | WAC 246-811-010, 246-811-030, 246-811-035, 246-811-990, and new section(s) in chapter 246-811 WAC, Substance use disorder professionals and substance use disorder professionals trainees. DOH is considering updating these sections and possibly adding new sections to implement EHB 1311, recent legislation that adds apprenticeship as a pathway to meeting educational requirements for SUDP certification. | 21-15-110 | | | | Ashley Bell | 360-236-2961 |
| Department of Health | RCW 18.138.070 | Chapter 246-822 WAC, Dietitians or nutritionists. DOH is considering rule making to amend or repeal several sections of the dietitians and nutritionists chapter. Specific sections focus on mandatory reporting, examinations, and curriculum. | 18-10-059 | Anticipate Filing | | | Ted Dale | 360-236-2991 |
| Department of Health | ESSB 6237 (chapter 153, Laws of 2012) | Chapter 246-826 WAC, Health [Health] care assistants. DOH is proposing repealing this chapter in support of ESSB 6237 (chapter 153, Laws of 2012), Creating a career pathway for medical assistants. | | | | Anticipate Filing | Davis Hylkema | 360-236-4633 |

| Authority | RCW or Session Law | WAC and Rule Title | CR-101 WSR # | CR-102 WSR # | CR-103 WSR # | CR-105 WSR # | Program Contact Name | Program Contact Phone |
|----------------------|--|---|--------------|-------------------|--------------|--------------|----------------------|-----------------------|
| Department of Health | RCW 18.50.135 | Chapter 246-834 WAC. DOH is considering proposing revisions to WAC 246-834-050 Examination requirements for licensure as a midwife, 246-834-060 Initial application requirements for licensure as a midwife, 246-834-160 Student midwife permit, 246-834-250 Legend drugs and devices, and 246-834-370 Data submission. | 21-04-048 | Anticipate Filing | | | Kathy Weed | 360-236-4883 |
| Department of Health | RCW 18.36A.060, 18.36A.140, 43.70.110, 43.70.250, 43.70.280; and SB 5124 (chapter 179, Laws of 2021) | WAC 246-836A-990 (new) Colon hydrotherapist—Fees and renewal cycle. DOH is considering establishing a new section of rule to implement SB 5124, which establishes the colon hydrotherapist profession. The department is considering [to] adopt rules to specify the fees. | 21-16-026 | | | | Heather Cantrell | 360-236-4637 |
| Department of Health | RCW 18.84.040 and 43.70.040 | Chapter 246-926 WAC, Radiological technologists. Clarify, streamlining [streamline], and modernize the rules for cardiovascular invasive specialists, radiologic technologists, radiologist assistants, and X-ray technicians. | 19-16-115 | | | | Debra Mendoza | 360-236-4841 |
| Department of Health | RCW 18.89.040 and 18.89.050 | Chapter 246-928 WAC, creating a new section of rule to clarify the scope of practice regarding the administration of medications by respiratory therapists. | 10-17-099 | | | | Ted Dale | 360-236-2991 |

| Authority | RCW or Session Law | WAC and Rule Title | CR-101 WSR # | CR-102 WSR # | CR-103 WSR # | CR-105 WSR # | Program Contact Name | Program Contact Phone |
|----------------------|--|--|-------------------|-------------------|--------------|--------------|----------------------|-----------------------|
| Department of Health | SHB 1383 (chapter 114, Laws of 2021) | Chapter 246-928 WAC, Respiratory care practitioners. DOH is considering rules to implement and align with legislation. SHB 1383 (chapter 114, Laws of 2021) makes several amendments to the respiratory care practitioner profession, including changing the profession's scope of practice and required qualifications and giving the department authority to create regulations on training requirements and hospital protocols for particular medical procedures. The department will also consider updates and housekeeping changes to clarify and streamline chapter 246-928 WAC. | 21-12-040 | Anticipate Filing | | | Ted Dale | 360-236-2991 |
| Department of Health | RCW 18.155.040 | Chapter 246-930 WAC, Sex offender treatment providers (SOTP). Chapter rewrite based on recommendations from newly established SOTP advisory committee. | Anticipate Filing | | | | Brandon Williams | 360-236-4611 |
| Department of Health | Chapters 70.168, 18.73 RCW | Chapter 246-976 WAC (minus 246-976-420, 246-976-580, and 246-976-700 currently open). Updating EMS and trauma care systems. Chapter to align with the national standards and streamline applications. | 17-24-013 | | | | Catie Holstein | 360-236-2830 |
| Department of Health | SSB 5380 (section 19, chapter 314, Laws of 2019) | Chapter 246-976 WAC, Emergency medical services (EMS) and trauma care systems. DOH is considering updating the 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 | | | | Jim Jansen | 360-236-2821 |
| Department of Health | HB 1120 (2021), RCW 18.88B.021 and 18.88B.060 | Chapter 246-980 WAC, Home care aides, DOH is considering amending the rules to allow more than one "date of hire" to allow individuals to complete their initial certification and reduce barriers to reentry. | 20-07-049 | Anticipate Filing | | | Stacey Saunders | 360-236-2813 |

| Authority | RCW or Session Law | WAC and Rule Title | CR-101 WSR # | CR-102 WSR # | CR-103 WSR # | CR-105 WSR # | Program Contact Name | Program Contact Phone |
|---|--|---|-------------------|-------------------|-------------------|--------------|----------------------|-----------------------|
| Examining Board of Psychology | RCW 18.83.090 | WAC 246-924-230, continuing education requirements. The board of psychology will examine the possibility of reducing the number of hours required for continuing education. | Anticipate Filing | | | | Stacey Saunders | 360-236-2813 |
| Examining Board of Psychology | RCW 18.83.050 | WAC 246-924-046, 246-924-049, 246-924-053, 246-924-056, 246-924-059, 246-924-100, and others as necessary. The board will consider removing the face-to-face requirement for practicums. | Anticipate Filing | | | | Stacey Saunders | 360-236-2813 |
| Nursing Care Quality Assurance Commission | RCW 18.79.110, 18.79.250, 18.79.260, 18.79.270 | WAC 246-840-300, 246-840-700 through 246-840-710, nursing scope of practice. | 19-01-002 | | | | Shad Bell | 360-236-4711 |
| Nursing Care Quality Assurance Commission | RCW 18.79.110, 18.79.400, and 18.79.800 | Chapter 246-840 WAC, Practical and registered nursing, advanced practice pain management rules. | 19-15-092 | | | | Shad Bell | 360-236-4711 |
| Nursing Care Quality Assurance Commission | RCW 18.79.110 | WAC 246-840-010, 246-840-840, 246-840-850, 246-840-860, and 246-840-905, include licensed practical nurse students as eligible for the nursing technician credential. | 20-11-044 | Anticipate Filing | | | Shad Bell | 360-236-4711 |
| Nursing Care Quality Assurance Commission | RCW 18.88A.060 | Chapters 246-841 and 246-842 WAC, Nursing assistants chapter review. | 21-05-021 | | | | Shad Bell | 360-236-4711 |
| Pharmacy Quality Assurance Commission | Chapter 314, Laws of 2019 (SSB 5380) | WAC 246-945-014, Electronic prescribing mandate waiver. The pharmacy quality assurance commission and DOH are jointly proposing a new section of rule to outline the electronic prescribing mandate, exceptions allowing a waiver, and related waiver process as required by SSB 5380 passed during the 2019 legislative session. | 21-04-051 | 21-08-059 | Anticipate Filing | | Lindsay Trant | 360-236-2932 |

| Authority | RCW or Session Law | WAC and Rule Title | CR-101 WSR # | CR-102 WSR # | CR-103 WSR # | CR-105 WSR # | Program Contact Name | Program Contact Phone |
|---------------------------------------|---|--|--------------|-------------------|-------------------|--------------|----------------------|-----------------------|
| Pharmacy Quality Assurance Commission | RCW 18.64.005, 18.64.043, 18.64.044, 18.64.045, 18.64.046, 18.64.047, 18.64.080, 18.64.140, 18.64.205, 18.64.310, 18.64.460 | Chapter 246-945 WAC, Pharmacy quality assurance commission (commission). The commission is considering creating a new section for all fees and to move pharmacy licensing fees under various other chapters of rule to this chapter. The commission will also explore changes to renewal cycles and restructuring the fees for drug researchers as requested by stakeholders during public comment of the chapter rewrite. | 20-14-129 | 21-12-074 | Anticipate Filing | | Cori Tarzwell | 360-236-4981 |
| Pharmacy Quality Assurance Commission | SSB 6086 (chapter 244, Laws of 2020) | Chapter 246-945 WAC, creating a new section for the implementation of SSB 6086, an act relating to increasing access to medications for people with opioid use disorder. | 20-17-123 | Anticipate Filing | | | Lindsay Trant | 360-236-2932 |
| Pharmacy Quality Assurance Commission | SSB 6526 (chapter 264, Laws of 2020) | Chapter 246-945 WAC, creating a new section allowing for the donation and reuse of unexpired drugs as required by SSB 6526. | 20-17-143 | Anticipate Filing | | | Lindsay Trant | 360-236-2932 |
| Pharmacy Quality Assurance Commission | RCW 18.64.205 and 18.64.005 | Chapter 246-945 WAC. The pharmacy quality assurance commission (commission) is considering adding a new section to the chapter to allow retired pharmacists to apply for a retired active pharmacist license status and practice pharmacy under certain conditions. The commission may also amend other sections in chapter 246-945 WAC to correspond to the new section. | 21-09-063 | Anticipate Filing | | | Lindsay Trant | 360-236-2932 |
| Pharmacy Quality Assurance Commission | RCW 18.64.005 and 69.50.201 | WAC 246-945-056, Schedule V. The pharmacy quality assurance commission is considering deleting Epidiolex from the list of Schedule V controlled substance in Washington state in line with changes to federal regulation and in response to a stakeholder petition to do so. | 20-23-027 | Anticipate Filing | | | Lindsay Trant | 360-236-2932 |

| Authority | RCW or Session Law | WAC and Rule Title | CR-101 WSR # | CR-102 WSR # | CR-103 WSR # | CR-105 WSR # | Program Contact Name | Program Contact Phone |
|-------------------------------|--|---|-------------------|-------------------|--------------|--------------|----------------------|-----------------------|
| Podiatric Medical Board | RCW 18.22.015 | WAC 246-922-300 Podiatric continuing education requirements and WAC 246-922-310 Categories of creditable podiatric continuing education activities. The podiatric medical board is considering amendments to update and clarify the continuing education rules for podiatric physicians. | Anticipate Filing | | | | Susan Gragg | 360-236-4941 |
| Veterinary Board of Governors | RCW 18.92.030 and 18.92.260 | WAC 246-933-501 through 246-933-590, authorizing animal care and control agencies and nonprofit humane societies to provide veterinary services. | 20-01-013 | Anticipate Filing | | | Loralei Walker | 360-236-4947 |
| Veterinary Board of Governors | Chapter 76, Laws of 2020 | Chapter 246-933 WAC, Suicide prevention education, repealing AIDs education. | 20-24-095 | Anticipate Filing | | | Loralei Walker | 360-236-4947 |
| Washington Medical Commission | RCW 18.71.017, 18.71.002 [18.71.002], and 18.130.050 | Chapters 246-919 and 246-918 WAC. Considering a new technical assistance program to address practitioner deficiency issues. The Washington medical commission (commission) is considering creating two new rule sections that will establish a clinical assistance program to resolve practice deficiencies that may not rise to the level of a license sanction or revocation through a plan of education, training, and/or supervision for allopathic physicians and physician assistants. The commission will consider amending other related rules as needed. | 18-06-007 | | | | Amelia Boyd | 360-236-2727 |
| Washington Medical Commission | RCW 18.71.017 and 18.71A.020 | WAC 246-918-801 amending opioid prescribing rules to exempt long-term care facilities. | 20-08-070 | | | | Amelia Boyd | 360-236-2727 |
| Washington Medical Commission | RCW 18.71.017 and 18.130.050 | Chapters 246-918 and 246-919 WAC, adding new sections regarding telemedicine. | 19-19-072 | | | | Amelia Boyd | 360-236-2727 |
| Washington Medical Commission | RCW 18.71.017 and 18.130.050 | Chapters 246-918 and 246-919 WAC, adding new sections regarding stem cell therapies. | 20-09-132 | | | | Amelia Boyd | 360-236-2727 |

| Authority | RCW or Session Law | WAC and Rule Title | CR-101 WSR # | CR-102 WSR # | CR-103 WSR # | CR-105 WSR # | Program Contact Name | Program Contact Phone |
|-------------------------------|---|---|--------------|-------------------|--------------|--------------|----------------------|-----------------------|
| Washington Medical Commission | SB 6551 (2020) | Chapter 246-919 WAC, establishing a waiver and experience license for international medical grads as required by SB 6551 from the 2020 session. | 20-17-024 | | | | Amelia Boyd | 360-236-2727 |
| Washington Medical Commission | RCW 18.71.017, 18.130.050 and 18.71A.020 | Chapters 246-918 and 246-919 WAC, creating new rules regarding collaborative drug therapy agreements. | 20-16-008 | | | | Amelia Boyd | 360-236-2727 |
| Washington Medical Commission | SHB 2378 (chapter 80, Laws of 2020); RCW 18.71A.150, 18.130.050; chapter 18.71A RCW | Chapter 246-918 WAC, Physician assistants— Washington medical commission (commission). Revising physician assistant (PA) rules pursuant to SHB 2378 (chapter 80, Laws of 2020) and updating PA rules to incorporate current, national standards and best practices. | 20-24-015 | Anticipate filing | | | Amelia Boyd | 360-236-2727 |

WSR 21-17-001
RULES COORDINATOR
APPLE COMMISSION

[Filed August 4, 2021, 12:31 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the Washington apple commission is Megan Finkenbinder, 1111 Washington Street S.E., Olympia, WA 98504, phone 360-902-2043, fax 360-902-2092, email mfinkenbinder@agr.wa.gov.

Todd Fryhover
President

WSR 21-17-002

RULES COORDINATOR

ALFALFA SEED COMMISSION

[Filed August 4, 2021, 12:32 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the Washington alfalfa seed commission is Megan Finkenbinder, 1111 Washington Street S.E., Olympia, WA 98504, 360-902-2043, fax 360-902-2092, email mfinkenbinder@agr.wa.gov.

Shane Johnson
Executive Director

WSR 21-17-003
RULES COORDINATOR
BEEF COMMISSION

[Filed August 4, 2021, 12:33 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the Washington state beef commission is Megan Finkenbinder, 1111 Washington Street S.E., Olympia, WA 98504, phone 360-902-2043, fax 360-902-2092, email mfinkenbinder@agr.wa.gov.

Patti Brumbach
Executive Director

WSR 21-17-004
RULES COORDINATOR
MINT COMMISSION

[Filed August 4, 2021, 12:34 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the Washington mint commission is Megan Finkenbinder, 1111 Washington Street S.E., Olympia, WA 98504, 360-902-2043, fax 360-902-2092, email mfinkenbinder@agr.wa.gov.

Shane Johnson
Executive Director

WSR 21-17-005
RULES COORDINATOR
BEER COMMISSION

[Filed August 4, 2021, 12:34 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the Washington beer commission is Megan Finkenbinder, 1111 Washington Street [S.E.], Olympia, WA 98504, phone 360-902-2043, fax 360-902-2092, email mfinkenbinder@agr.wa.gov.

Eric Radovich
Executive Director

WSR 21-17-006
RULES COORDINATOR
OILSEEDS COMMISSION
[Filed August 4, 2021, 12:35 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the Washington oilseeds commission is Megan Finkenbinder, 1111 Washington Street S.E., Olympia, WA 98504, 360-902-2043, fax 360-902-2092, email mfinkenbinder@agr.wa.gov.

Shane Johnson
Executive Director

WSR 21-17-007
RULES COORDINATOR
TURFGRASS SEED COMMISSION
[Filed August 4, 2021, 12:36 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the Washington turfgrass seed commission is Megan Finkenbinder, 1111 Washington Street S.E., Olympia, WA 98504, 360-902-2043, fax 360-902-2092, email mfinkenbinder@agr.wa.gov.

Shane Johnson
Executive Director

WSR 21-17-008
RULES COORDINATOR
BELLEVUE COLLEGE

[Filed August 4, 2021, 12:56 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the Bellevue College is Alicia Keating Polson, 3000 Landerholm Circle S.E., Bellevue, WA 98007, phone 425-564-2302, email rules@bellevuecollege.edu.

Gary Locke
Interim President

WSR 21-17-012

POLICY STATEMENT

DEPARTMENT OF HEALTH

[Filed August 5, 2021, 1:30 p.m.]

This memo serves as notice that the board of osteopathic medicine and surgery (board) is withdrawing the policy statement, PS20-001 Enforcement of AIDS Education and Training Rules, which was filed September 1, 2020, and published in WSR 20-18-077.

The board is withdrawing this policy because the policy was created to indicate that the board would not be enforcing rules requiring AIDS education and training for licensure, while waiting for rules to be repealed. The rules were repealed under WSR 21-02-017 on December 28, 2020, and this policy [is] no longer necessary.

Individuals requiring information on this rule should contact Tracie Drake, program manager for the board of osteopathic medicine and surgery at 360-236-4766.

Tami M. Thompson
Regulatory Affairs Manager

WSR 21-17-015

HEALTH CARE AUTHORITY

[Filed August 5, 2021, 1:52 p.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 21-0023 Oral Health Connections Pilot.

Effective Date: January 1, 2022.

Description: The health care authority (HCA) intends to submit SPA 21-0023 to make the following changes to the oral health connections pilot project:

- Extend the length of the pilot by two years. The current pilot is scheduled to end December 31, 2021. This SPA will extend the pilot until December 31, 2023.
- Change the age range for pregnant clients from age[s] 21 through 64 to ages 16 and older.
- Change the age range for diabetic clients from ages 21 through 64 to ages 21 and older.
- Clients who are eligible for both medicaid and medicare (dual eligibles) will now be able to participate.

The pilot will continue to be conducted in the same three pilot counties - Cowlitz, Spokane, and Thurston.

SPA 21-0023 is expected to increase the annual aggregate reimbursement/payment for some select dental services. Providers participating in the oral health connections pilot project will be paid an enhanced reimbursement of 55 percent above published rates for the select services.

SPA 21-0023 is in the development process; therefore, a copy is not yet available for review. HCA would appreciate any input or concerns regarding this SPA. To request a copy when it becomes available or submit comments, please contact the person named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

Contact: Pixie Needham, RDH, MPA, Apple Health Dental Program (CQCT), 626 8th Avenue S.W., Olympia, WA 98504-5506, phone 360-725-9967, TTY 711, fax 360-725-1328, email pixie.needham@hca.wa.gov.

WSR 21-17-017

AGENDA

DEPARTMENT OF

LABOR AND INDUSTRIES

[Filed August 5, 2021, 2:38 p.m.]

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the [21-18](#) issue of the Register.

WSR 21-17-018

AGENDA

GAMBLING COMMISSION

[Filed August 5, 2021, 3:12 p.m.]

Following is the gambling commission's semi-annual rule-making agenda for rules under development for July 1 through December 31, 2021, pursuant to RCW 34.05.314.

| WAC Chapter and/or Section(s) | Subject Matter | Current Activity | | |
|-------------------------------|----------------------------------|----------------------|---|--------------------|
| | | Preproposal (CR-101) | Proposal (CR-102) or Expedited (CR-105) | Permanent (CR-103) |
| 230-19 | Self-exclusion | WSR 19-21-133 | Expected October - December, 2021 | |
| 230-16 230-06 | Gambling equipment in warehouses | WSR 19-03-095 | Expected October - December, 2021 | |
| 230-11 | Electronic raffles | WSR 20-07-117 | Expected August - October, 2021 | |
| Title 230 WAC | Sports wagering | WSR 20-15-154 | Expected October - December, 2021 | |
| 230-13 | Amusement game locations | WSR 20-12-007 | ON HOLD | |

Ashley Laydon
Rules Coordinator

WSR 21-17-019

NOTICE OF PUBLIC MEETINGS

SECRETARY OF STATE

(Election Administration and Certification Board)

[Filed August 5, 2021, 3:31 p.m.]

Following is the schedule of regular meetings for the election administration and certification board for 2021:

| Date | Time | Location |
|--------------------|-----------|---|
| October 7, 2021 | 1:00 p.m. | Via Webex, email fina.ormond@sos.wa.gov for meeting link. |

If you need further information, contact Fina Ormond, P.O. Box 40229, Olympia, WA 98504, 360-902-4146, fax 360-664-4619, fina.ormond@sos.wa.gov.

WSR 21-17-020
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed August 5, 2021, 4:17 p.m.]

Notice of Interpretive or Policy Statement

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

Economic Services Administration
Division of Child Support (DCS)

Document Title: DCS Administrative Policy 6.02: Parentage Establishment and Voluntary Acknowledgment of Parentage Program.

Subject: AP 6.02.

Effective Date: July 30, 2021.

Document Description: This DCS administrative policy explains DCS's participation in Washington's parentage establishment and acknowledgment program.

To receive a copy of the interpretive or policy statements, contact Amy Hahl, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone 360-397-9801, TDD/TTY 800-833-6384, fax 360-664-5342, email amy.hahl@dshs.wa.gov, website <http://www.dshs.wa.gov/dcs/>.

WSR 21-17-027
RULES OF COURT
STATE SUPREME COURT
[August 3, 2021]

IN THE MATTER OF THE) ORDER
SUGGESTED NEW GENERAL RULE) NO. 25700-A-1341
(GR 40) INFORMAL DOMESTIC)
RELATIONS TRIAL)

Mr. Dennis "D.C." Cronin, having recommended the suggested new General Rule (GR 40) Informal Domestic Relations Trial, and the Court having approved the suggested new rule for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested new rule as shown below is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites on May 1, 2021.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than September 28, 2021. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 3rd day of August, 2021.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

SUGGESTED RULE COVER SHEET
GENERAL STATEWIDE INFORMAL DOMESTIC RELATIONS TRIAL (IDRT)

GR9 (e) (2) (A) Name of Proponent: Dennis "D.C." Cronin, WSBA No. 16018, 724 N. Monroe Street, Spokane, WA. 99201.

GR9 (e) (2) (B) Spokesperson: D.C. Cronin, WSBA No. 16018, 724 N. Monroe Street, Spokane, WA 99201.

GR9 (e) (2) (C) Purpose—the reason or necessity for the suggested rule, including whether it creates or resolves any conflicts with statutes, case law, or other court rules

The challenges of 2020 have afforded unprecedented opportunities. Advancing equitable access to justice commitments of statewide agencies, organizations, and individuals seeking to collaborate and coordinate efforts, a statewide Informal Domestic Relations Trial Rule affords families the opportunity for equitable accessible substantive and procedural justice regardless of geographical circumstance.

To equitably access substantive and procedural justice in all Superior Court Domestic Relations systems, the people of Washington State imminently require innovative, timely, cost effective, and efficient transformative options statewide.

A general statewide Informal Domestic Relations Trial Rules promotes a less adversarial process for families and provides consistency in procedural process, thereby reducing associated risks of trauma compounded within the system itself and helps address access barriers for many experiencing the legal system in domestic relations cases; overwhelmingly those most disparately impacted by the justice system as a whole, including people of color, victims of domestic and sexual violence, self-represented and low income persons, as they maneuver through an overburdened legal system.¹

In 2008, Barbara Babb, author of *Reevaluating Where We Stand: A Comprehensive Survey of America's Family Justice Systems* wrote, "Court reform relative to family law matters has risen steadily over the past decade. States have restructured their justice systems to handle increasingly complex family law cases and burgeoning family law case-loads."²

And, as Rebecca Aviel noted in 2018 Fordham Law Review article *Family Law and the New Access to Justice*,³ "... family court ... reformers are implementing transformative changes that are consistent with access-to-justice values: these reforms are delivering dispute-resolution mechanisms that are faster, cheaper, and easier to maneuver, particularly for self-represented litigants."

The suggested Rule is not in conflict with existing statutes, case law or other court rules and is similar to *Thurston County LSPR 94.03F Informal Family Law Trials* [Updated Rule, January 13, 2020] and *King County Emergency Local Rule Amendment LFLR 23. Informal Family Law Trials effective September 2020*. Uniform, comprehensive Washington State domestic relations reform has intersectional systemic impacts, and an IDRT rule may provide a beneficial resource to superior courts and others committed to the equitable access to justice. The suggested rule recognizes the inherent authority and duty of all courts to manage their own affairs, so as to achieve the orderly and expeditious disposition of cases, prevent undue congestion in the court system, conserve scarce judicial resources, and manage caseloads fairly and expeditiously for all justice involved persons in Washington state.

As the 2015 report *Escalating Costs of Civil Litigation in Washington* recommended, there is a basis for a two-tier litigation model in Washington Superior Courts. The Informal Domestic Relations Trial, or IDRT, is complimentary to such a two-tier system recommended by the task force. While not specifically recommended in the *July 2016 WSBA BOG Report*, the BOG Task Force acknowledged family law has a "unique constellation of concerns" and reserved further consideration of recommendations within the ECCL "... to future efforts except to the extent its recommendations also address this area of the law."

Similarly, the *October 2015 Washington State Supreme Court Civil Legal Needs Study Update Committee* chaired by Justice Wiggins identified "Family Related Problems" as a "Substantive Problem Area". *The 2017 Legal Services Corporation Report: The Justice Gap: Measuring the Unmet Civil Legal Needs of Low Income Americans* indicates "Twenty-seven percent of households with parents or guardians of children under the age of 18 have experienced a civil legal problem related to children or custody" between 2016 and 2017. In addition, the report identified civil legal problems related to family affect 17% of all low-income households ... including domestic violence or sexual assault and filing for divorce or legal separation.

The suggested statewide rule for an Informal Domestic Relations Trial option is an effort to provide access to justice in family law

matters for unrepresented families in all Washington State Superior Courts. The IDRT also provides access to those individuals across Washington who can afford the Traditional Domestic Relations Trial, but elect not to do so, seeking a less adversarial resolution to their domestic legal matters.

Despite the investments of talent and resources of many during the past two decades, including the Washington State Supreme Court and the Office of Civil Legal Aid, BJA, and other qualified entities, Washington courts and domestic relations practice continue to lag "behind the times" in transformative reform. Adoption of an Informal Domestic Relations Trial Rule is where Washington State can begin, truly, as the Civil Legal Needs Study opined, "Meeting the Challenge" by "Turning Findings to Action".⁴

While family law practitioners and the public may experience "silo effects" as local jurisdictions attempt to formulate local rules in response to domestic relations administrative issues, Washington State has a wealth of existing research and resources available for collaboration including, but not limited to, the ATJ, BJA, WSBA, SCJA, AOC, WSACC, ATJB, OCLA, ECCL, Juvenile and Family Court Improvement Program, Unified Family Court Program, Supreme Court MJC and GJC Commissions, our law schools, as well as professional associations such as AFCC. In light of the urgency due to COVID related impacts, implementation of a *statewide* IDRT rule provides an opportunity for comprehensive *statewide* uniform domestic relations reform, providing best practice guidance as multiple local and statewide court recovery and unrepresented litigant groups discuss how to best move forward.

Our surrounding geographical neighbors in Oregon, Idaho and Alaska, implemented IDRT standards as early as 2015. A similar rule is in effect in Utah, and in 2017, a pilot program was launched in the Seventh Judicial District in Iowa resulting in the Iowa Judicial Branch Informal Family Law Trial, implemented statewide by order of the Iowa State Supreme Court on December 1, 2020. Similarly, the 2018-2021 long range plan from the Florida Commission on Access to Civil Justice includes study and research of Informal Domestic Relations Trial.

In **Alaska**, the Rule, as amended through July 25, 2019, governing the Informal Domestic Relations Trial is found at Alaska R. Civ P. 16.2. In **Idaho** the Informal Domestic Relations trial rule is found at Idaho Rule of Family Procedure 713. In **Oregon** the Informal Domestic Relations Trial is found at R 8.120. under Chapter 8: Domestic Relations Proceedings. In **Utah** the rule is found at Utah District Court Rule 4-904. Information concerning the Informal Family Law Trial Pilot Program can be accessed through the District Court Administration for the Seventh Judicial District of Iowa.

Further information from **Alaska** explaining and supporting an Informal Domestic Relations Trial rule can be found at: Alaska Court System Self Help Center: Family Law

Further information from **Oregon**, explaining the differences between Informal and Traditional Domestic Relations Trials can be found at: Oregon Judicial Branch: Informal Family Law Trials

Further Information from **Idaho** can be found at: Idaho Rules of Family Law Procedure Rule 713. Informal Trial.

Further Information from **Iowa** can be found at: Iowa State Supreme Court December 1, 2020 Order and Iowa Judicial Branch Informal Family Law Trial Program

Further Information from **Utah** can be found at: Utah Courts Informal Trial of Support, Custody and Parent-Time.

See also., Oregon's Informal Domestic Relations Trial: A New Tool To Efficiently and Fairly Manage Family Court Trials, Family Court Review, Vol 55 No. 1 (January 2017).

GR9 (e) (2) (D) Hearing: Due to the implementation of Thurston County, LSPR 94.03F Informal Family Law Trials [Updated Rule, January 13, 2020] and in King County by Emergency Local Rule Amendment LFLR 23 Informal Family Law Trials effective September 2020 as well as the number of longstanding published Washington State Committee and Task Force reports, data, research, and studies containing recommendations to overcome barriers to equal access to justice, it is not believed a public hearing regarding a general statewide Informal Domestic Relations Trial suggested rule is necessary.

In addition, information from the currently implemented Informal Domestic Relations Trials in Alaska, Idaho, Iowa, Oregon and Utah Courts is readily accessible.

GR9 (e) (2) (E) Expedited Consideration: 2020 has presented unprecedented challenges and unprecedented opportunities, as evidenced by the dedication of countless individuals in local jurisdictions as well as through statewide task forces and workgroups addressing best practices during court recovery. The opportunity to uniformly impact barriers impacting equitable access to justice is now.

The Board for Judicial Administration recommends domestic case standards of "90 percent of all domestic relations cases should be adjudicated within 10 months of the date of filing of the information, 98 percent within 14 months of filing, and 100 percent within 18 months". Yet in 2019, 11,125 families⁵, up from 9,162 families in 2018, had domestic relations cases pending resolution over 18 months in Washington State Superior Courts⁶, as opposed to 2,371 families with domestic relations cases pending resolution over 18 months in 2000.⁷

While the case management percentages may appear to have remained fairly consistent on paper, we have yet to see the 2020 impact COVID will have on these statistics. Yet, the number of cases reported do not reflect the financial and psychological impact of backlogged, delayed, and adversarial legal proceedings experienced by children, youth, parents, relatives and employers throughout our state, most often the most vulnerable, marginalized, and impoverished members of our communities. COVID has only made matters more traumatic and as such, expedited consideration of a statewide rule is warranted for families, courts, and communities.

Even before COVID brought attention to the imminent need for civil legal equity throughout our state, one participant in the October 2015 Washington State Supreme Court Civil Legal Needs Study Update was quoted in the report as asking "Will people in my position, or worse off than I, get any sort of meaningful help?". The reply, "The answer to these questions, and so many others, is up to all of us." Despite the Campaign for Equal Justice funding legal aid for 31,000 families in poverty in 2018, two years pre-COVID, at least 3 out of 4 low income individuals are not able to access legal assistance when it is needed.⁸ Private practice attorneys provide valuable pro bono service. Yet, valuable hours of research and committee time have yielded no discernable implementation of recommendations designed specifically to address access to justice for all. There is a critical need for the Court to address the domestic relations judicial process for low income and other marginalized families by implementation of a statewide

rule, which regardless of geographical location and local court resources, can promote equity and consistency.

As noted by Jane C. Murphy & Jana B. Singer, Moving Family Dispute Resolution from the Court System to the Community, 75 MD.L. REV. ENDNOTES 9 (2016), "Everyone who works in family law ... agrees on two things: family court is not good for families, and litigation is not good for children." Respectfully, it would appear that upon which we are not able to agree continues to cause barriers for implementing best practices for the families of Washington State.

Based upon nearly 20 years of research, studies, committees and task forces, respectfully, I request expeditious review and consideration of a statewide general IDRT system for domestic relations cases; a recommendation within the prevue and authority of the Washington State Supreme Court.

For disparately affected persons seeking timely and less traumatic adjudication of their domestic relations matters, as well as for the fiscal impact on counties and Superior Courts now exacerbated by the unprecedented COVID challenges of 2020 and beyond, expedited consideration is respectfully requested.

¹ [Civil Legal Needs Study October 2015 V21 Final 10 14 15.pdf](#)

² [Where We Stand: A Comprehensive Survey of America's Family Justice Systems, 46 FAM. CT. REV. 230, 230 \(2008\)](#),

³ [Family Law and the New Access to Justice, 86 Fordham L. Rev. 2279 \(2018\)](#)

⁴ [2015 Civil Legal Needs Study Update](#)

⁵ [Superior Court 2019 Domestic Relations Case Management Statistics](#)

⁶ [Superior Court 2018 Annual Caseload Report](#)

⁷ [Superior Court 2000 Annual Caseload Report](#)

⁸ <https://legalfoundation.org/the-campaign-for-equal-justice/>

Respectfully Submitted this 16th day of December, 2020,

D.C. Cronin, WSBA No. 16018

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

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

**GR 9 SUGGESTED NEW GENERAL RULE TEXT
INFORMAL DOMESTIC RELATIONS TRIAL (IDRT)**

(1) Upon the consent of both parties, Informal Domestic Relations Trials may be held to resolve any or all issues in original actions or modification for dissolution of marriage, separate maintenance, invalidity, child support, parenting plans, residential schedules, and child custody filed under RCW chapters 26.09; 26.19; 26.26A; 26.26B; and 26.27.

(2) The parties may select an Informal Domestic Relations Trial within 14 days of a case subject to this rule being at issue. The parties must file a Trial Process Selection and Waiver for Informal Domestic Relations Trial in substantially the form specified at _____. This form must be accepted by all Superior Courts.

(3) The Informal Domestic Relations Trial will be conducted as follows:

(a) At the beginning of an Informal Domestic Relations Trial the parties will be asked to affirm that they understand the rules and procedures of the Informal Domestic Relations Trial process, they are consenting to this process freely and voluntarily, and they have not been threatened or promised anything for agreeing to the Informal Domestic Relations Trial process.

(b) The Court may ask the parties or their lawyers for a brief summary of the issues to be decided.

(c) The moving party will be allowed to speak to the Court under oath concerning all issues in dispute. The party is not questioned by counsel, but may be questioned by the Court to develop evidence required by any statute or rule, for example, the applicable requirements of the Washington Child Support Schedule if child support is at issue.

(d) The parties will not be subject to cross examination. However, the Court will ask the non-moving party or their counsel whether there are any other areas the party wishes the Court to inquire about. The Court will inquire into these areas if requested and if relevant to an issue to be decided by the Court.

(e) The process in subsections (3)(c) and (3)(d) is then repeated for the other party.

(f) Expert reports will be received as exhibits. Upon request of either party, the expert will be sworn and subjected to questioning by counsel, the parties, or the Court.

(g) The Court will receive any exhibits offered by the parties. The Court will determine what weight, if any, to give each exhibit. The Court may order the record to be supplemented.

(h) The parties or their counsel will then be offered the opportunity to respond briefly to the statements of the other party.

(i) The parties or their counsel will be offered the opportunity to make a brief legal argument.

(j) At the conclusion of the case, the Court shall render judgment. The Court may take the matter under advisement, but best efforts will be made to issues prompt judgments.

(k) The Court may modify these procedures as justice and fundamental fairness requires.

(4) The Court may refuse to allow the parties to utilize the Informal Domestic Relations Trial procedure at any time and may also direct that a case proceed in the traditional manner of trial even after an Informal Domestic Relations Trial has been commenced but before judgment has been entered.

(5) A party who has previously agreed to proceed with an Informal Domestic Relations Trial may file a motion to opt out of the Informal Domestic Relations Trial provided that this motion is filed not less than ten calendar days before trial. This time period may be modified or waived by the Court upon a showing of good cause. A change in the type of trial to be held may result in a change in the trial date.

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

**WSR 21-17-030
RULES COORDINATOR
WALLA WALLA
COMMUNITY COLLEGE**

[Filed August 9, 2021, 9:22 a.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the Walla Walla Community College is Doreen Kennedy, 500 Tausick Way, Walla Walla, WA 99362, phone 509-527-4274, fax 509-527-4249, email doreen.kennedy@wwcc.edu.

Doreen Kennedy
Executive Assistant
to the President

WSR 21-17-031

HEALTH CARE AUTHORITY

[Filed August 9, 2021, 1:05 p.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 21-0023 Oral Health Connections Pilot.

Effective Date: January 1, 2022.

Description: The health care authority (HCA) intends to submit SPA 21-0023 to make the following changes to the oral health connections pilot project:

- Extend the length of the pilot by two years. The current pilot is scheduled to end December 31, 2021. This SPA will extend the pilot until December 31, 2023.
- Change the age range for pregnant clients from age[s] 21 through 64 to ages 16 and older.
- Change the age range for diabetic clients from ages 21 through 64 to ages 21 and older.
- Clients who are eligible for both medicaid and medicare (dual eligibles) will now be able to participate.

The pilot will continue to be conducted in the same three pilot counties - Cowlitz, Spokane, and Thurston.

SPA 21-0023 is expected to increase the annual aggregate reimbursement/payment for some select dental services. Providers participating in the oral health connections pilot project will be paid an enhanced reimbursement of 55 percent above published rates for the select services.

SPA 21-0023 is in the development process, therefore, a copy is not yet available for review. HCA would appreciate any input or concerns regarding this SPA. To request a copy when it becomes available or submit comments, please contact the person named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

Contact: Pixie Needham, RDH, MPA, Apple Health Dental Program (CQCT), 626 8th Avenue S.W., Olympia, WA 98504-5506, phone 360-725-9967, TTY 711, fax 360-725-1328, email pixie.needham@hca.wa.gov.

WSR 21-17-034
NOTICE OF PUBLIC MEETINGS
LAKE WASHINGTON
INSTITUTE OF TECHNOLOGY
[Filed August 9, 2021, 1:27 p.m.]

Pursuant to RCW 42.30.075, Lake Washington Institute of Technology is notifying you of the board meeting schedule for 2021-2022.

| | |
|--------------------|-------------------|
| September 13, 2021 | 3 to 6 p.m. |
| October 11, 2021 | 4:30 to 6:30 p.m. |
| November 15, 2021 | 4:30 to 6:30 p.m. |
| December 13, 2021 | 12 to 1:30 p.m. |
| January 10, 2022 | 4 to 6 p.m. |
| February 7, 2022 | 4 to 6 p.m. |
| February 28, 2022 | 12 to 5 p.m. |
| April 11, 2022 | 4 to 6 p.m. |
| May 9, 2022 | 9 a.m. to 3 p.m. |
| June 6, 2022 | 4 to 6 p.m. |

WSR 21-17-036
NOTICE OF PUBLIC MEETINGS
ANDY HILL CANCER
RESEARCH ENDOWMENT BOARD
 [Filed August 9, 2021, 2:03 p.m.]

The following is the 2022 schedule for the Andy Hill Cancer Research Endowment Board meetings.

| Date | Time | Location |
|-------------|----------------------------------|---|
| 2/23/2022 | 3:00 - 5:00 p.m. | Zoom https://zoom.us/j/97470605749 Meeting ID 974 7060 5749 Phone 253-215-8782 Meeting ID 97470605749# |
| 4/27/2022 | 3:00 - 5:00 p.m. | Zoom https://zoom.us/j/93975559109 Meeting ID 939 7555 9109 Phone 253-215-8782 Meeting ID 93975559109# |
| 6/15/2022 | 8:00 [a.m.] - 2:30 p.m. | Zoom https://zoom.us/j/95582083156 Meeting ID 955 8208 3156 Phone 253-215-8782 Meeting ID 95582083156# |
| 9/7/2022 | 3:00 - 5:00 p.m. | Zoom https://zoom.us/j/98553435307 Meeting ID 985 5343 5307 Phone 253-215-8782 Meeting ID 98553435307# |
| 11/2/2022 | 3:00 - 5:00 p.m. | Zoom https://zoom.us/j/96983630041 Meeting ID 969 8363 0041 Phone 253-215-8782 Meeting ID 96983630041# |

WSR 21-17-039

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF LICENSING

[Filed August 9, 2021, 2:48 p.m.]

Due to lack of agenda items, the September 2, 2021, home inspector board meeting is canceled.

WSR 21-17-042

NOTICE OF PUBLIC MEETINGS

DAIRY PRODUCTS COMMISSION

[Filed August 9, 2021, 3:59 p.m.]

2021 Revised Board Meeting Schedule

| | | |
|--|---|-----------|
| February 18, 2021 Thursday | Commission board meeting Virtual meeting | 8:00 a.m. |
| April 14, 2021 Wednesday | Commission board meeting Virtual meeting | 8:00 a.m. |
| July 7, 2021 Wednesday | Commission board meeting Virtual meeting | 8:00 a.m. |
| September 27, 2021 Monday | Commission meeting Virtual meeting | 3:00 p.m. |
| September 28, 2021 Monday [Tuesday] | | 8:00 a.m. |
| November 10, 2021 Wednesday | Commission board meeting Virtual meeting | 8:00 a.m. |
| December 8, 2021 Wednesday | Commission board meeting Virtual meeting | 8:00 a.m. |

NOTE: Please confirm all final meeting start times with the Washington dairy products commission at 425-672-0687.

WSR 21-17-046
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Board of Osteopathic Medicine and Surgery)
 [Filed August 10, 2021, 8:55 a.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health (DOH), board of osteopathic medicine and surgery, for the year 2021. The board of osteopathic medicine and surgery meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

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

| Date | Time | Locations |
|-------------------|-----------|---|
| January 8, 2021 | 9:00 a.m. | Webinar only |
| February 26, 2021 | 9:00 a.m. | Webinar only |
| March 29, 2021 | 9:00 a.m. | Webinar only |
| May 21, 2021 | 9:00 a.m. | Webinar only |
| June 25, 2021 | 9:00 a.m. | Webinar only |
| August 27, 2021 | 9:00 a.m. | Webinar only |
| October 15, 2021 | 9:00 a.m. | Kent <u>To be determined</u> |
| December 3, 2021 | 9:00 a.m. | Kent <u>To be determined</u> |

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

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

WSR 21-17-052
NOTICE OF PUBLIC MEETINGS
BUILDING CODE COUNCIL
 [Filed August 10, 2021, 12:26 p.m.]

In accordance with RCW 42.30.075, the Washington state building code council is filing the following revisions to their regular meeting schedule.

If you have questions or need additional information, please contact council staff at 360-407-9255 or email sbcc@des.wa.gov.

| Date | Meeting | Location | Time |
|--|----------------------------|------------------------|------------------------|
| Friday, August 27, 2021 (new meeting) | BFP committee meetings | Virtual | 10:00 a.m. / 2:00 p.m. |
| Thursday, September 9, 2021 (new meeting) | MVE committee meeting | virtual | 10:00 a.m. |
| Thursday, September 16, 2021 | MVE/BFP committee meetings | Virtual (new location) | 10:00 a.m. / 2:00 p.m. |
| Friday, September 17, 2021 | Council meeting | Virtual (new location) | 10:00 a.m. |

WSR 21-17-055
NOTICE OF PUBLIC MEETINGS
STUDENT ACHIEVEMENT COUNCIL
 [Filed August 10, 2021, 1:54 p.m.]

2021 Committee Meeting Schedule

Background

As outlined in RCW 28B.95.030, WAC 14-104-010, the WA529 committee shall hold regular meetings as needed. Additional special meetings may be scheduled if needed.

The following is the proposed meeting schedule for the 2021 calendar year.

| DATE | TIME | PLACE |
|-------------------------------------|---------------------|--|
| Wednesday, January 20, 2021 | 2:00 - 4:00 p.m. | This meeting has been cancelled. |
| Thursday, May 6, 2021 | 2:00 - 4:00 p.m. | Virtual meeting - registration required Physical location to be determined. https://us02web.zoom.us/join/tZMtc-2prDsiGtLfE_CPGcRjaGHGQ45Q7dcf |
| Monday, June 28, 2021 | 3:00 - 3:30 p.m. | Special WA529 committee meeting - virtual meeting. https://us02web.zoom.us/join/tZYkd-utrTMiHdL0Aallw2ohgj3W2N-iEg45 |
| Wednesday, September 15, 2021 | 2:00 - 4:00 p.m. | Virtual meeting - registration required. https://us02web.zoom.us/join/tZwvdO6sqzMuE9EZhEKh2oCSdmxnAnK2LDSo |
| Wednesday, November 17, 2021 | 2:00 - 4:00 p.m. | Virtual meeting - registration required. Physical location to be determined. https://us02web.zoom.us/join/tZ0kduysqz8vGNC1J7R5rxQlo4d_fmOKPPFv |

WSR 21-17-061

INTERPRETIVE STATEMENT

DEPARTMENT OF HEALTH

[Filed August 11, 2021, 10:50 a.m.]

NOTICE OF ADOPTION OF AN INTERPRETIVE STATEMENT

Title of Interpretive Statement: Medical Assistants and Telemedicine Training Interpretive Statement Number IS21-01.

Issuing Entity: Department of health.

Subject Matter: Clarifying that telemedicine training is not a requirement for medical assistants.

Effective Date: July 25, 2021.

Contact Person: Tracie Drake, 360-236-4766.

WSR 21-17-064
RULES COORDINATOR
CRANBERRY COMMISSION
[Filed August 11, 2021, 1:12 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the Washington state cranberry commission is Megan Finkenbinder, 1111 Washington Street S.E., Olympia, WA 98504, phone 360-902-2043, fax 360-902-2092, email mfinkenbinder@agr.wa.gov.

Jack Stein
Chairperson

WSR 21-17-065
NOTICE OF PUBLIC MEETINGS
YAKIMA VALLEY COLLEGE
 [Filed August 11, 2021, 1:27 p.m.]

Following is the schedule of regular meetings for Yakima Valley College (YVC) for 2021-2022:

| Date | Time | Location |
|------------------------------------|-----------|---|
| 2021 | | |
| Thursday, September 9, 2021 | 4:30 p.m. | Conference Room 038-0122, West Campus and/or via Zoom |
| Thursday, October 14, 2021 | 4:30 p.m. | Conference Room 038-0122, West Campus and/or via Zoom |
| Wednesday, November 10, 2021 | 4:30 p.m. | Conference Room 038-0122, West Campus and/or via Zoom |
| Thursday, December 9, 2021 | 4:30 p.m. | Conference Room 038-0122, West Campus - CANCELLED |
| 2022 | | |
| Thursday, January 13, 2022 | 4:30 p.m. | Conference Room 038-0122, West Campus and/or via Zoom |
| Thursday, February 10, 2022 | 4:30 p.m. | Conference Room 038-0122, West Campus and/or via Zoom |
| Thursday, March 10, 2022 | 4:30 p.m. | Conference Room 038-0122, West Campus and/or via Zoom |
| Thursday, April 14, 2022 | 4:30 p.m. | Library Meeting Room, Grandview Campus and/or via Zoom |
| Thursday, May 12, 2022 | 4:30 p.m. | Conference Room 038-0122, West Campus and/or via Zoom |
| Thursday, June 9, 2022 | 4:30 p.m. | Conference Room 038-0122, West Campus and/or via Zoom |
| Thursday, July 14, 2022 | 4:30 p.m. | Conference Room 038-0122, West Campus - CANCELLED |
| Thursday, August 11, 2022 | 4:30 p.m. | Conference Room 038-0122, West Campus - CANCELLED |
| Thursday, September 8, 2022 | 4:30 p.m. | Conference Room 038-0122, West Campus and/or via Zoom |

| Date | Time | Location |
|-----------------------------------|-----------|--|
| Thursday, October 13, 2022 | 4:30 p.m. | Conference Room 038-0122, West Campus and/or via Zoom |
| Thursday, November 10, 2022 | 4:30 p.m. | Conference Room 038-0122, West Campus and/or via Zoom |
| Thursday, December 8, 2022 | 4:30 p.m. | Conference Room 038-0122, West Campus - CANCELLED |

YVC West Campus Conference Center is located at 1704 West Nob Hill Boulevard, Yakima, WA. The Grandview Campus is at 500 West Main Street, Grandview, WA.

https://www.governor.wa.gov/sites/default/files/proclamations/proc_20-28.15.pdf.

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

WSR 21-17-071
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
LABOR AND INDUSTRIES
(Board of Boiler Rules)
[Filed August 12, 2021, 10:20 a.m.]

Per chapter 42.30 RCW, the Open Public Meetings Act, the board of boiler rules study session meeting scheduled for August 17, 2021, at 11:00 a.m. has been cancelled.

If you have any questions, please contact Alicia Curry, management analyst, at 360-902-6244 or Alicia.Curry@Lni.wa.gov.

WSR 21-17-087

DEPARTMENT OF ECOLOGY

[Filed August 13, 2021, 8:45 a.m.]

PUBLIC NOTICE

**Announcing the Draft Fresh Fruit Packing General Permit
and Fact Sheet for Review and Comment**

The Washington state department of ecology (ecology) proposes to reissue the **fresh fruit packing** national pollutant discharge elimination system and state waste discharge general permit (permit). The current permit was last issued in July 2016 and is scheduled to expire August 31, 2021. The revised draft permit and fact sheet, which explains the legal and technical basis for the permit, are available with any associated documents for review and public comment from **September 1, 2021, through October 15, 2021, at 11:59 p.m.** Ecology will host informational workshop(s) and a public hearings on the draft permit.

Comments are also solicited on the State Environmental Policy Act (SEPA) action and the determination of nonsignificance. All documents associated with the SEPA action are available on the websites (listed below) with the draft permitting documents. The comment period is the same as the underlying agency action of proposed general permit reissuance, **September 1, 2021, through October 15, 2021, at 11:59 p.m.**

Purpose of the Permit: The permit provides coverage for fresh fruit packing facilities packing hard or soft fruits for shipping to food product commercial distributors. This permit also covers long-term fruit storage (CA storage) discharges (noncontact cooling [cooling] water). Under federal and state water quality laws (Federal Clean Water Act and State Water Pollution Control Act), a permit is required for the discharge of these wastewaters. Existing or new fresh fruit packing facilities which receive, pack, store, and/or ship either hard or soft fresh fruit (with the exception of discharges of only domestic wastewater or discharges only to a delegated pretreatment publicly owned treatment works. These private businesses that discharge wastewater either directly or indirectly to waters of the state must obtain permit authorization for their discharge.

Applying for Coverage under the Permit: Facilities that have already applied for coverage by March 4, 2021, and are covered under the existing permit, are covered under the new permit. New or unpermitted facilities may obtain coverage under the permit by submitting a complete permit application to ecology and satisfying all applicable public notice and SEPA requirements (WAC 173-226-200). Access to the application is available online at <https://ecology.wa.gov/FRUITPACKPERMIT>.

Copies of the Draft Permit and Fact Sheet: The draft permit and fact sheet are available online at <https://ecology.wa.gov/FRUITPACKPERMIT> by end of day on **September 1, 2021**. You may also request copies from Cynthia Huwe at 509-379-3723 or cynthia.huwe@ecy.wa.gov.

Submitting Written Comments: Ecology will accept written comments on the draft permit and fact sheet from **September 1, 2021, through October 15, 2021 by 11:59 p.m.** Ecology prefers online comment submission via the eComment form (link below) on the permit webpage. Written comments by mail must be postmarked by **October 15, 2021**. Comments should reference specific permit text when possible.

Online via the eComment form: <https://wq.ecology.commentinput.com/?id=mBGE7> (preferred).

By mail: Send to Marcia Porter, Washington State Department of Ecology, 1250 West Alder Street, Union Gap, WA 98903, phone 509-406-6624, email marcia.porter@ecy.wa.gov.

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

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

The public hearing will begin immediately following the public workshop and will conclude when public testimony is complete. The [This] will occur at the dates and times shown below:

En Español: Spanish Interpretation will be available at both public events.

Fresh Fruit Packing workshops and hearings: Wednesday, October 6, 2021, beginning at 1:00 p.m. The public hearing on this permitting action will begin immediately after the workshop and will conclude when all testimony has been heard.

To join the October 6th event as an attendee:

1. Go to <https://watech.webex.com/watech/onstage/g.php?MTID=e21140393a0b953df8d537e95fbc9baf2>.
2. Click "Join Now."

Thursday, October 7, 2021, beginning at 5:00 p.m. The public hearing on this permitting action will begin immediately after the workshop and will conclude when all testimony has been heard.

To join the October 7th event as an attendee:

1. Go to <https://watech.webex.com/watech/onstage/g.php?MTID=e6e1204be98fc36f57b1ed14728310c5d>.
2. Click "Join Now."

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

WSR 21-17-091

NOTICE OF PUBLIC MEETINGS
RECREATION AND CONSERVATION
OFFICE

(Recreation and Conservation Funding Board)

[Filed August 13, 2021, 10:53 a.m.]

Due to continued precautions regarding COVID-19, the recreation and conservation funding board is adjusting the **date, time and location** of the regular quarterly meeting scheduled for October 5-6, 2021:
FROM: October 5-6, 2021, from 9:00 a.m. to 5:00 p.m., in Room 172, Natural Resource Building, 1111 Washington Street S.E., Olympia, WA 98501.

TO: **October 5, 2021, from 9:00 a.m. to 4:00 p.m., online only.**

For further information, please contact Wyatt Lundquist, Wyatt.lundquist@rco.wa.gov or check the recreation and conservation office's (RCO) web page at <https://rco.wa.gov/boards/recreation-and-conservation-funding-board/meetings/>.

The RCO schedules all public meetings at barrier free sites. Persons who need special assistance may contact Leslie Frank at 360-902-0220 or by email at leslie.frank@rco.wa.gov.

WSR 21-17-095
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
NATURAL RESOURCES
 (Natural Heritage Advisory Council)
 [Filed August 13, 2021, 2:23 p.m.]

Following is an update to a previously published notice for the October 2021 meeting of the state of Washington natural heritage advisory council:

| Date | Time | Location |
|----------------------------------|------------------------|---|
| Original notice to amend: | | |
| October 13, 2021 | 9:30 a.m. to 3:00 p.m. | Natural Resources Building 111 Washington Street S.E. Olympia WA 98501 Meeting Room 172 |
| New meeting information: | | |
| October 13, 2021 | 9:30 a.m. to 1:00 p.m. | Online meeting format only. Agenda will be published two weeks in advance at https://www.dnr.wa.gov/about/boards-and-councils/natural-heritage-advisory-council . |

If you need further information contact Laurie Benson, Conservation, Recreation and Transactions Division, Washington State Department of Natural Resources, P.O. Box 47014, Olympia, WA 98504-7014, phone 360-902-1600, email AMPD@dnr.wa.gov, website www.dnr.wa.gov.

WSR 21-17-104
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Board of Massage)
 [Filed August 16, 2021, 8:53 a.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health (DOH), board of massage, for the year 2022. The board of massage meetings are open to the public and access for persons with disabilities may be arranged with advance notice. Please contact the staff person below for more information.

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

| Date | Time | Location |
|-------------------|-------------|-----------------|
| January 14, 2022 | 9:00 a.m. | Webinar |
| March 11, 2022 | 9:00 a.m. | Kent |
| May 6, 2022 | 9:00 a.m. | Spokane |
| July 8, 2022 | 9:00 a.m. | Webinar |
| September 9, 2022 | 9:00 a.m. | Tumwater |
| November 4, 2022 | 9:00 a.m. | Kent |

If you need further information, please contact Megan Maxey, Program Manager, Board of Massage, DOH, P.O. Box 47852, Olympia, WA 98504-7852, 360-236-4945, 360-236-2901, megan.maxey@doh.wa.gov, www.doh.wa.gov.

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

WSR 21-17-107

**NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY**

[Filed August 16, 2021, 10:19 a.m.]

Pursuant to RCW 42.30.075, this letter provides revised notice of the September and November 2021 meeting schedule of the Washington State University board of regents. The board will meet on the dates and at the locations listed below, beginning at 8:00 a.m. on Thursdays and 8:00 a.m. on Fridays, or at such time as may be announced on the board's web page (<http://regents.wsu.edu>). Additionally, a detailed meeting schedule will be posted in advance on the board's web page, and a portion of that schedule may be allocated to the board's standing committee meetings.

| | | |
|---------------------|-----------------|-----------|
| Thursday and Friday | September 16-17 | Pullman |
| Thursday and Friday | November 18-19 | Vancouver |

Inquiries about this schedule or board of regents meetings in general, may be directed to the WSU board of regents office at 509-335-4200.

WSR 21-17-108

NOTICE OF PUBLIC MEETINGS
LAW ENFORCEMENT OFFICERS' AND
FIREFIGHTERS' PLAN 2 RETIREMENT BOARD
[Filed August 16, 2021, 10:55 a.m.]

August Meeting Cancellation

The law enforcement officers' and fire fighters' plan 2 retirement board meeting scheduled for **Wednesday, August 25, 2021**, has been cancelled.

The next regularly scheduled meeting will be on **Wednesday, September 29, 2021**, at 9:30 a.m., held virtually with teleconference availability to the public.

Please feel free to contact 360-586-2320 or email Jessie.jackson@leoff.wa.gov with any questions.

WSR 21-17-109
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Board of Hearing and Speech)
 [Filed August 16, 2021, 12:41 p.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health (DOH), board of hearing and speech, for the year 2022. The board of hearing and speech meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

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

| Date | Time | Location |
|------------------|-------------|---|
| February 4, 2022 | 9:00 a.m. | Department of Health Town Center 2 Room 166 111 Israel Road S.E. Tumwater, WA 98501 |
| May 6, 2022 | 9:00 a.m. | To be determined Spokane, WA |
| July 29, 2022 | 9:00 a.m. | Department of Health Town Center 2 Room 166 111 Israel Road S.E. Tumwater, WA 98501 |
| November 4, 2022 | 9:00 a.m. | Department of Health Creekside Two at CenterPoint 20425 72nd Avenue South Kent, WA 98032 |

Please be advised the board of hearing and speech 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.

Following is the Washington hearing society's hearing aid specialist practical exams 2021 dates and locations.

| Date | Time | Location |
|--------------------|-------------|---|
| March 25, 2022 | 9:00 a.m. | Department of Health Town Center 2 Room 124 and 139 111 Israel Road S.E. Tumwater, WA 98501 |
| June 24, 2022 | 9:00 a.m. | Department of Health Town Center 2 Room 124 and 139 111 Israel Road S.E. Tumwater, WA 98501 |
| September 30, 2022 | 9:00 a.m. | Department of Health Town Center 2 111 Israel Road S.E. Tumwater, WA 98501 |
| December 2, 2022 | 9:00 a.m. | Department of Health Town Center 2 111 Israel Road S.E. Tumwater, WA 98501 |

If you need further information, please contact Kim-Boi Shadduck, Program Manager, Board of Hearing and Speech, DOH, P.O. Box 47852,

Olympia, WA 98504-7852, phone 360-236-2912, fax 360-236-2901, kim-boi.shadduck@doh.wa.gov, www.doh.wa.gov.

WSR 21-17-113
POLICY STATEMENT
HEALTH CARE AUTHORITY
(Public Employees Benefits Board)
[Filed August 17, 2021, 9:09 a.m.]

Notice of Administrative Policy Statements

The following is a list of administrative policies published by the public employees benefits board (PEBB) program. These policies are effective January 1, 2022. You can download the complete policy statements on the PEBB program rules and policies page at hca.wa.gov/pebb-rules.

The following policies were amended to support the PEBB program:

Policy 11-3: Correcting employing agency and contracted vendor enrollment errors. This policy clarifies the requirements placed on an employing agency or contracted vendor when they correct their own enrollment errors as described in WAC 182-08-187.

Policy 17-1: Determining faculty eligibility for summer/short class session. This policy clarifies a higher education institution's role in defining faculty for the purposes of PEBB benefits and clarifies higher education institutions must consider class sessions that have different time frames than traditional quarters and semesters, including summer sessions, when determining a faculty's eligibility for PEBB benefits and the employer contribution toward PEBB insurance coverage. This policy also provides a method for calculating the percentage of full-time for faculty teaching these nontraditional class sessions and a method for determining when the employer contribution toward PEBB insurance coverage begins and ends for faculty teaching these nontraditional class sessions.

Policy 17-3: Determining faculty eligibility for off-quarter/semester or for decreases in workload. This policy clarifies when an employee in a faculty position qualifies for the employer contribution toward the PEBB program benefits during an off-quarter/semester or when there is a decrease in workload.

Policy 19-1: Termination due to loss of eligibility or enrollment error. This policy applies whenever coverage for a subscriber or a subscriber's dependent is terminated due to loss of eligibility, or because a subscriber or dependent was enrolled when they were not eligible for coverage.

Addendum 19-1A: Termination due to loss of eligibility or enrollment error: Employee.

Addendum 19-1B: Termination due to loss of eligibility or non-payment: Self-Pay Subscriber.

Policy 21-1: Exemption from the retiree deferral form requirement. This policy exempts certain retirees from the "deferral form requirement" under WAC 182-12-171 (1) (d), 182-12-180 (3) (d), and 182-12-205 (4) (a).

Policy 26-1: Administering PEBB retiree medical plan enrollment in coordination with medicare Part D. This policy administers PEBB program retiree medical plan enrollment in order to participate in the employer incentive program established in 42 U.S.C. § 1395w-132.

Policy 31-1: Verifying dependent eligibility before enrollment. This policy clarifies which documents the PEBB program considers valid for dependent verification and identifies which accounts are included in the dependent verification process.

Policy 31-2 Use of PEBB premium surcharge attestation help sheet and spousal plan calculator tools. This policy provides direction when

a PEBB subscriber enrolled in PEBB, but not enrolled in medicare Part A and Part B and in the medicare risk pool as described in RCW 41.05.080(3), is determining if a premium surcharge will be applied for a spouse or state registered domestic partner enrolled in PEBB medical.

Policy 37-1: Certifying eligibility for an extended dependent child. This policy applies when a subscriber submits the required forms to enroll an extended dependent child in the subscriber's PEBB health plan coverage.

Policy 45-2: Special open enrollment (SOE). This policy applies whenever a subscriber requests an enrollment change or election change outside of the PEBB program annual open enrollment period.

Addendum 45-2A: Special open enrollment (SOE) matrix: Summary of permitted election changes.

Policy 56-1: Continuation coverage and retiree insurance coverage reinstatement for subscribers with mental or physical impairment or incapacitation. This policy applies whenever a subscriber (or another party acting on behalf of the subscriber) requests reinstatement of continuation coverage or retiree insurance coverage due to nonpayment of premiums, or applicable premium surcharges, for reason of mental or physical impairment or incapacitation; when a state of emergency is declared by the governor of Washington state, as described in chapter 43.06 RCW, or when a federal emergency is declared under 44 C.F.R. Part § 206, Subpart B, the Internal Revenue Service (IRS) recognizes the emergency for purposes of delaying deadlines, and the emergency prevents an applicant from making a timely election.

This policy establishes the methodology that the PEBB program will use to make a determination of mental or physical impairment or incapacitation for the purpose of reinstatement of coverage terminated due to nonpayment of premiums, or applicable premium surcharges. The policy also establishes the methodology the PEBB program will use to make a determination when a state of emergency is declared by the governor of Washington state, as described in chapter 43.06 RCW, or when a federal emergency is declared under 44 C.F.R. Part § 206, Subpart B, the IRS recognizes the emergency for purposes of delaying deadlines, and the emergency prevents an applicant from making a timely election.

This policy provides timing requirements for requesting reinstatement due to nonpayment of premiums, or applicable premium surcharges, for reason of mental or physical impairment or incapacity; when a state of emergency is declared by the governor of Washington state, as described in chapter 43.06 RCW, or when a federal emergency is declared under 44 C.F.R. Part § 206, Subpart B, the IRS recognizes the emergency for purposes of delaying deadlines, and the emergency causes an applicant to be unable to make premium payments and applicable premium surcharges.

Policy 56-2: Election period tolling for applicants with mental or physical impairment or incapacitation. This policy applies whenever an applicant (or another party acting on behalf of the applicant) requests tolling of the continuation coverage, retiree insurance coverage, new employee eligibility, regained eligibility, annual open enrollment or special open enrollment election period. Tolling may be requested for reason of mental or physical impairment or incapacitation, when a state of emergency is declared by the governor of Washington state, as described in chapter 43.06 RCW, or when a federal emergency is declared under 44 C.F.R. Part § 206, Subpart B, the IRS recognizes the emergency for purposes of delaying deadlines, and the emergency prevents an applicant from making a timely election.

This policy establishes the methodology that the PEBB program will use to make a determination of mental or physical impairment or incapacitation for the purpose of tolling the election period of continuation coverage, retiree insurance coverage, new employee eligibility, annual open enrollment, or special open enrollment. The policy also establishes the methodology the PEBB program will use to make a determination when a state of emergency is declared by the governor of Washington state, as described in chapter 43.06 RCW, or when a federal emergency is declared under 44 C.F.R. Part § 206, Subpart B, the IRS recognizes the emergency for purposes of delaying deadlines, and the emergency prevents an applicant from making a timely election.

This policy provides timing requirements to request tolling of the election period for reason of mental or physical impairment or incapacity.

Policy 91-1: Requesting a reasonable alternative for completing wellness incentive program requirements or avoiding the tobacco use premium surcharge. This policy applies when a subscriber who is eligible to participate in the PEBB wellness incentive program is seeking a reasonable alternative to a wellness incentive program requirement in order to receive a wellness incentive as described in WAC 182-12-300.

This policy also applies when an enrollee on a PEBB medical plan is seeking a reasonable alternative so that a subscriber can avoid paying the tobacco use premium surcharge as described in WAC 182-08-185 (1)(c)(iii).

Policy 91-2: Tobacco as it relates to religious or ceremonial use. This policy applies whenever a PEBB subscriber is attesting to an enrolled member's tobacco use status and clarifies the exception for the religious or ceremonial use of tobacco.

Policy 91-3: Washington wellness worksite designation program incentive requirements. This policy provides a set of requirements for state agencies to use when offering wellness incentives under the Washington wellness worksite designation program.

To receive a hard copy of the policy statements, contact Stella Ng, P.O. Box 42684, Olympia, WA 98504-2684, email Stella.Ng@hca.wa.gov.

WSR 21-17-114
POLICY STATEMENT
HEALTH CARE AUTHORITY
(School Employees Benefits Board)
[Filed August 17, 2021, 9:12 a.m.]

Notice of Administrative Policy Statements

The following is a list of administrative policies published by the school employees benefits board (SEBB) program. These policies are effective January 1, 2022. You can download the complete policy statements on the SEBB program rules and policies page at hca.wa.gov/sebb-rules.

The following policies were amended to support the SEBB program:

Policy 11-3: Correcting school employees benefits board organization and contracted vendor enrollment errors. This policy clarifies the requirements placed on a SEBB organization or contracted vendor when they correct their own enrollment errors as described in WAC 182-30-060.

Policy 12-1: Determining the first day of school for SEBB organizations. This policy applies when a SEBB organization is determining the first day of school for the upcoming school year.

Policy 19-1: Termination due to loss of eligibility. This policy applies whenever coverage for a subscriber or a subscriber's dependent is terminated due to loss of eligibility, or because a subscriber or dependent was enrolled when they were not eligible for coverage.

Addendum 19-1A: Termination due to loss of eligibility or enrollment error: School employee.

Addendum 19-1B: Termination due to loss of eligibility or nonpayment: Self-pay subscriber.

Policy 31-1: Verifying dependent eligibility before enrollment. This policy clarifies which documents the SEBB program considers valid for dependent verification and identifies which accounts are included in the dependent verification process.

Policy 31-2: Use of SEBB premium surcharge attestation help sheet and spousal plan calculator tools. This policy provides direction when a SEBB subscriber enrolled in SEBB medical, is determining if a premium surcharge will be applied for a spouse or state registered domestic partner enrolled in SEBB medical.

Policy 37-1: Certifying eligibility for an extended dependent child. This policy applies when a subscriber submits the required forms to enroll an extended dependent child in the subscriber's SEBB health plan coverage.

Policy 45-2: Special open enrollment (SOE). This policy applies whenever a subscriber requests an enrollment change or election change outside of the SEBB program annual open enrollment period.

Addendum 45-2A: Special open enrollment (SOE) matrix: Summary of permitted election changes.

Policy 56-1: Continuation coverage reinstatement for subscribers with mental or physical impairment or incapacitation. This policy applies whenever a subscriber (or another party acting on behalf of the subscriber) requests reinstatement of continuation coverage due to nonpayment of premiums, or applicable premium surcharges, for reason of mental or physical impairment or incapacitation; when a state of emergency is declared by the governor of Washington state, as described in chapter 43.06 RCW, or when a federal emergency is declared under 44 C.F.R. Part § 206, Subpart B, the Internal Revenue Service

(IRS) recognizes the emergency for purposes of delaying deadlines, and the emergency prevents an applicant from making a timely election.

This policy establishes the methodology that the SEBB program will use to make a determination of mental or physical impairment or incapacitation for the purpose of reinstatement of coverage terminated due to nonpayment of premiums, or applicable premium surcharges. The policy also establishes the methodology the SEBB program will use to make a determination when a state of emergency is declared by the governor of Washington state, as described in chapter 43.06 RCW, or when a federal emergency is declared under 44 C.F.R. Part § 206, Subpart B, the IRS recognizes the emergency for purposes of delaying deadlines, and the emergency prevents an applicant from making a timely election.

This policy provides timing requirements for requesting reinstatement due to nonpayment of premiums, or applicable premium surcharges, for reason of mental or physical impairment or incapacity; when a state of emergency is declared by the governor of Washington state, as described in chapter 43.06 RCW, or when a federal emergency is declared under 44 C.F.R. Part § 206, Subpart B, the IRS recognizes the emergency for purposes of delaying deadlines, and the emergency causes an applicant to be unable to make premium payments and applicable premium surcharges.

Policy 56-2: Election period tolling for applicants with mental or physical impairment or incapacitation. This policy applies whenever an applicant (or another party acting on behalf of the applicant) requests tolling of the continuation coverage, new employee eligibility, regained eligibility, annual open enrollment or special open enrollment election period. Tolling may be requested for reason of mental or physical impairment or incapacitation, when a state of emergency is declared by the governor of Washington state, as described in chapter 43.06 RCW, or when a federal emergency is declared under 44 C.F.R. Part § 206, Subpart B, the IRS recognizes the emergency for purposes of delaying deadlines, and the emergency prevents an applicant from making a timely election.

This policy establishes the methodology that the SEBB program will use to make a determination of mental or physical impairment or incapacitation for the purpose of tolling the election period of continuation coverage, new employee eligibility, annual open enrollment, or special open enrollment. The policy also establishes the methodology the SEBB program will use to make a determination when a state of emergency is declared by the governor of Washington state, as described in chapter 43.06 RCW, or when a federal emergency is declared under 44 C.F.R. Part § 206, Subpart B, the IRS recognizes the emergency for purposes of delaying deadlines, and the emergency prevents an applicant from making a timely election.

This policy provides timing requirements to request tolling of the election period for reason of mental or physical impairment or incapacity.

Policy 91-2: Tobacco as it relates to religious or ceremonial use. This policy applies whenever a SEBB subscriber is attesting to an enrolled member's tobacco use status and clarifies the exception for the religious or ceremonial use of tobacco.

Policy 91-3: Washington wellness worksite designation program incentive requirements. This policy provides a set of requirements for the SEBB organizations to use when offering wellness incentives under the Washington wellness worksite designation program.

WSR 21-17-126

NOTICE OF PUBLIC MEETINGS

EMPLOYMENT SECURITY DEPARTMENT

(Agricultural and Seasonal Workforce Services Advisory Committee)

[Filed August 17, 2021, 1:54 p.m.]

Meeting Dates 2021

| Date (Third Thursday, unless otherwise indicated) | Location | Host | Notes |
|---|--------------------|------|--|
| January 21, 2021 | Webex ¹ | ESD | See below for links to meetings. |
| February 18, 2021 | Webex | ESD | |
| March 18, 2021 | Webex | ESD | |
| April 15, 2021 | Webex | ESD | |
| May 20, 2021 | Webex | ESD | |
| June 17, 2021 | Webex | ESD | |
| July 15, 2021 | Webex | ESD | |
| Cancelled August 19, 2021 | Webex | ESD | |
| September 16, 2021 | Webex | ESD | |
| October 21, 2021 | Webex | ESD | |
| November 18, 2021 | Webex | ESD | |
| December 16, 2021 | Webex | ESD | |

NOTE: Hosts may have the opportunity to present to the committee and bring invited guests as part of our meeting agenda.

Go to <https://esd.wa.gov/newsroom/Ag-committee> for link to meetings.

Join from the meeting link <https://esd.webex.com/esd/j.php?MTID=me178fa0e4469adbee82965813dcedc52>, Meeting number (access code) 146 947 7343, Meeting password JJwKbnuM529. Tap to join from a mobile device (attendees only) +14043971516,,1469477343## US Toll, 8773093457,,1469477343## US and Canada Toll Free. Join by phone +14043971516 US Toll, 8773093457 US and Canada Toll Free.

¹ Per vote of agricultural and seasonal workforce services advisory committee members meeting are being recorded as of May 21, 2020.

RECORDING DISCLAIMER: This meeting is being recorded. Please be advised that your image and voice will be captured and recorded during the videoconference. Your participation in this videoconference equals consent to be recorded as required by law.

WSR 21-17-129

PUBLIC RECORDS OFFICER

BUILDING CODE COUNCIL

[Filed August 17, 2021, 2:40 p.m.]

Pursuant to RCW 42.56.580, the public records officer for the Washington state building code council is Harold Goldes, 1500 Jefferson Street, Olympia, WA 98504 [98504]-1410, phone 360-407-8768, email Harold.goldes@des.wa.gov.

Stoyan Bumbalov
Managing Director

WSR 21-17-131

AGENDA

MILITARY DEPARTMENT

[Filed August 17, 2021, 3:46 p.m.]

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

Following is the Washington military department's semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

If you have questions about the agenda, please contact Cynthia Whaley, Military Department Rules Coordinator, Building 1, Camp Murray, WA 98430, phone 253-512-8110, email cynthia.whaley@mil.wa.gov.

| WAC Citation | Subject Matter | Agency Contact | Current Activity | | |
|----------------|---|---|------------------|------------------|------------------|
| | | | CR-101 | CR-102 | CR-103 |
| Chapter 118-04 | Updating the rules to the emergency worker program. | Chris Long 253-512-7024 chris.long@mil.wa.gov | To be determined | To be determined | To be determined |
| Chapter 118-30 | Updating the rules to the local emergency management/services organizations, plans and programs. | Michael Roberson 253-512-7065 michael.roberson@mil.wa.gov | To be determined | To be determined | To be determined |
| Chapter 118-40 | Updating the rules to the hazardous chemical emergency response planning and community right-to-know reporting. | Stephen (Troy) Newman 253-512-7041 stephen.newman@mil.wa.gov | To be determined | To be determined | To be determined |

WSR 21-17-132
RULES OF COURT
STATE SUPREME COURT
[August 12, 2021]

IN THE MATTER OF THE) AMENDED ORDER
SUGGESTED NEW GENERAL RULE) NO. 25700-A-1354
[40]—JURY SELECTION BY VIDEO)
CONFERENCE)

The King County Superior Court Judges, having recommended the suggested new General Rule [40]—Jury Selection by Video Conference, and the Court having approved the suggested new rule for publication; Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested new rule as shown below is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites with a comment period ending December 29, 2021.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than December 29, 2021. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 12th day of August, 2021.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 Cover Sheet for new General Rule:
Jury Selection by Video Conference

Name of Proponent—King County Superior Court. Our committee for drafting this rule: Judges Sean O'Donnell, Josephine Wiggs-Martin, Andrea Robertson, Brian McDonald, Melinda Young, Tanya Thorp, Sam Chung, Sandy Widlan and Jim Rogers

Spokesperson—Judge O'Donnell or Judge Rogers

Purpose—Remote voir dire has become a standard business practice for King County Superior Court during the pandemic. Jurors prefer it. Their time is better used. In the old, in-person system, jurors have experienced long "wait" times, missed work, and expenses for childcare and parking in order to travel to court in person, assemble, and await instructions and directions. This new virtual method promises to improve the process and provide a more accessible, affordable, and efficient means for citizens from all walks of life to perform, their civic duty and add their voices to this crucial process.

We believe that lawyers get better information as questionnaires are always given out. Our anecdotal experience is that jurors are more

diverse in all aspects, racial, ethnic, economic. There is less "speechifying" by lawyers and more information gathering.

The proposed rule does not conflict with any known statute, case law or court rules. The proposed rule is intended to be harmonious with existing CrR 3.4(d), which currently allows video proceedings to be ordered in preliminary appearances, bail hearings and arraignments, and allows plea hearings by agreement. As the Court knows, a current emergency order allows for remote voir dire.

Hearing—We do not believe that a public hearing is necessary.

Expedited Consideration—As long as the emergency order remains in effect, expedited consideration is not necessary.

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

Proposed General Rule

Jury Selection by Video Conference

(a) Scope of rule. This rule addresses the procedures for conducting jury selection by video conference.

(b) Jury selection by video conference. In all cases, jury selection may be conducted by video conference in which all participants can simultaneously see, hear, and speak with each other. The video and audio should be of sufficient quality to ensure participants are easily seen and understood.

(c) Procedures prior to jury selection. The court may divide the venire into smaller groups and determine the number of video participants per voir dire session. The court shall confirm with prospective jurors that they can participate in jury selection by video conference. The court shall not excuse potential jurors from jury service who cannot participate in jury selection by video conference due to lack of resources or access and shall arrange for alternative methods, including but not limited to in person voir dire, for such potential jurors.

(d) Procedures during jury selection. When conducting jury selection over video, the court shall:

a. Confirm that all potential jurors can see and hear the court and parties;

b. Inform potential jurors that their cameras must remain on and that they must remain in camera view throughout jury selection;

c. Instruct potential jurors that (i) their full care and attention must be on jury selection, (ii) that all other devices should be turned off during jury selection, and (iii) they should be alone in the space in which they are participating in jury selection unless extraordinary circumstances are present which the court finds sufficient to allow the juror's participation;

d. Inform the parties and potential jurors that any visual, video, or audio recording, other than the official record, of the hearing is prohibited absent court permission; and

e. Prohibit jurors from using filters or virtual backgrounds or other programs or applications to alter their appearance in any way or the appearance of the space in which they are physically located while participating in jury selection. A juror may use a virtual background with prior approval of the court. Any approved background must be a plain, blurred, or otherwise non-distracting.

(e) Public access. 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.

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

WSR 21-17-133
RULES OF COURT
STATE SUPREME COURT
 [August 12, 2021]

IN THE MATTER OF THE) AMENDED ORDER
 SUGGESTED AMENDMENT TO CR) NO. 25700-A-1356
 39—TRIAL BY JURY OR BY THE)
 COURT)

The King County Superior Court Judges, having recommended the suggested amendment to CR 39—Trial by Jury or by the Court, and the Court having approved the suggested amendment for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendment as shown below is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites with a comment period ending December 29, 2021.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than December 29, 2021. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 12th day of August, 2021.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 Cover Sheet for amendment to CR 39

Name of Proponent—King County Superior Court. Many judges were involved in the drafting and more were involved in creating and refining our procedures.

Spokesperson—Judge O'Donnell or Judge Rogers

Purpose—Create standard procedures, consistent with due process and existing rules, for remote civil jury trials. King County Superior Court has now successfully held many, many of these trials and we draw on our experience for this. This has been imperative for access to justice and will be helpful as we anticipate the remote jury trial continues.

Hearing—We take no position.

Expedited Consideration—As long as emergency rules remain in place, no expedited consideration is needed.

Proposed Amendments to CR 39

TRIAL BY JURY OR BY THE COURT

(-) Issues—How Tried. [Reserved. See RCW 4.40.010 through 4.40.070.]

(a) - (c) [No change.]

(d) Manner of Trials.

(1) Generally. Except as otherwise authorized by these rules or by statute, all trials upon the merits shall be conducted in open court and so far as convenient in a regular courtroom.

(2) Video Conference Trials.

A. By the Court. On the court's own initiative, or on motion of the parties or their attorneys of record, a trial by the court may occur over video conference, in which all participants can simultaneously see, hear, and speak with each other. The video and audio should be of sufficient quality to ensure participants are easily seen and understood.

i. Before ordering a video-conference trial by the court, the court shall consider the number of parties, the number of trial witnesses, the type of evidence to be presented, whether the parties have significant non-financial interests at stake, whether the use of remote interpreting services will detract from the presentation of evidence, the parties' ability to conduct a video conference trial, and any other relevant circumstances.

B. By Jury. On the court's own initiative, or on motion of the parties or their attorneys of record, a trial by jury may occur by video conference. Any jury trial occurring by video conference must allow all participants to simultaneously see, hear, and speak with each other. The video and audio should be of sufficient quality to ensure participants are easily seen and understood. Jury trials may only be conducted by video conference:

i. When there is written agreement of the parties. The agreement shall be filed with the court before the start of trial; or

ii. Over objection of a party or parties for good cause in compelling circumstances. In conducting trial by jury over video conference, the court shall ensure appropriate safeguards are in place; and:

1. Shall consider the nature of the case, including the number of parties, number of trial witnesses, the type of evidence to be presented, whether the parties have significant non-financial interests at stake, whether the use of remote interpreting services will detract from the presentation of evidence, the parties' ability to conduct a video conference trial, and any other relevant circumstances; and

2. Shall enter written findings outlining its reasons for conducting trial by video conference. The court shall analyze the length of time trial has been pending, the potential impact of not conducting the trial by video conference, such as the availability of witnesses and preservation of evidence, and any other considerations in support of its decision.

(3) Notice. Whether on its own initiative or by motion of the parties or their attorneys of record, no video conference trial shall be heard unless the court holds a hearing no fewer than 30 days before the trial date. At the hearing, the court shall announce its decision on a trial by video conference and address appropriate safeguards. The parties or their attorneys of record may agree to this hearing occurring within 30 days of trial.

WSR 21-17-138

DEPARTMENT OF COMMERCE

[Filed August 18, 2021, 9:39 a.m.]

The department of commerce (commerce) is building a program to administer grants to diaper banks across the state. We are opening a comment period on August 18 to allow stakeholders an opportunity to tell us what they would like included in the program.

ESSB 5092 - 2021-2023 operating budget identifies \$2,500,000 of the 2022 general fund state appropriation and \$2,500,000 (\$5M for the biennium) of the 2023 general fund state appropriation to commerce. The purpose of these funds is for commerce to administer grants to diaper banks in Washington state for the purchase of diapers, wipes, and other essential baby products, (for children three years and under) for distribution to families in need. The legislative proviso language included that commerce must give priority to providers serving or located in marginalized, low-income communities or communities of color, and providers that help support racial equity.

Commerce is holding a public comment period prior to the announcement of a request for qualifications for the diaper program.

- The public comment period will be held from August 18 to 25, 2021.
- This is a new program and we want to hear what stakeholders would like to see from it.
- Written comments can be submitted via United States mail or email and will be accepted until 11:59 p.m. on August 25, 2021. Comments for the Washington state diaper program should be sent to: CSBG@Commerce.WA.Gov. Subject: WA State Diaper Program Comments; **OR** Attn: Karen Dunn, Department of Commerce, Washington Diaper Program, P.O. Box 42525, Olympia, WA 98504-2525.

If you have any questions or need additional information, please contact Karen Dunn at 360-485-2984 or by email at Karen.Dunn@Commerce.WA.Gov.

Karen Dunn
Program Manager

WSR 21-17-141

AGENDA

OFFICE OF THE CODE REVISER

[Filed August 18, 2021, 11:49 a.m.]

**Semi-Annual Rule-Making Agenda
July through December 2021**

The office of the code reviser anticipates possible rule making for WAC 1-21-008 Electronic filing, for the purpose of removing the current requirement for a physical document with an ink signature to update an agency's electronic filing registration. There may be additional rule-making activity not on the agenda as conditions warrant.

If you have questions about this rule-making agenda, please contact Jennifer Meas, Rules Coordinator, P.O. Box 40551, Olympia, WA 98504-0551, phone 360-786-6697, email Jennifer.Meas@leg.wa.gov.

Jennifer C. Meas
Rules Coordinator