

WSR 23-13-064
RULES OF COURT
STATE SUPREME COURT
[June 8, 2023]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO) NO. 25700-A-1521
THE MENTAL PROCEEDINGS)
RULES (MPR))

The Superior Court Judges' Association, having recommended the suggested amendments to the Mental Proceedings Rules (MPR), and the Court having approved the suggested amendments for publication on an expedited basis;

Now, therefore, it is hereby

ORDERED:

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

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than August 30, 2023. 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 8th day of June, 2023.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendment to the
SUPERIOR COURT MENTAL PROCEEDINGS RULES (MPR)
MPR 1.1 - 6.5A

Submitted by the Superior Court Judges' Association

A. Name of Proponent: Superior Court Judges' Association

B. Spokesperson: Judge Jennifer Forbes, President
Superior Court Judges' Association

C. Purpose:

In 2020 the Legislature passed 2E2SSB 5720, the Involuntary Treatment Act (ITA). This bill resulted in significant amendments to RCW 71.05 concerning the treatment of adults with behavioral health disorders and RCW 71.34 concerning juveniles with behavioral health disorders. In response to these and other statutory provision changes that address behavioral health matters, the Superior Court Judges' Association's Civil Rules Committee (Committee) undertook a review of the Superior Court Mental Proceeding Rules to determine whether the MPRs needed to be rescinded, retained or retained with amendments to accord with the amended laws. The Committee solicited participation in the review process by several judicial officers with expertise in civ-

il commitment proceedings. The Committee's review was completed on November 29, 2022.

The Committee determined that the enactment of the ITA largely vitiated the need for the Mental Proceedings Rules by codifying circumstances in which involuntary commitment is permitted and specifying procedures for such commitments (see, e.g., Chapters 71.05 and 71.34 RCW). Accordingly, the Superior Court Judges' Association, upon recommendation from the Committee, proposes that the MPRs be rescinded in their entirety with the following exceptions:

1) The rule set title should be retained, but changed from "Superior Court Mental Proceedings Rules" to "Superior Court Civil Commitment Rules" ["CCRs"] to be consistent with the Involuntary Treatment Act and other applicable authorities.

2) The individual rule numbers and titles should be retained to provide a framework for local jurisdictions that may want to develop local civil commitment proceedings rules, but with "MPR" changed to "CCR" for each such rule, and with "Reserved" inserted in each rule in place of the current text.

3) MPRs 3.3 [Jury Demand], 3.4 [90/180-Day Hearings], and 4.5 [Hearings for Conditional Release and Revocation or Modification] should be retained but amended.

Specific recommended amendments to the MPRs are attached.

D. Hearing: A hearing is not requested.

E. Expedited Consideration: Expedited consideration is not requested.

Proposed Amended MPRs (now "CCRs")
Superior Court Mental Proceedings Rules
Superior Court Civil Commitment Rules (CCR)

Introduction

1 General

1.1 Notice--General [Reserved]

1.2 Continuance or Postponement [Reserved]

1.3 Reserved

1.4 Alternative Less Restrictive Treatment [Reserved]

2 Proceedings for Initial Detention

2.1 Summons [Reserved]

SID Standards for Indigent Defense [Reserved]

2.2 Authorization and Notice of Detention [Reserved]

2.2A Notice of Emergency Detention [Reserved]

2.3 Right to Copy Court Files [Reserved]

2.4 Probable Cause Hearing [Reserved]

2.5 Rescinded

3 Proceedings for Ninety or One Hundred Eighty-Day Commitment

3.1 First Court Appearance [Reserved]

3.2 Preliminary Appearance [Reserved]

3.3 Jury Demand

3.4 Hearing

3.5 Notice of Restrictions [Reserved]

4 Proceedings for Conditional Release and Revocation or Modification

4.1 Notice of Conditions [Reserved]

4.2 Authorization for Apprehension and Detention [Reserved]

4.3 Petition and Order of Apprehension and Detention--Service [Reserved]

4.4 Petition for Initial Detention [Reserved]

4.5 Hearing

5 Venue

- 5.1 General [Reserved]
- 5.2 Conditional Release Hearing [Reserved]
- 5.3 Release of Records [Reserved]
- 5.4 Reserved

6 Petitions [Reserved]

- 6.1 Petition for Initial Detention [Reserved]
- 6.1 A Petition for Initial Detention of a Minor [Reserved]
- 6.2 Petition for Fourteen-Day Involuntary Treatment [Reserved]
- 6.2A Petition for Fourteen-Day Commitment of Minors [Reserved]
- 6.3 Petition for Ninety-Day Involuntary Treatment [Reserved]
- 6.4 Petition for One Hundred Eighty-Day Involuntary Treatment [Reserved]
- 6.4A Petition for One Hundred Eighty-Day Involuntary Treatment of a Minor [Reserved]
- 6.5 Petition for Revocation of Conditional Release or Less Restrictive Treatment [Reserved]
- 6.5A Petition for Revocation of Conditional Release or Less Restrictive Treatment of a Minor [Reserved]

INTRODUCTION

~~The following rules have been designed and promulgated to give full force and effect to Laws of 1973, 1st Ex. Sess., ch. 142. Any future amendments which may be enacted will be dealt with in rules as the need may arise.~~

~~Section 62 of the act directs the Supreme Court to adopt rules with respect to court procedures and proceedings. Adoption of these rules is not to be construed as approval of what could be a breach of the separation of powers of government. While the Legislature may recommend rulemaking as to particular matters, it may not mandate rulemaking which is an inherent power of the judicial branch.~~

~~Although the courts generally do not pass upon the wisdom or the workability of statutes, they are concerned with their constitutionality. The adoption of these rules, which are merely designed to give effect to the statute as it is written, does not in any manner indicate an opinion of the court that the statute is or is not constitutional in any respect. In promulgating them, the court does not in any manner obviate further consideration of any portion of the statute or these rules in a proper case.~~

~~Because of the complicated nature of the statute necessitating these rules and the need that they be effective January 1, 1974, the court has promulgated them without submitting them for comment, and now invites comment from the bench and bar.~~

The enactment of the Involuntary Treatment Act (ITA) has largely vitiated the need for the prior Mental Proceedings Rules (MPR) by codifying circumstances in which involuntary commitment is permitted and specifying procedures for such commitments (see, e.g., Chapters 71.05 and 71.34 RCW). Accordingly, the MPR were rescinded in their entirety effective _____, except that the title to the rule set and individual rule numbers and titles were reserved to provide a framework to jurisdictions seeking to adopt local commitment rules consistent with the ITA. The rule set was also retitled as the "Superior Court Civil Commitment Rules" ("CCR") for consistency with applicable statutory enactments.

1. General**MPR CCR 1.1 NOTICE—GENERAL**

[RESERVED]

~~Whenever any notice or document pursuant to the provisions of RCW 71.05 is required to be served on a person who is detained or committed, such notice or document shall be provided to the person's attorney, guardian, if any, and, if the person is under 18 years of age, to any person, entity, or institution having actual custody, in addition to any other person provided by statute.~~

~~(a) **Notice to Prosecutor.** In any judicial proceeding under RCW 71.05 for involuntary commitment or detention in which the prosecuting attorney is required to represent a party (see RCW 71.05.130), the prosecuting attorney for the county in which the proceeding is initiated shall be served with written notice of the proceedings and copies of the initiating papers by the party initiating the proceedings.~~

~~(b) **Notice to Attorney General.** In any judicial proceeding under RCW 71.05 for involuntary commitment or detention in which the Attorney General is required to represent a party (see RCW 71.05.130), the Attorney General shall be served with written notice of the proceedings and copies of the initiating papers by the party initiating the proceedings.~~

~~(c) **Notice of Release.** Whenever a person committed or detained under RCW 71.05 is released or conditionally released, the court ordering such commitment shall be notified immediately in writing of the release by the superintendent or professional person in charge of the facility from which the person is released.~~

~~[Adopted effective January 1, 1974; Amended effective July 1, 1975; January 1, 1981.]~~

MPR CCR 1.2 CONTINUANCE OR POSTPONEMENT

[RESERVED]

~~In any judicial proceeding for involuntary commitment or detention held pursuant to RCW 71.05 the court may continue or postpone such proceeding for a reasonable time, subject to RCW 71.05.210 and RCW 71.05.240, on the following grounds:~~

~~(a) On motion of the respondent if there is a showing of good cause;~~

~~(b) On motion of the prosecuting attorney or the Attorney General if:~~

~~(1) The respondent expressly consents to a continuance or delay and there is a showing of good cause; or~~

~~(2) Required in the proper administration of justice and the respondent will not be substantially prejudiced in the presentation of respondent's case.~~

~~(c) The court on its own motion may continue the case when required in the due administration of justice and when the respondent will not be substantially prejudiced in the presentation of his case.~~

~~An order granting continuance shall state whether detention will be extended and the grounds therefor.~~

~~[Adopted effective January 1, 1974; Amended effective July 1, 1975; January 1, 1981].~~

MPR CCR 1.3

[RESERVED]

~~[Adopted effective January 1, 1974; Amended effective April 30, 2013].~~

MPR CCR 1.4 ALTERNATIVE LESS RESTRICTIVE TREATMENT[RESERVED]

~~(a) As an alternative to detention, where the court makes a finding or a special verdict is returned that the respondent should receive less restrictive alternative treatment, the court may order such less restrictive alternative treatment for no longer than the period for which the respondent could have been committed at the hearing.~~

~~(b) If the court orders less restrictive alternative treatment, the order shall specify the terms and conditions of the alternative treatment and a copy shall be delivered to the respondent.~~

~~(c) If the conditions of the alternative treatment are not adhered to, the designated mental health professional may order the respondent apprehended according to the procedure defined by rules 4.1 through 4.5.~~

~~[Adopted effective January 1, 1974; Amended effective July 1, 1974; January 1, 1981.]~~

2. Proceedings for Initial DetentionMPR CCR 2.1 SUMMONS[RESERVED]

The summons issued pursuant to RCW 71.05.150 shall include the following:

~~(a) The date and time for appearance, not less than 24 hours from the time at which the summons is served, at an evaluation and treatment facility.~~

~~(b) The address of the evaluation and treatment facility.~~

~~(c) The business address and business telephone number of the designated mental health professional.~~

~~(d) A statement that the person summoned may be detained at the evaluation and treatment facility for up to 72 hours excluding Saturdays, Sundays, and holidays.~~

~~(e) A statement whether the 72-hour evaluation period is on out-patient or inpatient status.~~

~~(f) A statement that if the person summoned fails to appear at the evaluation and treatment facility on or before the date and time indicated, he may be taken into custody.~~

~~(g) A statement that an attorney will be appointed for the person summoned unless the person has retained his own attorney.~~

~~(h) The name, business address and business telephone number of the designated attorney.~~

~~(i) The summons shall be in substantially the following form:~~

~~THE STATE OF WASHINGTON TO (name of person to be detained)~~

~~It is alleged that because of mental disorder you present a likelihood of serious harm to yourself, other persons, or the property of other persons, or are gravely disabled.~~

~~You are hereby required to appear in person at (address of evaluation and treatment facility) in (city), Washington, on or before (hour) on (month, day, year) for evaluation and possible treatment. You may be detained without court order for evaluation and possible treatment for not more than 72 hours, not including Saturdays, Sundays, or holidays. If you fail to appear in person on or before the date stated above, you may be taken into custody.~~

~~You have the right to have an attorney. (Name, address, telephone number) will be appointed as your attorney unless you make arrangements to be represented by another attorney.~~

Dated this _____ day of _____, 19

(Signed)

Mental Health Professional

(name) County, Washington

Address:

Telephone:

[Adopted effective January 1, 1974; Amended effective January 1, 1981].

MPR CCR STANDARDS FOR INDIGENT DEFENSE (SID)

[RESERVED]

Preamble

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

[Adopted effective February 1, 2021.]

Standard 1. Compensation

Standard 2. Duties and Responsibilities of Counsel

Standard 3. Caseload Limits and Types of Cases

Standard 3.1. [The contract or other employment agreement shall specify the types of cases for which representation shall be provided and the maximum number of cases which each attorney shall be expected to handle.

[Adopted effective October 1, 2012.]

Standard 3.2. The caseload of public defense attorneys shall allow each lawyer to give each client the time and effort necessary to ensure effective representation. Neither defender organizations, county offices, contract attorneys, nor assigned counsel should accept workloads that, by reason of their excessive size, interfere with the rendering of quality representation. As used in this Standard, "quality representation" is intended to describe the minimum level of attention, care, and skill that Washington citizens would expect of their state's criminal justice system.

[Adopted effective October 1, 2012.]

Standard 3.3. General Considerations. Caseload limits reflect the maximum caseloads for fully supported full-time defense attorneys for cases of average complexity and effort in each case type specified. Caseload limits assume a reasonably even distribution of cases throughout the year.

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

load required, and cases and types of cases should be weighted accordingly.

If a defender or assigned counsel is carrying a mixed caseload including cases from more than one category of cases, these standards should be applied proportionately to determine a full caseload. In jurisdictions where assigned counsel or contract attorneys also maintain private law practices, the caseload should be based on the percentage of time the lawyer devotes to public defense.

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

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

Definition of case. A case is defined as the filing of a document with the court naming a person as defendant or respondent, to which an attorney is appointed in order to provide representation. In courts of limited jurisdiction multiple citations from the same incident can be counted as one case.

[Adopted effective October 1, 2012; Amended effective January 1, 2015.]

Standard 3.4. Caseload Limits. The caseload of a full-time public defense attorney or assigned counsel should not exceed the following: 150 felonies per attorney per year; or

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

250 juvenile offender cases per attorney per year; or

80 open juvenile dependency cases per attorney; or

250 civil commitment cases per attorney per year; or

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

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

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

In public defense systems in which attorneys are assigned to represent groups of clients at first appearance or arraignment calendars without an expectation of further or continuing representation for cases that are not resolved at the time (except by dismissal) in addi-

tion to individual case assignments, the attorneys' maximum caseloads should be reduced proportionally recognizing that preparing for and appearing at such calendars requires additional attorney time. This provision applies both to systems that employ case weighting and those that do not.

Resolutions of cases by pleas of guilty to criminal charges on a first appearance or arraignment docket are presumed to be rare occurrences requiring careful evaluation of the evidence and the law, as well as thorough communication with clients, and must be counted as one case. This provision applies both to systems that employ case weighting and those that do not.

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

[Adopted effective October 1, 2013, except paragraph 3, regarding misdemeanor caseload limits, effective January 1, 2015; Amended effective January 1, 2015.]

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

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

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

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

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

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

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

[Adopted effective October 1, 2012; Amended effective January 1, 2015.]

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

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

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

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

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

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

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

~~[Adopted effective October 1, 2012; Amended effective January 1, 2015.]~~

Related Standards

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Standard 4. Responsibility of Expert Witnesses

Standard 5. Administrative Costs

~~Standard 5.1.~~

~~Standard 5.2.~~

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

~~B. Public defense attorneys shall have (1) access to an office that accommodates confidential meetings with clients and (2) a postal address, and adequate telephone services to ensure prompt response to client contact.~~

~~[Adopted effective October 1, 2012.]~~

Standard 6. Investigators

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

~~[Adopted effective October 1, 2012.]~~

Standards 7-12

Standard 13. Limitations on Private Practice

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

~~[Adopted effective October 1, 2012].~~

Standard 14. Qualifications of Attorneys

~~Standard 14.1. In order to assure that indigent accused receive the effective assistance of counsel to which they are constitutionally entitled, attorneys providing defense services shall meet the following minimum professional qualifications:~~

~~A. Satisfy the minimum requirements for practicing law in Washington as determined by the Washington Supreme Court; and~~

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

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

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

~~E. Be familiar with the Washington State Guidelines for Appointed Counsel in Indigent Appeals; and~~

~~F. Be familiar with the consequences of a conviction or adjudication, including possible immigration consequences and the possibility of civil commitment proceedings based on a criminal conviction; and~~

~~G. Be familiar with mental health issues and be able to identify the need to obtain expert services; and~~

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

~~[Adopted effective October 1, 2012; Amended effective April 24, 2018; September 1, 2021.]~~

~~Standard 14.2. Attorneys' qualifications according to severity or type of case¹:~~

¹ Attorneys working toward qualification for a particular category of cases under this standard may associate with lead counsel who is qualified under this standard for that category of cases:

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

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

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

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

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

~~vii. Meet the requirements of SPRC 2.2.²~~

² SPRC 2

APPOINTMENT OF COUNSEL

At least two lawyers shall be appointed for the trial and also for the direct appeal. The trial court shall retain responsibility for appointing counsel for trial. The Supreme Court shall appoint counsel for the direct appeal. Notwithstanding RAP 15.2(f) and (h), the Supreme Court will determine all motions to withdraw as counsel on appeal.

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

The defense team in a death penalty case should include, at a minimum, the two attorneys appointed pursuant to SPRC 2, a mitigation

specialist, and an investigator. Psychiatrists, psychologists, and other experts and support personnel should be added as needed.

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

- ~~i. The minimum requirements set forth in Section 1; and~~
- ~~ii. Either:~~

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

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

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

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

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

- ~~ii. Either;~~

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

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

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

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

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

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

~~E. Adult Felony Cases All Other Class B Felonies, Class C Felonies, Probation or Parole Revocation. Each attorney representing a defendant accused of a Class B felony not defined in Section 2(C) or (D) above or a Class C felony, as defined in RCW 9A.20.020, or involved in a probation or parole revocation hearing shall meet the following requirements:~~

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

- ~~ii. Either:~~

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

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

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

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

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

- ~~i. The minimum requirements set forth in Section 1;³ and~~

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

~~ii. Have at least:~~

~~a. four years' criminal trial experience; and~~

~~b. one year's experience as a felony defense attorney; and~~

~~c. experience as lead counsel in at least one Class A felony trial; and~~

~~d. experience as counsel in cases involving each of the following:~~

~~1. Mental health issues; and~~

~~2. Sexual offenses, if the current offense or a prior conviction that is one of the predicate cases resulting in the possibility of life in prison without parole is a sex offense; and~~

~~3. Expert witnesses; and~~

~~4. One year of appellate experience or demonstrated legal writing ability.~~

~~G. Juvenile Cases Class A.~~

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

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

~~ii. Either:~~

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

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

~~iii. Has been trial counsel alone in five misdemeanor cases brought to a final resolution; and~~

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

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

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

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

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

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

~~ii. Either:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~ii. Have at least:~~

~~a. Three years' criminal trial experience; and~~

~~b. One year's experience as a felony defense attorney or one year's experience as a criminal appeals attorney; and~~

~~c. Experience as lead counsel in at least one felony trial; and~~

~~d. Experience as counsel in cases involving each of the following:~~

~~1. Mental health issues; and~~

~~2. Sexual offenses; and~~

~~3. Expert witnesses; and~~

~~e. Familiarity with the Civil Rules; and~~

~~f. One year of appellate experience or demonstrated legal writing ability.~~

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

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

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

~~ii. Each attorney shall be accompanied at his or her first three contempt of court hearings by a supervisor or more experienced attorney, or participate in at least one consultation per case with a state Office of Public Defense resource attorney or other attorney qualified in this area of practice.~~

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

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

~~[Adopted effective October 1, 2012.]~~

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

- ~~A. The minimum requirements as outlined in Section 1; and~~
- ~~B. Either:~~
 - ~~i. has filed a brief with the Washington Supreme Court or any Washington Court of Appeals in at least one criminal case within the past two years; or~~
 - ~~ii. has equivalent appellate experience, including filing appellate briefs in other jurisdictions, at least one year as an appellate court or federal court clerk, extensive trial level briefing, or other comparable work.~~

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

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

~~[Adopted effective October 1, 2012.]~~

~~Standard 14.4. Legal Interns.~~

- ~~A. Legal interns must meet the requirements set out in APR 9.~~
- ~~B. Legal interns shall receive training pursuant to APR 9, and in offices of more than seven attorneys, an orientation and training program for new attorneys and legal interns should be held.~~

~~[Adopted effective October 1, 2012.]~~

~~Standards 15-18~~

~~[RESERVED]~~

~~CERTIFICATION OF COMPLIANCE~~

~~[RESERVED]~~

~~For criminal and juvenile offender cases, and civil commitment proceedings under Chapter 71.05 RCW, a signed Certification of Compliance with Applicable Standards must be filed by an appointed attorney by separate written certification on a quarterly basis in each court in which the attorney has been appointed as counsel. The certification must be in substantially the following form:~~

~~SEPARATE CERTIFICATION FORM~~

~~[RESERVED]~~

<p>_____ Court of Washington For State of Washington _____, Plaintiff vs. _____, Defendant</p>	<p><input type="checkbox"/> No. <input type="checkbox"/> Administrative Filing CERTIFICATION OF APPOINTED COUNSEL OF COMPLIANCE WITH STANDARDS REQUIRED BY CrR 3.1/CrRLJ 3.1/JuCR 9.2/MPR 2.1</p>
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The undersigned attorney hereby certifies:

1. Approximately _____% of my total practice time is devoted to indigent defense cases.
2. I am familiar with the applicable Standards adopted by the Supreme Court for attorneys appointed to represent indigent persons and that:

- a. Basic Qualifications:** I meet the minimum basic professional qualifications in Standard 14.1.
- b. Office:** I have access to an office that accommodates confidential meetings with clients, and I have a postal address and adequate telephone services to ensure prompt response to client contact, in compliance with Standard 5.2.
- c. Investigators:** I have investigators available to me and will use investigative services as appropriate, in compliance with Standard 6.1.
- d. Caseload:** I will comply with Standard 3.2 during representation of the defendant in my cases. [Effective October 1, 2013 for felony and juvenile offender caseloads; effective January 1, 2015 for misdemeanor caseloads; effective February 21, 2021 for civil commitment caseloads. I should not accept a greater number of cases (or a proportional mix of different case types) than specified in Standard 3.4, prorated if the amount of time spent for indigent defense is less than full time, and taking into account the case counting and weighting system applicable in my jurisdiction.]
- e. Case Specific Qualifications:** I am familiar with the specific case qualifications in Standard 14.2, Sections B-K (criminal) and Section M (civil commitment) and will not accept appointment in a case as lead counsel unless I meet the qualifications for that case.
 [Effective October 1, 2013; effective February 1, 2021 for civil commitment cases.]

 Signature, WSBA No. _____ Date _____

2. Proceedings for Initial Detention

MPR CCR 2.1 SUMMONS

[RESERVED]

MPR CCR 2.2 AUTHORIZATION AND NOTICE OF DETENTION

[RESERVED]

At the time when any person is taken into custody or as soon as possible thereafter pursuant to RCW 71.05.150 (1) (d) or RCW 71.05.150(2) regardless of whether a summons has been issued pursuant to rule 2.1 written authorization to do so shall be served upon such person. A copy of the authorization and a notice of detention shall be filed with the court. The authorization and notice of detention shall include:

- (a) The name of the person to be taken into custody.
- (b) A statement that the person authorized to take custody is authorized pursuant to RCW 71.05.150 (1) (d) or RCW 71.05.150(2).

~~(c) A statement that the person is to be taken into custody for the purpose of delivering that person to an evaluation and treatment facility for a period of up to 72 hours excluding Saturdays, Sundays, and holidays. The 72-hour period begins when the evaluation and treatment facility provisionally accepts the person as provided in RCW 71.05.170.~~

~~(d) A statement specifying the name and location of the evaluation and treatment facility where such person will be detained.~~

~~(e) The authorization and notice of detention shall be in substantially the following form:~~

~~TO: ANY PEACE OFFICER OR MENTAL HEALTH PROFESSIONAL~~

~~(Name of person) _____ has failed to appear in response to summons issued by me pursuant to RCW 71.05.150 a copy of which is attached, or _____ as a result of mental disorder:~~

~~_____ presents an imminent likelihood of serious harm to him/herself~~

~~_____ presents an imminent likelihood of serious harm to others~~

~~_____ presents an imminent likelihood of serious harm to the property of others~~

~~_____ is in imminent danger because he/she is gravely disabled~~

~~You are notified to take or to cause such person to be taken into custody forthwith and placed in (name and location of evaluation and treatment facility) for evaluation and treatment for not more than 72 hours, or for such additional time as a court may order. The 72-hour period begins when the person is provisionally accepted at the evaluation and treatment facility and excludes Saturdays, Sundays, and holidays.~~

~~Dated: _____ (signed) _____~~

~~Mental Health Professional
(name) County, Washington~~

~~-Respondent has been detained in (name and location of evaluation and treatment facility).~~

~~Dated: _____ Time: _____~~

~~(signed) _____~~

~~_____ Peace Officer or _____ Mental
Health Professional, (name) County,
Washington~~

~~[Adopted effective January 1, 1974; Amended effective July 1, 1974; January 1, 1981.]~~

MPR CCR 2.2A NOTICE OF EMERGENCY DETENTION

[RESERVED]

~~The notice of emergency detention required to be filed with the court and served upon the designated attorney of the detained person pursuant to RCW 71.05.160 shall include a statement specifying the name and location of the evaluation and treatment facility where the person taken into custody has been detained.~~

~~The notice of emergency detention shall be in substantially the following form:~~

~~(Respondent) has been detained in (name of evaluation and treatment facility).~~

~~Dated: _____ Time of provisional acceptance:~~

~~(signed)~~

~~Mental Health Professional
(name) County, Washington~~

~~[Adopted effective July 1, 1974; Amended effective July 1, 1974; January 1, 1981.]~~

MPR CCR 2.3 RIGHT TO COPY COURT FILES

[RESERVED]

~~Prior to and at the hearing provided for in RCW 71.05.200, 71.05.240, and 71.05.250, the attorney for any detained person who will be a respondent at such hearing shall be permitted to view and copy all documents relating to the detained person which have been filed with the court.~~

~~[Adopted effective January 1, 1974.]~~

MPR CCR 2.4 PROBABLE CAUSE HEARING

[RESERVED]

~~(a) Notice. If notice to the court and the prosecuting attorney of the probable cause hearing as required by RCW 71.05.150 (1) (c) includes the date and time of the provisional acceptance of any person involuntarily detained, no additional notice to the court shall be required pursuant to RCW 71.05.170.~~

~~**(b) Procedure.**~~

~~(1) The probable cause hearing provided in RCW 71.05.200(1) shall be held in accordance with the provisions of RCW 71.05.200(1), 71.05.240, and 71.05.250, except that under the circumstances defined by RCW 10.77.090, the prosecuting attorney may be the petitioner.~~

~~(2) The probable cause hearing shall proceed as in other civil actions, except that the court, in its discretion, may dispense with opening statements and final arguments.~~

~~(3) The court shall be advised of any medications administered to the respondent within the prior 24-hour period, and if it appears that the person detained has refused medication 24 hours before the hearing, but was nevertheless forced to receive medication during that period, the court may continue the hearing for 24 hours, and may order that no medication shall be administered to the person detained during such period.~~

~~(4) At the conclusion of the hearing, the court shall make written findings of fact and conclusions of law, and enter an order for release or for detention for an additional 14 days in an evaluation and treatment facility, or such lesser treatment as shall to the court appear proper. A copy of the order shall be served upon the evaluation and treatment facility and on the mental health professional who signed the petition.~~

~~[Adopted effective January 1, 1974; Amended effective January 1, 1981.]~~

MPR CCR 2.5

[Rescinded. See RCW 71.34.]

~~[Adopted effective January 1, 1974; Amended effective July 1, 1974; Rescinded effective December 19, 1986.]~~

3. Proceedings for Ninety or One Hundred Eighty-Day Commitment**MPR CCR 3.1 FIRST COURT APPEARANCE**

[RESERVED]

~~For purposes of proceedings for 90-day commitment, the phrase "first court appearance" provided in RCW 71.05.310, shall refer to the appearance provided for in RCW 71.05.300 of that act.~~

~~[Adopted effective January 1, 1974.]~~

MPR CCR 3.2 PRELIMINARY APPEARANCE

[RESERVED]

~~Prior to the hearing provided for in RCW 71.05.320(2), the committed person shall be brought before the court for an appearance which shall be the same as that provided in RCW 71.05.300 of that act. [Adopted effective January 1, 1974.]~~

MPR CCR 3.3 JURY DEMAND

~~(a) When Available.~~ A jury is available only in a hearing for 90- or 180-day commitment proceedings pursuant to RCW 71.05.300 and RCW 71.05.320.

~~(b) Procedure for Demand.~~ Within two (2) judicial days after the person detained is advised ~~in open court~~ on the record of ~~his~~ the right to a jury trial as ~~provided in RCW 71.05.300,~~ the person detained may demand a trial by jury in the hearing on the petition for 90-day or 180-day detention by serving upon the prosecuting attorney a demand therefor in writing, ~~by and~~ and filing the demand therefor with the clerk. No jury fee shall be required. If no party, within the time above specified, serves and files a demand for a jury trial, the matter shall be heard without a jury. If no party, within the time above specified, serves or files a demand that the matter be tried by a jury of 12, it shall be tried by a jury of 6 members, with concurrence of 5 being required to reach a verdict.

MPR CCR 3.4 HEARING

~~(a) Procedure.~~ The hearing shall be proceeded with as in any other civil action.

~~(b) Findings and Conclusions.~~ Unless the matter is tried to a jury, the court shall make and enter findings of fact and conclusions of law.

1. **Verdict.** If the matter is tried to a jury, the court shall instruct the jury to bring in a special verdict, which shall ~~be in terms of the issues specified in RCW 71.05.320.~~ include, as relevant, findings regarding whether:

1. The respondent has a behavioral health disorder, mental disorder, substance use disorder, and/or a co-occurring mental disorder and substance use disorder;

2. The respondent is gravely disabled as a result of the behavioral health disorder;

3. The respondent, after having been taken into custody for evaluation and treatment, or during the current period of court ordered treatment, threatened, attempted, or inflicted physical harm upon self or another, or substantial damage upon the property of another;

4. The respondent, as a result of the behavioral health disorder, presents or continues to present a likelihood of serious harm to self or others or the property of others;

5. The respondent was taken into custody as a result of conduct in which the respondent attempted or inflicted physical harm upon self or the person of another, or substantial damage upon the property of another;

6. Criminal charges against the respondent have been dismissed due to a finding of incompetence, the respondent has been determined to be incompetent, and the respondent committed acts constituting a felony;

- 7. The respondent, as a result of the behavioral health disorder, presents a substantial likelihood of repeating similar acts; and
- 8. The petitioner has proved that less restrictive treatment will not serve the best interest of the respondent or others.

MPR CCR 3.5 NOTICE OF RESTRICTIONS

[RESERVED]

(a) Record of Notice Requirements. A record of the notice of ineligibility to possess a firearm required by RCW 9.41.047, RCW chapter 71.05, RCW chapter 71.34 and RCW chapter 10.77 shall be made. Within three judicial days of entry of the order of commitment, the clerk of the court shall forward a copy of the notice of ineligibility to possess a firearm to the Department of Licensing, Business & Professions Firearms Unit and to the National Instant Criminal Background Check System (NICS) either by mail or electronic means.

(b) Form. The notice shall be in substantially the following form:

<p>Superior Court of Washington County of</p> <p>In re the Detention of:</p> <p>_____</p> <p style="text-align: right;">Petitioner,</p> <p>and</p> <p>_____</p> <p style="text-align: right;">Respondent.</p>	<p>No.</p> <p>Notice of Ineligibility to Possess a Firearm (NIFPF)</p> <p>Clerk's Action Required</p>
---	--

~~To the Respondent:~~

~~You are hereby advised that the court committed you for mental health treatment under chapter 71.05 RCW, chapter 71.34 RCW, or chapter 10.77 RCW.~~

~~**You are required to immediately surrender any concealed pistol license. You may not possess a firearm until your right to do so has been restored by a court of record.**~~

~~The information below has been filled in by the State based on available information.~~

~~The date of commitment: _____.~~

~~[] A copy of the Respondent's Driver's License or identicard is attached, or~~

Respondent's — Last Name. — First Name, — Middle Name			
List any Aliases:			
Residential Address (Street)	(City)	(State)	(Zip)
Date of Birth (month/date/year)	Driver's License/ID Number		
Race: _____	Sex: _____	Weight: _____	Height _____
Eyes: _____	Hair: _____	Court NCIC No. _____	

~~**Submit to:** Dept. of Licensing, Business & Professions Firearms Unit, PO Box 9649, Olympia, WA 98507-9649 and to the National Instant Criminal Background Check System (NICS)~~

~~[Adopted effective December 1, 2009.]~~

4. Proceedings for Conditional Release and Revocation or Modification

MPR CCR 4.1 NOTICE OF CONDITIONS

[RESERVED]

~~Any person conditionally released pursuant to RCW 71.05.340 shall be notified in writing of the terms and conditions of the release and~~

shall be notified in writing of any modifications of such terms and conditions. Such notification shall also be given in writing to the court which ordered the person's commitment.

[Adopted effective January 1, 1974.]

MPR CCR 4.2 AUTHORIZATION FOR APPREHENSION AND DETENTION

[RESERVED]

At the time of taking any person into custody for failure to adhere to the terms and conditions of release under RCW 71.05.340 or of an alternative treatment under RCW 71.05.320, an authorization for apprehension and detention shall be served upon the person. The authorization for apprehension and detention shall include:

- (a) The name of the person taken into custody;
- (b) A statement that it is issued pursuant to the suspension of conditional release or alternative treatment;
- (c) The date on which the order of commitment or order for alternative treatment was entered and the number of days, if any, for which the person was ordered committed.
- (d) The authorization shall be in substantially the following form:

TO: ANY PEACE OFFICER OR MENTAL HEALTH PROFESSIONAL

You are authorized to take or cause to be taken (name of person) into custody and place such person in (name and location of evaluation and treatment facility) for detention pursuant to _____ RCW 71.05.340 (suspension of conditional release) or _____ RCW 71.05.320 (suspension of alternative treatment). The named person was _____ conditionally released from an order of commitment or _____ originally placed on alternative treatment, the conditions of which have been violated. The named person's commitment to inpatient treatment or alternative treatment was originally ordered for (number) days by (name of court) on (date).

Date: _____ (signed) _____

Secretary, Department of Social and
Health Services, State of Washington, or His
Designee,

Mental Health Professional
(name) County, Washington

[Adopted effective January 1, 1974; Amended effective July 1, 1974; January 1, 1981.]

**MPR CCR 4.3 PETITION AND ORDER OF APPREHENSION
AND DETENTION—SERVICE**

[RESERVED]

Unless otherwise ordered by the court, the petition and order of apprehension and detention required in RCW 71.05.340, shall be served on the person to be apprehended and detained at the time of apprehension, and on his guardian, if any, and his attorney, if any, as soon as possible.

Where no order of apprehension and detention has been issued, a petition shall be filed with the court within 72 hours and the person, his attorney, if any, and his guardian, if any, shall be served with a copy of the petition within 24 hours after the petition is filed with the court. At the time the petition is served on the person, notice shall be filed with the court and served on the person that a hearing will be held within 15 days.

~~[Adopted effective January 1, 1974; Amended effective July 1, 1974.]~~

MPR CCR 4.4 PETITION FOR INITIAL DETENTION

~~[RESERVED]~~

~~A mental health professional may commence new proceedings for 72-hour detention pursuant to RCW 71.05.150, notwithstanding an order of less restrictive alternative treatment under RCW 71.05.320 or a grant of conditional release pursuant to RCW 71.05.340.~~

~~[Adopted effective January 1, 1974; Amended effective January 1, 1981.]~~

MPR CCR 4.5 Hearing BURDEN OF PROOF

~~**(a) Burden of Proof.** Before entering an order returning any person for involuntary treatment on an inpatient basis as a result of failure to adhere to the terms and conditions of conditional release pursuant to RCW 71.05.340 or less restrictive alternative treatment under RCW 71.05.320, the court shall find at the hearing that there is clear, cogent, and convincing evidence that such person did not adhere to the terms and conditions of release or less restrictive alternative treatment, that the terms of such release or treatment should not be modified, and that the person should be returned to inpatient treatment.~~

~~**(b) Waiver.** Waiver of the hearing provided for in RCW 71.05.340 shall be in writing signed by all persons required to waive under that section. A copy of the waiver shall be filed with the court in which the notice of apprehension and detention was filed.~~

5. Venue

MPR CCR 5.1 GENERAL

~~[RESERVED]~~

~~Proceedings pursuant to RCW 71.05 shall be brought in the superior court of the county in which the person is being detained. The court, for good cause, may transfer a proceeding to the county of respondent's residence, or to the county in which the alleged conduct evidencing need for treatment occurred.~~

~~[Adopted effective January 1, 1974; Amended effective July 1, 1974.]~~

MPR CCR 5.2 CONDITIONAL RELEASE HEARING

~~[RESERVED]~~

~~The notice of apprehension and detention and the petition for hearing required in RCW 71.05.340, shall be filed in the county ordering the commitment from which the person was conditionally released. Upon motion for good cause, the court may order the proceeding transferred to the court in the county in which the person was receiving outpatient care or the county of the person's residence.~~

~~[Adopted effective January 1, 1974.]~~

MPR CCR 5.3 RELEASE OF RECORDS

~~[RESERVED]~~

~~A proceeding for the release of records or files pursuant to RCW 71.05.390 shall be in the court maintaining such records or files.~~

MPR CCR 5.4

[RESERVED]

[Adopted effective January 1, 1974; Amended effective July 1, 1974.]

6. Petitions [RESERVED]

MPR CCR 6.1 PETITION FOR INITIAL DETENTION

[RESERVED]

The petition for initial detention shall contain the following:

- (a) Identification of the petitioner as a peace officer or designated mental health professional.
- (b) A statement describing the circumstances under which the condition of the respondent was brought to the petitioner's attention.
- (c) A statement that as a result of the petitioner's personal observation or investigation, the petitioner believes that the actions of the respondent constitute a likelihood of harm to the respondent, others, or to the property of others, or that the respondent is gravely disabled.
- (d) A statement of the specific facts known to the petitioner upon which he bases his belief that respondent should be detained for the purposes and under the authority of RCW 71.05.
- (e) A request that the respondent be detained at an evaluation and treatment facility for no more than a 72-hour treatment and evaluation period.
- (f) The date and the signature of the petitioner.
- (g) The petition shall be in substantially the following form:

SUPERIOR COURT OF WASHINGTON
FOR [] COUNTY

In re the Detention of:	)	No. _____
)	
Petitioner:	)	PETITION FOR INITIAL
and	)	DETENTION
)	
Respondent:	)	RCW _____
)	

Pursuant to RCW 71.05 petitioner _____ a peace officer or _____ mental health professional designated by the county alleges under penalty of perjury that:

Respondent, _____, was brought to my attention under the following circumstances:

As a result of my personal observation or investigation I believe that the actions of the respondent constitute a likelihood of serious harm to the respondent, others, or to the property of others, or that the respondent is gravely disabled.

The specific facts known to me as a result of personal observation or investigation, upon which I base the belief that the respondent should be detained for the purposes and under the authority of RCW 71.05 are:

Therefore the petitioner requests that the respondent be detained at an evaluation and treatment facility for no more than a 72-hour

evaluation and treatment period, excluding Saturdays, Sundays, and holidays

Dated this _____ day of _____, 19_____.

Petitioner

Sworn and Subscribed on _____

Notary Public for the State of
Washington
Residing at
My commission expires on

[Adopted effective January 1, 1974; Amended effective January 1, 1981.]

MPR CCR 6.1A PETITION FOR INITIAL DETENTION OF A MINOR

[RESERVED]

The petition for initial detention shall contain the following:

- (a) Identification of the petitioner as a designated mental health professional.
- (b) A statement describing the circumstances under which the condition of the respondent was brought to the petitioner's attention.
- (c) A statement that as a result of the petitioner's personal observation or investigation, the petitioner believes that the actions of the respondent constitute a likelihood of serious harm to the respondent, others, or to the property of others, or that the respondent is gravely disabled.
- (d) A statement of the specific facts known to the petitioner upon which he bases his belief that respondent should be detained for the purposes and under the authority of RCW 71.34.
- (e) A request that the respondent be detained at an evaluation and treatment facility for no more than a 72-hour treatment and evaluation period.
- (f) A statement that voluntary admission for inpatient treatment is not possible.
- (g) The date and the signature of the petitioner.
- (h) The petition shall be in substantially the following form:

SUPERIOR COURT OF WASHINGTON
FOR [_____] COUNTY

In re the Detention of:)	
	)	No. _____
Petitioner:)	
and	)	PETITION FOR INITIAL
	)	DETENTION OF A MINOR
Respondent:)	
	)	RCW 71.34.050

Pursuant to RCW 71.34 petitioner, a mental health professional designated by the county, alleges under penalty of perjury that: Respondent, _____, was brought to my attention under the following circumstances:

As a result of my personal observation or investigation I believe that the actions of the respondent constitute a likelihood of serious harm or that the respondent is gravely disabled.

The specific facts known to me as a result of personal observation or investigation, upon which I base the belief that the respond-

ent should be detained for the purposes and under the authority of RCW 71.34 are:

Voluntary admission is not possible. Therefore the petitioner requests that the respondent be detained at an evaluation and treatment facility for no more than a 72-hour evaluation and treatment period, excluding Saturdays, Sundays, and holidays.

Dated this _____ day of _____, 19_____.

Petitioner

Sworn and Subscribed on _____

Notary Public for the State of Washington Residing at My commission expires on

[Adopted effective July 1, 1974; Amended effective July 1, 1974; December 19, 1986; July 31, 1987; Rescinded effective _____.]

MPR CCR 6.2 PETITION FOR FOURTEEN-DAY INVOLUNTARY TREATMENT

[RESERVED]

The petition for 14-day involuntary treatment shall contain the following:

- (a) The name and address of the petitioner(s).
(b) The name of the person alleged, as a result of mental disorder, to present a likelihood of serious harm to him/herself, others, or the property of others, or to be gravely disabled, and, if known to the petitioner, the address, age, sex, marital status and occupation of the person. Such person shall be denominated the respondent.
(c) The facts upon which the allegations of the petition are based.
(d) The name of every person known or believed by the petitioner to be legally responsible for the care, support, and maintenance of the person alleged, as a result of mental disorder, to present a likelihood of serious harm to others or himself, or to be gravely disabled, and the address of each such person if known to the petitioner.
(e) A statement that the professional staff of the evaluation and treatment facility has examined and analyzed respondent's condition and finds that as a result of mental disorder respondent presents a likelihood of serious harm to himself or others or is gravely disabled.
(f) A statement that the respondent has been advised of the need for voluntary treatment and that the professional staff of the facility has evidence that he has not in good faith volunteered.
(g) A statement that the facility providing intensive treatment is certified to provide such treatment by the Department of Social and Health Services of the State of Washington.
(h) A statement that there is no less restrictive alternative to detention in the best interests of respondent or others, or that a less restrictive alternative is sought and a specification of what that alternative is.
(i) A demand that a probable cause hearing be held within 72 hours after provisional acceptance at the evaluation and treatment facility, excluding Saturdays, Sundays, and holidays, unless the person is sooner released, on the issue of whether the respondent shall be

~~(Petitioner), _____ the professional person in charge, or _____ his professional designee, or _____ the county mental health professional for (name) county, of (name of facility) in which (respondent) is detained for (number) days pursuant to an order of (name of court) entered on (date) alleges that:~~

~~(Respondent), residing at (address) in (city or town), is a _____ single _____ married _____ widowed _____ divorced _____ male _____ female age _____.~~

~~As a result of mental disorder (respondent) presents a likelihood of serious harm to him/herself or others because respondent _____ has threatened, attempted, or inflicted physical harm upon the person of another or him/herself or substantial damage upon the property of another after having been taken into custody for evaluation and treatment, or _____ was taken into custody as a result of conduct in which respondent threatened, attempted or inflicted physical harm upon the person of another or him/herself, or _____ is gravely disabled, or _____ has been determined to be incompetent and criminal charges have been dismissed pursuant to RCW 10.77.090(3), and has committed acts constituting a felony, and as a result of mental disorder, presents a substantial likelihood of repeating similar acts.~~

~~The facts upon which the allegations of this petition are based are summarized as follows:~~

~~_____

_____~~

~~The allegations are supported by the accompanying affidavits signed by~~

~~_____
_____~~

~~The petitioner requests that a hearing be held to determine whether (respondent) shall be detained for involuntary treatment for a period not to exceed 90 days.~~

~~Dated this _____ day of _____, 19 _____.~~

~~_____

Petitioner~~

~~Sworn and Subscribed on _____~~

~~Notary Public for the State of
Washington
Residing at
My commission expires on~~

~~[Adopted effective January 1, 1974; Amended effective July 1, 1974; January 1, 1976; January 1, 1981.]~~

MPR CCR 6.4 PETITION FOR ONE HUNDRED EIGHTY-DAY INVOLUNTARY TREATMENT

[RESERVED]

~~The petition for 180-day involuntary treatment shall contain the following:~~

~~(a) The name and address of the person filing the petition and the statement that the petitioner is the superintendent or professional person in charge of the facility in which the person who is alleged, as a result of mental disorder, to present a likelihood of serious harm to others, is detained, or in the event that the defendant has received involuntary treatment but has not been committed to a treatment facility or has been conditionally released from such a facility, a statement that the petitioner is the county mental health professional of (name) County.~~

~~(b) The name and address of the person alleged, as a result of a mental disorder, to present a likelihood of serious harm to others be-~~

~~cause such person (1) during his/her current period of court ordered treatment has threatened, attempted or actually inflicted physical harm on another or substantial damage upon the property of another, or (2) was taken into custody as a result of conduct in which he/she attempted or inflicted serious physical harm upon the person of another and continues to present, as a result of mental disorder, a likelihood of serious harm to others, or (3) is in custody pursuant to RCW 71.05.280(3) (acts constituting a felony) and as a result of mental disorder presents a substantial likelihood of repeating similar acts, or (4) continues to be gravely disabled. Such person shall be denominated the respondent.~~

~~(c) The name of the court ordering involuntary treatment for which the respondent is presently detained, and the date on which such order was entered.~~

~~(d) A summary of the facts supporting the allegations of the petition.~~

~~(e) A demand that a hearing be held within 5 judicial days of the first court appearance after the probable cause hearing unless the person named in the petition requests a jury trial, in which case trial shall commence within 10 judicial days of the filing of the petition for 180-day treatment on the issue of whether the person alleged, as a result of mental disorder, to present a likelihood of serious harm to others, shall be detained for involuntary treatment for a period not to exceed 180 days.~~

~~(f) A statement that a form of treatment less restrictive than involuntary detention is not in the best interest of the respondent or others.~~

~~(g) The petition shall be in substantially the following form:~~

SUPERIOR COURT OF WASHINGTON
FOR [_____] COUNTY

In-re the Detention of:	)	No. _____
)	
	)	PETITION FOR ONE
	)	HUNDRED EIGHTY-DAY
	)	INVOLUNTARY TREATMENT
Respondent:)	
	)	RCW _____

~~(Petitioner), the superintendent or professional person in charge of (name of facility) in which (respondent) is detained for (number) days pursuant to an order of (name of court) entered on (date) alleges that:~~

~~(Respondent), residing at (address) in (city or town), is a _____ single _____ married _____ widowed _____ divorced _____ male _____ female age _____.~~

~~(Respondent) _____ has threatened, attempted or actually inflicted harm on another person, or substantial damage upon the property of another during respondent's current period of court ordered treatment and as a result of mental disorder presents a likelihood of serious harm to others, or _____ was taken into custody as a result of conduct in which respondent attempted or inflicted serious physical harm upon the person of another and continues to present as a result of mental disorder a likelihood of serious harm to others, or _____ is in custody pursuant to RCW 71.05.280(3) (acts constituting a felony) and as a result of mental disorder presents a substantial likelihood of repeating similar acts, or _____ continues to be gravely disabled.~~

~~The facts upon which the allegations of this petition are based are as follows:~~

~~A form of treatment less restrictive than involuntary detention is not in the best interest of the respondent or others.~~

~~The petitioner requests that a hearing be held to determine whether (respondent) shall be detained for involuntary treatment for a period not to exceed 180 days.~~

~~Dated this _____ day of _____, 19____.~~

Petitioner

Sworn and Subscribed on _____

Notary Public for the State of
Washington

Residing at

My commission expires on

~~[Adopted effective January 1, 1974; Amended effective July 1, 1974; January 1, 1976; January 1, 1981.]~~

MPR CCR 6.4A PETITION FOR ONE HUNDRED EIGHTY-DAY INVOLUNTARY TREATMENT OF A MINOR

[RESERVED]

~~The petition for 180-day involuntary treatment of a minor shall contain the following:~~

~~(a) The name and address of the person filing the petition and the statement that the petitioner is the professional person in charge of the facility in which the person who is alleged, as a result of mental disorder, to present a likelihood of serious harm to others or is gravely disabled, is detained, or in the event that the defendant has received involuntary treatment but has not been committed to a treatment facility or has been conditionally released from such a facility, a statement that the petitioner is the county mental health professional of (name) County.~~

~~(b) The name and address and age of the minor alleged, as a result of a mental disorder, to present a likelihood of serious harm to him/herself, others, or property or continues to be disabled. Such minor shall be denominated the respondent.~~

~~(c) The name of the court ordering involuntary treatment for which the respondent is presently detained, and the date on which such order was entered.~~

~~(d) A summary of the facts supporting the allegations of the petition.~~

~~(e) A demand that a hearing be held within 7 days of the filing of the petition for 180-day treatment on the issue of whether the minor alleged, as a result of mental disorder, to present a likelihood of serious harm or is gravely disabled, shall be detained for involuntary treatment for a period not to exceed 180 days.~~

~~(f) A statement that the minor is in need of further treatment that can only be provided in a 180-day commitment and this treatment is in the minors best interests.~~

~~(g) A statement that less restrictive alternative treatment is/is not available and/or appropriate.~~

~~(h) The petition shall be supported by accompanying affidavits signed by two examining physicians, one of whom shall be a child psychiatrist, or by one examining physician and one children's mental health specialist.~~

~~(i) The petition shall be in substantially the following form:~~

SUPERIOR COURT OF WASHINGTON
FOR [] COUNTY

In re the Detention of:) No.
)
) PETITION FOR ONE
) HUNDRED EIGHTY-DAY
) INVOLUNTARY TREATMENT
Respondent:) OF A MINOR
)
) RCW 71.34.090

(Petitioner), professional person in charge of (name of facility) in which (respondent) is detained for (number) days pursuant to an order of (name of court) entered on (date) alleges that:

(Respondent), residing at (address) in (city or town), is a single married widowed divorced male female age

(Respondent) presents a likelihood of serious harm to him/herself or presents a likelihood of serious harm to others or presents a likelihood of serious harm to property or is gravely disabled.

(Respondent) has threatened, attempted or actually inflicted harm on another person, or substantial damage upon the property of another during respondent's current period of court ordered treatment and as result of mental disorder presents a likelihood of serious harm to other, or was taken into custody as a result of conduct in which respondent attempted or inflicted serious physical harm upon the person of another and continues to present as a result of mental disorder a likelihood of serious harm to others, or is in custody pursuant to RCW 71.05.280(3) (acts constituting a felony) and as a result of mental disorder presents a substantial likelihood of repeating similar acts, or continues to be gravely disabled.

Summary of facts supporting the petition:

A form of treatment less restrictive than involuntary detention is or is not in the best interest of the respondent or others.

The petitioner requests that a hearing be held to determine whether (respondent) shall be detained for involuntary treatment for a period not to exceed 180 days.

Dated this day of , 19 .

Petitioner (MD)

Petitioner (MD/MHP)

Sworn and Subscribed on

Notary Public for the State of Washington
Residing at
My commission expires on

[Adopted effective January 1, 1974; Amended effective July 31, 1987.]

MPR CCR 6.5 PETITION FOR REVOCATION OF CONDITIONAL RELEASE OR LESS RESTRICTIVE TREATMENT

[RESERVED]

During the period of conditional release or less restrictive treatment, respondent was receiving outpatient care from (name of facility) located in (city or town), (name) County.

Pursuant to RCW _____, petitioner _____ has _____ has not issued an order for the apprehension and detention of respondent and respondent _____ is not detained _____ is detained in (name of facility) located in (city, town), (name) county.

(Respondent) has failed to adhere to the terms and conditions of respondent's release from involuntary detention or less restrictive alternative treatment and _____ the conditions of release or less restrictive treatment should be modified or _____ the person should be placed in an involuntary treatment facility.

The facts upon which the allegations of this petition are based are as follows:

The petitioner requests that a hearing be held to determine whether respondent has failed to adhere to the terms and conditions of release or less restrictive treatment, and whether the respondent shall be placed on involuntary treatment on an inpatient basis or whether the terms and conditions of release or less restrictive treatment shall be modified.

Dated this _____ day of _____, 19 _____.

Sworn and Subscribed on _____

Notary Public for the State of
Washington
Residing at
My commission expires on

[Adopted effective January 1, 1974; Amended effective July 1, 1974; January 1, 1981; Rescinded effective _____.]

MPR CCR 6.5A PETITION FOR REVOCATION OF CONDITIONAL RELEASE OR LESS RESTRICTIVE TREATMENT OF A MINOR

[RESERVED]

The petition for revocation of conditional release or less restrictive treatment shall contain the following:

(a) The name and address of the petitioner and the statement that petitioner is the Secretary of the Department of Social and Health Services, State of Washington, or is the county mental health professional for (name) County.

(b) The name and address of the person alleged to have failed to adhere to the terms and conditions of release or less restrictive treatment or whose functioning has substantially deteriorated. Such person shall be denominated the respondent.

(c) The facts upon which the allegations of the petition are based.

(d) A statement that the respondent was released under terms and conditions of a court ordered less restrictive treatment or under terms and conditions set by an evaluation and treatment facility, and that a copy of the terms and conditions is attached to the petition, or that substantial deterioration of the minors functioning has occurred. The statement shall also contain the date the order was entered, number of days for which effective, and the court entering such order.

(e) The date, time and place of detention of the respondent if he/she is detained pursuant to an order of the secretary, or whether such an order has been or will be issued.

- ~~(f)~~ A demand that a hearing be held within 7 days of the date on which respondent was detained.
- ~~(g)~~ The petition shall describe the behavior of the minor indicating violation of the conditions or deterioration of routine functioning and a dispositional recommendation.
- ~~(h)~~ The petition shall be in substantially the following form, with a copy of the terms and conditions attached:

SUPERIOR COURT OF WASHINGTON
FOR [_____] COUNTY

In-re the Detention of:	)	No. _____
)	
	)	PETITION FOR REVOCATION
	)	OF CONDITIONAL RELEASE
	)	OR LESS RESTRICTIVE
	)	ALTERNATIVE TREATMENT
Respondent:)	
	)	RCW 71.34.110

~~(Petitioner), _____ Secretary of the Department of Social and Health Services, State of Washington, or _____ county mental health professional for (name) County alleges that:~~

~~(Respondent), residing at (address) in (city or town), is a _____ single _____ married _____ widowed _____ divorced _____ male _____ female age _____.~~

~~Pursuant to an order of (name) court entered on (date), respondent was detained for involuntary treatment for a period not to exceed (number) days in (name of facility), or was placed on less restrictive alternative treatment.~~

~~_____ (Respondent) was conditionally released from inpatient care at (name of facility) prior to expiration of the court ordered period of detention, under terms and conditions for such release copies of which, including modifications, are attached and were filed in (name) court on (date(s)) or _____ respondent was placed on less restrictive treatment under terms and conditions copies of which, including modifications, are attached.~~

~~During the period of conditional release or less restrictive treatment, respondent was receiving outpatient care from (name of facility) located in (city or town), (name) County.~~

~~Pursuant to RCW _____, petitioner _____ has _____ has not issued an order for the apprehension and detention of respondent and respondent _____ is not detained _____ is detained in (name of facility) located in (city, town), (name) county.~~

~~(Respondent) has failed to adhere to the terms and conditions of respondent's release from involuntary detention or less restrictive alternative treatment and _____ the conditions of release or less restrictive treatment should be modified or _____ the person should be placed in an involuntary treatment facility.~~

~~The facts upon which the allegations of this petition are based are as follows:~~

~~The petitioner requests that a hearing be held to determine whether respondent has failed to adhere to the terms and conditions of release or less restrictive treatment, and whether the respondent shall be placed on involuntary treatment on an inpatient basis or whether the terms and conditions of release or less restrictive treatment shall be modified.~~

~~Dated this _____ day of _____, 19 _____.~~

Petitioner

~~Sworn and Subscribed on~~

~~Notary Public for the State of
Washington~~

~~Residing at~~

~~My commission expires on~~

~~[Adopted effective January 1, 1974; Amended effective July 31,
1987.]~~

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

WSR 23-14-043

AGENDA

DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 27, 2023, 11:17 a.m.]

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

L&I encourages the public to be involved in the rule-making process by attending public hearings and submitting comments regarding rules. Rule-making information is available on L&I's website at <https://www.lni.wa.gov/rulemaking-activity/>. To stay informed of our progress and be notified of any changes, please sign up for email notifications <https://public.govdelivery.com/accounts/WADLI/subscriber/new>. Under "General," select "Rules Update."

Please contact Maggie Leland at 360-902-4504 or Maggie.Leland@lni.wa.gov if you have any questions.

KEY

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

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

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

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

CR-105: Expedited rule-making proposal 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.

**Semi-Annual Rules Development Agenda
July 1 - December 31, 2023**

WAC CHAPTER	RULE SUBJECT	PURPOSE AND SCOPE OF RULE MAKING	Preproposal Notice (CR-101) Filing Date and WSR #	Proposed Rule (CR-102 or CR-105) Filing Date and WSR #	Permanent Rule (CR-103) Filing Date and WSR #	AGENCY CONTACT
Division: Division of Occupational Safety and Health (DOSH)						
296-62 296-155	Lead	This rule making is in response to a petition and a series of stakeholder meetings. This rule making was initiated to update existing lead standards in both general industry and construction in light of increasing evidence of the hazards associated with occupational lead exposure.	4/19/16 16-09-092	To be determined	To be determined	Ryan Allen Division of Occupational Safety and Health (DOSH) Standards Program 360-902-4758

WAC CHAPTER	RULE SUBJECT	PURPOSE AND SCOPE OF RULE MAKING	Preproposal Notice (CR-101) Filing Date and WSR #	Proposed Rule (CR-102 or CR-105) Filing Date and WSR #	Permanent Rule (CR-103) Filing Date and WSR #	AGENCY CONTACT
296-67	Process safety management of highly hazardous chemicals for petroleum refineries	The purpose of this rule making is to amend existing sections and create several new sections in chapter 296-67 WAC, Safety standards for process safety management of highly hazardous chemicals, which will only apply to petrochemical refining facilities. The current rules are outdated, not having been updated in over 20 years, and do not reflect current industry practices.	8/22/17 17-17-134	6/21/23 23-13-127	Anticipate filing 10/17/23	Ryan Allen DOSH Standards Program 360-902-4758
296-52	Safety standards for possession, handling, and use of explosives	The purpose of this rule making is to update the safety standards concerning explosives in order to reflect technological advancements in explosives over the past 10 to 30 years and better align with federal regulations. Focus areas will likely include definitions, licensing, storage, background check requirements, public disclosure, and transportation, among others sections.	1/23/18 18-03-162	To be determined	To be determined	Ryan Allen DOSH Standards Program 360-902-4758
296-307	Temporary worker housing (TWH)	The purpose of this rule making, in conjunction with the department of health (DOH), is to adopt permanent amendments to address the hazards of communicable diseases, such as coronavirus disease 2019 (COVID-19), amongst TWH occupants. In February 2020, Governor Inslee proclaimed a state of emergency in Washington state as a result of the COVID-19 outbreak, followed by proclamations and amendments. DOH and L&I also responded to the COVID-19 pandemic by adopting emergency rules (CR-103E) to protect occupants from COVID-19 hazards in licensed TWH.	9/10/20 20-19-050	5/3/23 23-10-092	Anticipate filing 7/25/23	Ryan Allen DOSH Standards Program 360-902-4758
New 296-820 296-307	Wildfire smoke	The purpose of this rule making is to address the hazards associated with wildfire smoke that employers and workers in affected regions must understand. Smoke from wildfires contains chemicals, gases, and fine particles that can harm health. Proper protective equipment, exposure controls, and training are needed for employees working in wildfire regions. L&I filed a CR-103E on July 16, 2021 (WSR 21-15-067), to ensure these requirements were in place during the 2021 fire season while permanent rule making is ongoing. Emergency rules were filed again on June 1, 2022 (WSR 22-12-094), for the 2022 fire season.	10/20/20 20-21-093	5/10/23 23-11-029	Anticipate filing 8/18/23	Ryan Allen DOSH Standards Program 360-902-4758

WAC CHAPTER	RULE SUBJECT	PURPOSE AND SCOPE OF RULE MAKING	Preproposal Notice (CR-101) Filing Date and WSR #	Proposed Rule (CR-102 or CR-105) Filing Date and WSR #	Permanent Rule (CR-103) Filing Date and WSR #	AGENCY CONTACT
To be determined	Occupational exposures to infectious or contagious diseases (ESSB 5092 implementation)	The purpose of this rule making is to implement the requirements of 2021's ESSB 5092, section 220(8), to establish occupational health protections related to infectious diseases to ensure the state has general guidelines to follow in the case of an infectious disease outbreak. This would include when there is an outbreak subject to a public health emergency under a national or state-declared state of emergency.	5/13/21 21-11-051	To be determined	To be determined	Ryan Allen DOSH Standards Program 360-902-4758
296-155	Trenching rescue and excavation plan	The purpose of this rule making is to require employers to develop and implement a written excavation plan detailing appropriate risk analysis and rescue planning prior to beginning any work that requires a protective system (generally defined as any excavation four feet or deeper that is not in stable, solid rock).	6/22/21 21-13-140	Anticipate filing 8/22/23	To be determined	Ryan Allen DOSH Standards Program 360-902-4758
296-155	Cranes, rigging, and personnel lifting	The purpose of this rule making is to amend the safety standards for cranes and derricks in construction due, in part, to the federal Occupational Safety and Health Administration (OSHA) updating their standards. This rule making is also intended to provide clarity on L&I's interpretation of requirements related to crane decertification and reinstatement. In addition, state-initiated amendments will also be considered to address other areas in chapter 296-155 WAC relating to cranes that either need updating based on current industry practice or clarifying some of the language to maintain safety and health protections for employees. Due to OSHA updating their standard, prior rule-making preproposals regarding these subjects initiated in 2018 and 2019 were withdrawn under WSR 21-14-078 and 21-14-079.	7/6/21 21-14-080	To be determined	To be determined	Ryan Allen DOSH Standards Program 360-902-4758

WAC CHAPTER	RULE SUBJECT	PURPOSE AND SCOPE OF RULE MAKING	Preproposal Notice (CR-101) Filing Date and WSR #	Proposed Rule (CR-102 or CR-105) Filing Date and WSR #	Permanent Rule (CR-103) Filing Date and WSR #	AGENCY CONTACT
296-56	Longshore and waterfront operations and restrooms in ports and railyards (SHB 1706 implementation)	The purpose of this rule making is to align the standard with SHB 1706 (RCW 70.54.480), passed by the legislature in 2022, regarding drayage truck operators' access to restrooms when operating in or on a port or railyard property. New requirements will include access to restrooms and dedicated space for lactation. This rule making will also better align chapter 296-56 WAC with OSHA requirements for marine terminals in 29 C.F.R. 1917, Subpart A.	9/6/22 22-18-081	Anticipate filing October 2023	To be determined	Ryan Allen DOSH Standards Program 360-902-4758
286-305	Safety standards for firefighters	The purpose of this rule making is to consider rule making for WAC 296-305-03002 Hazardous materials, after receiving a rule petition. As requested in the petition, the rule making will consider updating rule language about the appropriate selection of chemical, biological, radiological, and nuclear (CBRN) ensembles and using the statement of standard for NIOSH CBRN SCBA testing. L&I will also consider updating WAC 296-305-04001 Respiratory equipment protection, which has guidance for breathing air quality for firefighters. The reference to ANSI/CGA G6-1, Commodity Specification for Air, needs to be updated to fix a typo in the standard number.	2/28/23 23-06-068	Anticipate filing 7/18/23	Anticipate filing 10/3/23	Ryan Allen DOSH Standards Program 360-902-4758
To be determined	Voluntary use of personal protective equipment (PPE)	The purpose of this rule making is to consider permanent rule making to allow the voluntary use of PPE when workers feel the need to protective themselves from noise, dust, or possible infectious or contagious diseases. The voluntary use of PPE must not introduce hazards to the work environment and facial coverings must not interfere with an employer's security requirements.	3/22/23 23-07-139	Anticipate filing 9/19/23	To be determined	Ryan Allen DOSH Standards Program 360-902-4758
296-62	Surgical smoke (SHB 1779 implementation)	The purpose of this rule making is to adopt policies that require the use of a smoke evacuation system during any planned surgical procedure that is likely to generate surgical smoke which would otherwise make contact with the eyes or respiratory tracts of the occupants of the room.	N/A	Anticipate filing 7/18/23 (CR-105)	To be determined	Ryan Allen DOSH Standards Program 360-902-4758

WAC CHAPTER	RULE SUBJECT	PURPOSE AND SCOPE OF RULE MAKING	Preproposal Notice (CR-101) Filing Date and WSR #	Proposed Rule (CR-102 or CR-105) Filing Date and WSR #	Permanent Rule (CR-103) Filing Date and WSR #	AGENCY CONTACT
296-900	Daily penalties for violating an order of immediate restraint (OIR) (ESHB 1097 implementation)	Rule making is anticipated to implement the provisions of 2021's ESHB 1097 related to daily penalties for violating an OIR, including establishing inspection procedures and enforcement policies related to calculating penalties when OIRs and/or red tags are placed, and provide guidance on how to correctly calculate penalties arising from the placement of an OIR or a red tag.	Anticipate filing August 2023	To be determined	To be determined	Ryan Allen DOSH Standards Program 360-902-4758
296-880	Unified safety standards for fall protection	The purpose of this rule making is to clarify how WAC 296-880-30005 Construction work, and 296-880-40040 Warning line system requirements, work together when a safety monitor and/or warning line system may be used and to ensure alignment with 29 C.F.R. 1926.501 (b)(10).	To be determined	To be determined	To be determined	Ryan Allen DOSH Standards Program 360-902-4758
To be determined	Training and certification program— Application of fire-resistant material (SHB 1323 implementation)	Rule making is anticipated to implement the provisions of 2023's SHB 1323 related to requiring a training and certification program for individuals who apply fire-resistant materials.	To be determined	To be determined	To be determined	Ryan Allen DOSH Standards Program 360-902-4758
296-45	Requiring automated external defibrillators for high voltage work (HB 1542 implementation)	Rule making is anticipated to implement the provisions of 2023's HB 1542 related to requiring automated external defibrillators to be available and accessible when work is being performed on high voltage lines and equipment.	To be determined	To be determined	To be determined	Ryan Allen DOSH Standards Program 360-902-4758
Division: Field Services and Public Safety						
296-150F	Factory assembled structures (FAS): Factory-built housing and commercial structures	The purpose of this rule making is to update the rules regarding factory-built housing and commercial structures to include panelized construction. This rule making will include intent to make the rules related to E2SHB 1257 Energy efficiency, HB 1486 Delegation of authority, and SB 5383 Tiny homes.	7/2/19 19-14-106	To be determined	To be determined	Alicia Curry Field Services and Public Safety 360-902-6244

WAC CHAPTER	RULE SUBJECT	PURPOSE AND SCOPE OF RULE MAKING	Preproposal Notice (CR-101) Filing Date and WSR #	Proposed Rule (CR-102 or CR-105) Filing Date and WSR #	Permanent Rule (CR-103) Filing Date and WSR #	AGENCY CONTACT
296-96	Elevator rules (safety codes)	The purpose of this rule making is to amend the elevator rules based on the review of new safety codes from the 2019 edition of the American Society of Mechanical Engineers A17.1/CSA B44 - 2019, Safety Code for Elevators and Escalators, and other related codes. The review included an opportunity for elevator stakeholders to participate in the process. A technical advisory committee (TAC), consisting of multiple industry representatives, and the elevator safety advisory board (ESAC) reviewed the proposals and provided advice to L&I on adoption of the rules. This rule making also proposes updates, clarification, housekeeping, and other amendments recommended by stakeholders, TAC, ESAC, and L&I to improve public safety.	10/19/21 21-21-088	5/2/23 23-10-083	Anticipate filing 8/1/23	Alicia Curry Field Services and Public Safety 360-902-6244
296-400A	Plumber certification rules—Phase 3	The purpose of this rule making is to consider amendments under the plumber certification rules in order to implement the legislative changes made within 2020's Plumbing Act (chapter 153, Laws of 2020, SB 6170), updates to continuing education, training programs, and other necessary updates to all plumbing rules.	1/18/22 22-03-073	To be determined	To be determined	Alicia Curry Field Services and Public Safety 360-902-6244
296-46B	Electrical rules (code adoption)	The purpose of this rule making is to consider amendments based on the 2023 edition of the National Fire Protection Agency 70 and the National Electrical Code safety codes, along with updating and clarifying existing rules, and making housekeeping and other rule changes.	4/4/23 23-08-066	Anticipate filing 11/21/23	Anticipate filing 2/27/24	Meagan Edwards Field Services and Public Safety 360-522-0125
296-96	Elevator fee corrections	The purpose of this rule making is to consider corrections to the elevator fees. On October 18, 2022, L&I adopted an 8.5 percent increase to all elevator fees effective January 1, 2023, and January 1, 2024 (WSR 22-21-118). The fee increase was needed to support funding for a new conveyance management system. As a result of a typographical error, some of the fee implementation dates were incorrect. The fees affected include permits, inspections, and other services for conveyances. This rule making considers amendments to make corrections and for general housekeeping.	5/23/23 23-11-127	Anticipate filing 7/18/23	Anticipate filing 10/17/23	Meagan Edwards Field Services and Public Safety 360-522-0125

WAC CHAPTER	RULE SUBJECT	PURPOSE AND SCOPE OF RULE MAKING	Preproposal Notice (CR-101) Filing Date and WSR #	Proposed Rule (CR-102 or CR-105) Filing Date and WSR #	Permanent Rule (CR-103) Filing Date and WSR #	AGENCY CONTACT
296-150C 296-150F 296-150I 296-150M 296-150P 296-150R 296-150T 296-150V	FAS fee increase	The purpose of this rule making is to propose increasing fees by the fiscal growth factor for FAS to cover increased operating costs and new technology improvements for the FAS program. The current fee levels are insufficient to cover current program expenses. The fee increase is necessary to ensure that revenues match expenditures; otherwise, service levels may need to be reduced.	6/6/23 23-12-080	Anticipate filing 8/1/23	Anticipate filing 10/17/23	Meagan Edwards Field Services and Public Safety 360-522-0125
296-200A	Contractor registration (2SHB 1534 implementation—Phase 1)	The purpose of this expedited rule making is to amend the contractor registration rules to implement 2SHB 1534, chapter 213, Laws of 2023. 2SHB 1534 establishes new conditions that a contractor's registration must be denied if an applicant is a successor to a business entity with unsatisfied final judgments, with an exception, and for minor status.	N/A	6/20/23 (CR-105) 23-13-097	Anticipate filing 8/22/23	Alicia Curry Field Services and Public Safety 360-902-6244
296-200A	Contractor registration (2SHB 1534 implementation—Phase 2)	The purpose of this rule making is to amend the contractor registration rules to implement 2SHB 1534, chapter 213, Laws of 2023. Provisions of the law take effect July 1, 2024.	To be determined	To be determined	To be determined	Alicia Curry Field Services and Public Safety 360-902-6244
296-150P 296-150R 296-49A	FAS (SB 5089 and HB 1514 implementation)	The purpose of this rule making is to consider amendments to implement HB 1514 (chapter 78, Laws of 2023) and SB 5089 (chapter 36, Laws of 2023) that passed during the 2023 legislative session. L&I is also reviewing the FAS advisory board rules under chapter 296-49 WAC to consider updates, clarification, housekeeping, and other amendments.	To be determined	To be determined	To be determined	Meagan Edwards Field Services and Public Safety 360-522-0125
296-200A	Contractor registration—Classification updates	The purpose of this rule making is to consider updates to the definitions for specialty contractor classifications.	To be determined	To be determined	To be determined	Alicia Curry Field Services and Public Safety 360-902-6244
Division: Fraud Prevention and Labor Standards						
296-128	Paid sick leave, including provisions that apply to certain construction workers (ESSB 5111 implementation)	The purpose of this rule making is to implement the requirements of ESSB 5111, address statutory requirements in RCW 49.46.210 and 49.46.180, and additional cleanups to existing WAC language. This rule making intends to clarify new requirements to pay out accrued and unused sick leave for certain construction workers.	Anticipate filing 7/18/23	Anticipate filing 9/19/23	Anticipate filing 11/21/23	Ellen Saline Fraud Prevention and Labor Standards 360-902-4475
296-126	Warehouse distribution centers (HB 1762 implementation)	The purpose of this rule making is to implement the requirements of HB 1762. This rule making intends to clarify new requirements for warehouse distribution center employers and new warehouse employee protections.	Anticipate filing 8/22/23	Anticipate filing January 2024	Anticipate filing March 2024	Ellen Saline Fraud Prevention and Labor Standards 360-902-4475

WAC CHAPTER	RULE SUBJECT	PURPOSE AND SCOPE OF RULE MAKING	Preproposal Notice (CR-101) Filing Date and WSR #	Proposed Rule (CR-102 or CR-105) Filing Date and WSR #	Permanent Rule (CR-103) Filing Date and WSR #	AGENCY CONTACT
296-127	Prevailing wage—Intents and affidavits (SB 5268 implementation)	The purpose of this expedited rule making is to implement the requirements of SB 5268. This rule making intends to update the rule title, introduction, and subsection (7). Anticipated amendments include updating intents and affidavits from \$2,500 to \$5,000, and removing dollar amounts and cross-references to statute (RCW 39.12.040) to avoid future rule making if amounts are changed in statute in the future.	N/A	Anticipate filing 9/19/23 (CR-105)	Anticipate filing 11/21/23	Ellen Saline Fraud Prevention and Labor Standards 360-902-4475
Division: Insurance Services						
296-17 296-17A	Employment covered by RCW 51.32.187 (Department of Energy (DOE), Hanford Site contractors)	The purpose of this rule making is to allow contractors of DOE working at the Hanford site to have their contractors and subcontractors covered under the state fund. L&I filed continuances on October 27 and November 6, 2020, ultimately extending the comment period to February 1, 2021, under WSR 20-22-038 and 20-23-017. The CR-102 proposal was withdrawn (WSR 21-04-019) due to the need for more stakeholder involvement and coordination. L&I will continue working with stakeholders to refine proposed rules for potential future rule making.	3/3/20 20-06-060	9/22/20 20-19-132 (withdrawn)	To be determined	Jo Anne Attwood Employer Services 360-902-4777
296-17 296-17A	Reporting and classification amendments for 2024	The purpose of this rule making is to implement clear rule writing to ensure staff and customers can easily understand and apply the workers' compensation insurance classification and reporting rules. Classification development studied some subclassifications for potential reduction in number, and reviewed classification and reporting rules for improvement and clarification.	5/23/23 23-11-128	Anticipate filing 8/22/23	Anticipate filing 11/21/23	Jo Anne Attwood Employer Services 360-902-4777
296-17 296-17B	Industrial insurance premium rates 2024	The purpose of this rule making is to establish the premium rates and experience rating parameters for calendar year 2024.	6/20/23 23-13-095	Anticipate filing 9/19/23	Anticipate filing 11/30/23	Jo Anne Attwood Employer Services 360-902-4777
296-23	Independent medical examinations (IMEs) (ESSB 6440 implementation)	The purpose of this rule making is to address in rule how to accommodate a worker when there is no reasonably convenient examiner in the needed specialty near the worker's community, and to define when it may be appropriate for IMEs to be conducted via telemedicine. This rule making will implement ESSB 6440, which resulted in updates to RCW 51.32.110 and 51.36.070 and the addition of new chapter 51.08 RCW and new RCW 51.36.072.	10/6/20 20-20-111	4/18/23 23-09-053	Anticipate filing 8/1/23	Kristen Baldwin-Boe Health Services Analysis 360-902-6815

WAC CHAPTER	RULE SUBJECT	PURPOSE AND SCOPE OF RULE MAKING	Preproposal Notice (CR-101) Filing Date and WSR #	Proposed Rule (CR-102 or CR-105) Filing Date and WSR #	Permanent Rule (CR-103) Filing Date and WSR #	AGENCY CONTACT
296-23	Naturopathic physicians	The purpose of this rule making is to update billing and coding requirements for naturopathic physicians to support consistency with other payers and other attending provider types.	Anticipate filing 11/21/23	Anticipate filing February 2024	Anticipate filing May 2024	Megan Lemon 360-902-5161 Bob Mayer 360-902-5021 Health Services Analysis
296-20 296-23	Medical aid rules— Conversion factors	The purpose of this rule making is to update rates for most professional health care services for injured workers, which are published annually in the medical aid rules and fee schedules.	Anticipate filing December 2023	Anticipate filing March 2024	Anticipate filing May 2024	Megan Lemon 360-902-5161 Bob Mayer 360-902-5021 Health Services Analysis
296-21	Master's level therapists (MLT) pilot	The purpose of this pilot rule making is to allow MLTs to treat injured workers. L&I decided to initiate a pilot to help determine how MLTs can best be incorporated into the workers' compensation setting. Under this pilot, these current provisions related to treatment by MLTs are waived for pilot participants only. The pilot began on January 1, 2020, and the exceptions granted are effective throughout a four-year pilot period or as otherwise specified.	12/3/19 19-24-087	Anticipate filing 8/1/23	Anticipate filing 10/31/23	Suzy Campbell Legal Services 360-902-5003
296-23	IME recordings (repeal)	The purpose of this expedited rule making is to repeal WAC 296-23-367, as a statute update invalidates the rule. SHB 1068 was adopted into law by the legislature effective July 23, 2023, requiring current rules be updated to align with changes made to RCW 51.36.070. The statute indicates workers have the right to record the audio, video, or both, of all IMEs ordered under this statute, RCW 51.32.110, and by the board of industrial insurance appeals. The current rule states video and audio recording for an IME isn't allowed.	N/A	6/6/23 23-12-072 (CR-105)	Anticipate filing 8/8/23	Suzy Campbell Legal Services 360-902-5003
296-23	IME notification process— Accompanying person	The purpose of this rule making is to consider updating and creating rules regarding IMEs. SHB 1068 allows a worker to audio and visually record an IME, and removes the prohibition against having an observer attend a mental health IME with the worker. The updated statute, RCW 51.36.070, requires L&I to create rules defining the notification process the worker must follow when they want to record an IME. WAC 296-23-362 needs to be updated as the statute removed the prohibition against having an observer attend a mental health IME.	6/20/23 23-13-096	Anticipate filing 10/17/23	Anticipate filing December 2023	Suzy Campbell Legal Services 360-902-5003

WAC CHAPTER	RULE SUBJECT	PURPOSE AND SCOPE OF RULE MAKING	Preproposal Notice (CR-101) Filing Date and WSR #	Proposed Rule (CR-102 or CR-105) Filing Date and WSR #	Permanent Rule (CR-103) Filing Date and WSR #	AGENCY CONTACT
296-14	Presumptive coverage of posttraumatic stress disorder (PTSD) as an occupational disease for direct care registered nurses (2SSB 5454 implementation)	The purpose of this rule making is to implement 2SSB 5454 which updated RCW 51.08.142. This rule making will add certain direct care registered nurses to the list of professions where there is a presumption that PTSD is an occupational disease.	Anticipate filing 7/18/23	Anticipate filing 9/5/23	Anticipate filing 12/5/23	Jordan Ely Legal Services 360-902-4616
296-14	Pension discount rate (PDR) 2024	The purpose of this rule making is to lower the PDR to better align with the rate of return for long-term treasuries for self-insured pensions. PDR is the interest rate used to account for the time value of money when evaluating the present value of future pension payments.	Anticipate Filing 8/22/23	Anticipate Filing 11/21/23	Anticipate Filing January 2024	Suzy Campbell Legal Services 360-902-5003
296-20	Psychologists as attending providers on mental health only claims (HB 1197 implementation)	The purpose of this rule making is to implement HB 1197 (chapter 171, Laws of 2023). This rule making will add language that clarifies that psychologists can be the attending provider on mental health only claims and other technical amendments to support that change.	Anticipate Filing 10/3/23	To be determined	To be determined	Jami Lifka Office of the Medical Director 360-902-4941 Jami.Lifka@Lni.wa.gov
296-17B	Retrospective rating for workers' compensation insurance	This rule making will address extending requirements for businesses that enroll in individual retro plans and revise enrollment requirements for businesses under common majority ownership.	11/5/13 13-22-071	To be determined	To be determined	Rachelle Bohler Retrospective Rating 360-902-5967
296-17B	Retrospective rating for workers' compensation insurance— Common ownership (pilot)	This pilot rule making will consider/allow exceptions to the retroactive rating program's current common ownership rule (WAC 296-17B-770) as written.	8/5/15 15-16-132	To be determined	To be determined	Rachelle Bohler Retrospective Rating 360-902-5967
296-17 296-17B	Retrospective rating insurance tables update	The purpose of this rule making is to update the retrospective rating insurance tables. When WAC 296-17B-010 was updated in 2017, L&I made a commitment to "repeat the studies that resulted in the hazard group assignments and changes to retrospective plan tables" (WSR 17-12-020). The proposed changes will maintain equity and fairness in the retrospective rating program.	4/20/22 22-09-085	6/20/23 23-13-094	Anticipate filing 8/22/23	Jessica Nau Retrospective Rating 360-902-5694

WAC CHAPTER	RULE SUBJECT	PURPOSE AND SCOPE OF RULE MAKING	Preproposal Notice (CR-101) Filing Date and WSR #	Proposed Rule (CR-102 or CR-105) Filing Date and WSR #	Permanent Rule (CR-103) Filing Date and WSR #	AGENCY CONTACT
296-15	Self-insured good faith and fair dealing duty and penalties (SHB 1521 implementation)	The purpose of this rule making is to implement SHB 1521, which adds a duty of good faith and fair dealing for self-insured municipal and certain private sector firefighter employers. The rules will define factors for determining base penalty amounts and the amount of multipliers added to the base penalty. The rules will also define good faith and fair dealing. The rules may address withdrawal of certification.	Anticipate filing September 2023	To be determined	To be determined	Starla Treznoski Self-Insurance 360-902-6901

WSR 23-15-002

HEALTH CARE AUTHORITY

[Filed July 5, 2023, 12:25 p.m.]

NOTICE

Subject: Medicaid State Plan Amendment (SPA) 23-0045 Personal Needs Allowance.

Effective Date: July 6, 2023.

Description: The health care authority (HCA) and the aging and long-term support administration of the department of social and health services (DSHS) intend to submit SPA 23-0045 to increase the personal needs allowance (PNA) to comply with HB 1128 approved in the recent legislative session. The PNA for individuals increases to \$100 and to \$200 for couples.

SPA 23-0045 is expected to have no effect on annual aggregate expenditures/reimbursement/payments.

A copy of SPA 23-0045 is available for review. HCA and DSHS would appreciate any input or concerns regarding this SPA. To request a copy or submit comments, please contact the person named below by August 14, 2023 (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

CONTACT: Paige Lewis, Medicaid Policy, 626 8th Avenue S.E., Olympia, WA 98504, phone 360-725-0757, TRS 711, email paige.lewis@hca.wa.gov.

WSR 23-15-005
NOTICE OF PUBLIC MEETINGS
EVERETT COMMUNITY COLLEGE
 [Filed July 6, 2023, 8:15 a.m.]

Following is the schedule of regular board of trustees meetings for Everett Community College, fiscal year 2023-2024.

Date	Time	Location
July 18, 2023	5:00 - 8:00 p.m.	Jackson Conference Center and Zoom
September 19, 2023	5:00 - 8:00 p.m.	Jackson Conference Center and Zoom
November 21, 2023	5:00 - 8:00 p.m.	Jackson Conference Center and Zoom
January 16, 2024	5:00 - 8:00 p.m.	Jackson Conference Center and Zoom
March 19, 2024	5:00 - 8:00 p.m.	Jackson Conference Center and Zoom
May 21, 2024	5:00 - 8:00 p.m.	Jackson Conference Center and Zoom
June 18, 2024	5:00 - 8:00 p.m.	Jackson Conference Center and Zoom

If you need further information, please contact Lisa Corner, 2000 Tower Street, Everett, WA 98201, phone 425-388-9202.

WSR 23-15-007

AGENDA

**BOARD OF REGISTRATION
FOR PROFESSIONAL ENGINEERS
AND LAND SURVEYORS**

[Filed July 6, 2023, 8:39 a.m.]

Semi-Annual Rules Development Agenda
July to December 2023

WAC Chapter or Section	Purpose of Rule Being Developed or Amended
196-09 Board practices and procedures	Add new section regarding records indexes. Amend/clarify WAC 196-09-015 Complaint processing approach.
196-12 Registered professional engineers	Amend/clarify language regarding education and work experience records, implementation of SB 5283 (waiver of fundamentals exam for applicants licensed in other jurisdictions). Other housekeeping changes.
196-16 Registered professional land surveyors	Amend/clarify requirements to become licensed as a professional land surveyor, including language implementing SB 5283, and amend language that is no longer effective or needs to be rewritten.
196-21 Land surveyors-in-training	To better define the requirements needed to take the fundamentals of land surveying exam as well as clarify language that is no longer effective or needs to be rewritten.
196-26A Registered professional engineers and land surveyor fees 196-30 Fees for on-site wastewater treatment designers and inspectors	Amendments describe the type of requested information when applying for initial and renewal applications for professional engineers, land surveyors, and on-site wastewater designers and inspectors as a requirement for obtaining a license and license renewal.
196-29 Professional practices	WAC 196-29-110, amendments are necessary to clarify the application of the practice standards for professional land surveyors. Minor housekeeping amendments are also necessary.
196-33 Rules of professional practice for licensees designing on-site wastewater treatment systems	Amend/remove/clarify language regarding the use of the stamp/seal by an on-site designer and amend the section regarding direct supervision so it is easier for the licensees to understand.

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

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

Shanán Gillespie
Rules Coordinator

WSR 23-15-008

HEALTH CARE AUTHORITY

[Filed July 6, 2023, 1:07 p.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 23-0021 July 2023 Fee Schedule Updates.

Effective Date: July 7, 2023.

Description: The health care authority (HCA) intends to submit SPA 23-0041 to update the fee schedule effective dates for several medicaid programs and services. This is a regular, budget-neutral update to keep rates and billing codes in alignment with the coding and coverage changes from the Centers for Medicare and Medicaid Services, the state, and other sources. These changes are routine and do not reflect significant changes to policy or payment.

SPA 23-0041 is expected to have no effect on the annual aggregate expenditures/payments for the services listed above. These changes are routine and do not reflect significant changes to policy or payment.

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

CONTACT: Ann Myers, State Plan Coordinator, P.O. Box 42716, Olympia, WA 98504, TRS 711, email ann.myers@hca.wa.gov.

WSR 23-15-022

AGENDA

DEPARTMENT OF ECOLOGY

[Filed July 7, 2023, 2:32 p.m.]

Rules Agenda
July - December 2023

Admin. Order Number	WAC Chapter	Date of filing CR-101	Date of filing CR-102	Date of filing CR-103	Rule-Making Lead
Open Rule Making					
23-02	Emergency rule making; APCR chapter 173-446 WAC	N/A	N/A	June 8, 2023	Nikki Harris
23-02	Chapter 173-446 WAC	June 8, 2023	Est. September 7, 2023	TBD	Nikki Harris
23-05	Emergency rule making; drought declaration and funding	N/A	N/A	Est. July 2023	Caroline Mellor
22-15	Chapter 173-408 WAC, Landfill methane emissions	December 8, 2022	Est. October 2023	Est. October 2024	Bill Flagg
21-02	Chapter 173-443 WAC, Hydrofluorocarbons (HFCs) and chapter 173-445 WAC, Air quality fee rule	August 16, 2021	Est. July 14, 2023	Est. December 2023	Linda Kildahl
22-07	Chapter 173-50 WAC, Fee rule for accreditation of environmental laboratories	October 10, 2022	Est. March 2023	Fall 2023	Ryan Zboralski
22-02	Chapter 173-305 WAC, Hazardous waste planning fees	September 14, 2022	Fall 2023	Winter 2024	Megan Hillyard
23-03	Cannabis lab accreditation (new rule), chapter 173-055 WAC	June 21, 2023	Est. October 2023	Winter 2024	Ryan Zboralski
20-02	Chapter 173-445 WAC, Greenhouse gas assessment for projects	April 30, 2020	TBD	TBD	Diane Butorac and Fran Sant
23-01	Electricity markets chapters 173-446 and 173-441 WAC	June 12, 2023	TBD	TBD	Gopika Patwa
21-09	Chapter 173-925 WAC, Post consumer plastic recycled content	November 3, 2021	May 2, 2023	Est. October 2023	Shannon Jones
18-09	Chapter 173-340 WAC, Model Toxics Control Act	December 20, 2018	February 15, 2023	Est. July 2023	Clint Stanovsky
22-01	Chapter 173-135 WAC, Pasco Basin—Groundwater subarea	July 12, 2022	Est. 2025	TBD	Caroline Mellor Office of Columbia River
22-16	Expedited rule; Underground storage tanks/PLIA, chapter 173-360A WAC	N/A	CR-105 June 30, 2023	Est. September 6, 2023	Stephen Jarrett
22-17	Expedited rule; chapter 173-442 WAC, Clean air rule	N/A	CR-105 March 22, 2023	Est. July 19, 2023	Gopika Patwa
22-18	Climate Commitment Act expenditure reporting, chapter 173-446B WAC	May 25, 2023	Est. Winter 2024	TBD	Harrison Ashby
22-13	Chapter 363-116 WAC, Tug escort	February 22, 2023	Est. Summer 2025	TBD	Brittany Flittner Board of Pilotage
22-14	Chapters 317-50 and 173-187 WAC, Certificate of financial responsibility	April 17, 2023	TBD	TBD	Kim Morley and Sonja Larson
22-04	Chapter 173-201A WAC, Aquatic life toxics criteria	June 22, 2022	October 2023	April 2024	Marla Koberstein
22-05	Chapter 173-201A WAC, Natural conditions	September 27, 2022	Winter 2024	Summer 2024	Marla Koberstein
22-06	Chapter 173-201A WAC, Outstanding resource waters	August 30, 2022	Est. July 18, 2023	Fall 2023	Marla Koberstein
Admin. Order Number	WAC Chapter	Date of filing CR-101	Date of filing CR-102	Date of filing CR-103	Rule-Making Lead
Exploratory Rule Makings					
17-03	Chapter 173-340 WAC, Model Toxics Control Act—Cleanup	N/A	N/A	N/A	Clint Stanovsky
xx-xx	Chapter 173-460 WAC, Controls for new sources of toxic air pollutants	On hold	N/A	N/A	Caitlin Cannon

Admin. Order Number	WAC Chapter	Date of filing CR-101	Date of filing CR-102	Date of filing CR-103	Rule-Making Lead
On Hold Rule Making					
19-01	Chapter 173-201A WAC, Water quality standards for surface waters of the state of Washington (variances)	June 12, 2019	TBD	TBD	Marla Koberstein
15-12	Chapter 173-333 WAC, Chemical action plans (formerly PBT)	October 12, 2015	On hold	On hold	Irina Makarow
15-11	Chapter 173-331 WAC, Vehicle battery recycling program	December 2, 2015	On hold	On hold	Chery Sullivan
05-03	Chapter 173-525 WAC, Grays Elochoman instream resources protection and water management program WRIA 25	March 2, 2005	April 19, 2010 Continuance filed June 16, 2010 Expired November 1, 2010 On hold	On hold	Dave Christensen
05-04	Chapter 173-526 WAC, Cowlitz instream resources protection and water management program WRIA 26	March 2, 2005	April 19, 2010 Continuance filed June 16, 2010 Expired November 1, 2010 On hold	On hold	Dave Christensen
05-02	Chapter 173-503A WAC, Samish River subbasin instream resources protection program, lower and upper Skagit water resources inventory area (WRIAs 3 and 4)	February 15, 2005	On hold indefinitely	On hold indefinitely	Dave Christensen

WSR 23-15-023

AGENDA

PARKS AND RECREATION
COMMISSION

[Filed July 7, 2023, 4:05 p.m.]

In accordance with RCW 34.05.314, the state parks and recreation commission (state parks) submits its semi-annual agenda for rules under development for publishing in the Washington State Register.

State parks is conducting a thorough review and may have additional rules as conditions arise. Rule changes filed from July to December 2023 are located on the state parks website at <https://parks.state.wa.us/179/rules-regulations>.

Any questions related to the specific rules identified in the agenda can be directed to the manager or Valeria Veasley, Rules Coordinator, 1111 Israel Road [S.W.], Olympia, WA 98504-2560, 360-902-8597, or valeria.veasley@parks.wa.gov.

**Semi-Annual Rule-Making Agenda
July 1 - December 31, 2023**

WAC Citation	Reason and/or Expected Outcome	Contact	Status of Rule Making	Anticipated Date of Adoption	Comments
352-40-030 When and where can I access state parks' public records?	Update phone number for the communications office. Minor change.	Brian Thrasher Records Manager brian.thrasher@parks.wa.gov 360-902-8514	Will file an expedited rule making CR-105	TBD	Need to consult with Brian Thrasher.
352-40-060 Who do I contact to request state parks' public records?	The address for state parks' external-facing website in this chapter is no longer valid.	Brian Thrasher Records Manager brian.thrasher@parks.wa.gov 360-902-8514	Will file an expedited rule making CR-105	TBD	Need to consult with Brian Thrasher.
352-60 Recreational vessel equipment and operation.	Establishing new rules under this chapter to incorporate mechanically propelled personal hydrofoils, mechanically propelled surfboards, and engine cut-off switches.	Rob Sendak Boating Law Administrator rob.sendak@parks.wa.gov 360-902-8836	Filed CR-101 WSR 23-03-002	TBD	Will be reviewed when new MLE coordinator is onboarded.
352-60 Definitions and fire extinguisher required sections.	Clarifying definitions and ensuring state statute [rule] is consistent with current federal regulations under C.F.R.	Rob Sendak Boating Law Administrator rob.sendak@parks.wa.gov 360-902-8836	Filed CR-101 WSR 23-03-002	TBD	Will be reviewed when new MLE coordinator is onboarded.
352-78 Boating safety education program.	Agency study and alignment with 2023 legislative session statutory changes.	Rob Sendak Boating Law Administrator rob.sendak@parks.wa.gov 360-902-8836	Filed CR-101 WSR 23-03-002	TBD	Amendments may not be required.
352-12-030 Annual moorage permits.	Clarify distinction between saltwater and freshwater annual moorage users.	Emily Weathers Program Specialist emily.weathers@parks.wa.gov 360-902-8848	Filed CR-101 WSR 23-02-015	TBD	In process at operations division.
352-32-030 Camping.	Eliminate the extended off-season length of stay.	Emily Weathers Program Specialist emily.weathers@parks.wa.gov [emily.weathers@parks.wa.gov] 360-902-8848	Filed CR-101 WSR 23-02-015	TBD	In process at operations division.
352-78-020 and 352-78-090 Recreational boating program. What do the words and phrases in this chapter mean? How do I get a replacement for my commission-issued boater education card?	Changes to definitions and aligns boater education program requirements that affect rental operators and liveries.	Derek VanDyke Program Specialist derek.vandyke@parks.wa.gov 360-902-8842	Filed CR-101 WSR 23-03-056	TBD	In process at recreational boating program.

WAC Citation	Reason and/or Expected Outcome	Contact	Status of Rule Making	Anticipated Date of Adoption	Comments
352-32-253 Foster parent program.	Aligning rules with RCW 79A.05.065(4). Creating a foster family pass and updating eligibility and application requirements.	Keri Murphy Visitor Service Manager keri.murphy@parks.wa.gov 360-902-8561	Filed CR-101 WSR 23-08-073	Presented report to state parks commission in May 2023. Rule adoption in July 2023.	On track for rule adoption July 2023.

Valeria Veasley
Management Analyst

WSR 23-15-024
DEPARTMENT OF AGRICULTURE
 [Filed July 10, 2023, 6:59 a.m.]

2023 QUARTERLY REPORT ON RULE-MAKING ACTIVITIES
Petitions Received

The following information is being filed in order to implement RCW 1.08.112 (1)(g) and WAC 1-21-180. The Washington state department of agriculture received two petitions for rule making during the second quarter of 2023.

Date	Requestor	Subject
1ST QUARTER (JANUARY THROUGH MARCH)		
	None	
2ND QUARTER (APRIL THROUGH JUNE)		
4/3/2023	Patricia Dunn	Adding <i>Impatiens capensis</i> to the quarantine list in chapter 16-752 WAC.
4/27/2023	Kristi Park, BioDesign Studio	Adding <i>Heder [Hedera] Helix</i> (English ivy) to the quarantine list in chapter 16-752 WAC.

Gloriann Robinson
 Rules Coordinator

WSR 23-15-025
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY
 [Filed July 10, 2023, 8:38 a.m.]

Meeting Name	Meeting Date	Meeting Time	Meeting Location (Zoom)
ASWSUG executive board meeting	9/7/2023 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWm1zdk5Ddz09&from=adon
ASWSUG executive board meeting	9/14/2023 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWm1zdk5Ddz09&from=adon
ASWSUG executive board meeting	9/21/2023 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWm1zdk5Ddz09&from=adon
ASWSUG executive board meeting	9/28/2023 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWm1zdk5Ddz09&from=adon
ASWSUG executive board meeting	10/5/2023 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWm1zdk5Ddz09&from=adon
ASWSUG executive board meeting	10/12/2023 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWm1zdk5Ddz09&from=adon
ASWSUG executive board meeting	10/19/2023 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWm1zdk5Ddz09&from=adon
ASWSUG executive board meeting	10/26/2023 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWm1zdk5Ddz09&from=adon
ASWSUG executive board meeting	11/2/2023 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWm1zdk5Ddz09&from=adon
ASWSUG executive board meeting	11/9/2023 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWm1zdk5Ddz09&from=adon
ASWSUG executive board meeting	11/16/2023 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWm1zdk5Ddz09&from=adon
ASWSUG executive board meeting	11/30/2023 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWm1zdk5Ddz09&from=adon
ASWSUG executive board meeting	12/7/2023 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWm1zdk5Ddz09&from=adon
ASWSUG executive board meeting	12/14/2023 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWm1zdk5Ddz09&from=adon
ASWSUG executive board meeting	12/21/2023 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWm1zdk5Ddz09&from=adon
ASWSUG executive board meeting	12/28/2023 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWm1zdk5Ddz09&from=adon
ASWSUG executive board meeting	1/4/2024 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWm1zdk5Ddz09&from=adon

WSR 23-15-026
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE UNIVERSITY
 [Filed July 10, 2023, 8:38 a.m.]

Meeting Name	Meeting Date	Meeting Time	Meeting Location (Zoom)
ASWSUG executive board meeting	1/11/2024 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWmlzdk5Ddz09&from=adon
ASWSUG executive board meeting	1/18/2024 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWmlzdk5Ddz09&from=adon
ASWSUG executive board meeting	1/25/2024 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWmlzdk5Ddz09&from=adon
ASWSUG executive board meeting	2/1/2024 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWmlzdk5Ddz09&from=adon
ASWSUG executive board meeting	2/8/2024 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWmlzdk5Ddz09&from=adon
ASWSUG executive board meeting	2/15/2024 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWmlzdk5Ddz09&from=adon
ASWSUG executive board meeting	2/22/2024 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWmlzdk5Ddz09&from=adon
ASWSUG executive board meeting	2/29/2024 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWmlzdk5Ddz09&from=adon
ASWSUG executive board meeting	3/7/2024 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWmlzdk5Ddz09&from=adon
ASWSUG executive board meeting	3/14/2024 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWmlzdk5Ddz09&from=adon
ASWSUG executive board meeting	3/21/2024 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWmlzdk5Ddz09&from=adon
ASWSUG executive board meeting	3/28/2024 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWmlzdk5Ddz09&from=adon
ASWSUG executive board meeting	4/4/2024 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWmlzdk5Ddz09&from=adon
ASWSUG executive board meeting	4/11/2024 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWmlzdk5Ddz09&from=adon
ASWSUG executive board meeting	4/18/2024 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWmlzdk5Ddz09&from=adon
ASWSUG executive board meeting	4/25/2024 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWmlzdk5Ddz09&from=adon
ASWSUG executive board meeting	5/2/2024 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWmlzdk5Ddz09&from=adon
ASWSUG executive board meeting	5/9/2024 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWmlzdk5Ddz09&from=adon
ASWSUG executive board meeting	5/16/2024 - Thursday	6 to 7 p.m. PST	https://wsu.zoom.us/j/99167258822?pwd=dnhLTUVjMHdDYtheDFlWmlzdk5Ddz09&from=adon

WSR 23-15-027

HEALTH CARE AUTHORITY

[Filed July 10, 2023, 8:42 a.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 23-0041 July 2023 Fee Schedule Updates.

Effective Date: July 11, 2023.

Description: The health care authority (HCA) intends to submit SPA 23-0041 to update the fee schedule effective dates for several medicaid programs and services. This is a regular, budget-neutral update to keep rates and billing codes in alignment with the coding and coverage changes from the Centers for Medicare and Medicaid Services, the state, and other sources. These changes are routine and do not reflect significant changes to policy or payment.

The notice filed as WSR 23-15-008 was published with the wrong SPA number in the title. It was published as 23-0021 instead of 23-0041.

SPA 23-0041 is expected to have no effect on the annual aggregate expenditures/payments for the services listed above. These changes are routine and do not reflect significant changes to policy or payment.

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

CONTACT: Ann Myers, State Plan Coordinator, P.O. Box 42716, Olympia, WA 98504, TRS 711, email ann.myers@hca.wa.gov.

WSR 23-15-028
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH

(Dental Quality Assurance Commission)
 [Filed July 10, 2023, 9:16 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), dental quality assurance commission (commission), for the year 2024. Commission 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 the commission GovDelivery email list and the DOH website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the commission reserves the right to change or amend agendas at the meeting.

Date	Time	Locations
January 19, 2024	10:00 a.m.	TBD
March 8, 2024	10:00 a.m.	TBD
April 26, 2024	10:00 a.m.	TBD
June 14, 2024	10:00 a.m.	TBD
July 26, 2024	10:00 a.m.	TBD
September 6, 2024	10:00 a.m.	TBD
October 25, 2024	10:00 a.m.	TBD
December 6, 2024	10:00 a.m.	TBD

If you need further information, please contact Amber Freeberg, Program Manager, DOH, Dental Quality Assurance Commission, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4893, fax 360-236-2901, email dental@doh.wa.gov, web www.doh.wa.gov.

Please be advised the commission 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 commission, including personal information, may ultimately be subject to disclosure as a public record.

WSR 23-15-029

AGENDA

OFFICE OF THE CODE REVISER

[Filed July 10, 2023, 10:56 a.m.]

**Semi-Annual Rule-Making Agenda
July through December 2023**

The office of the code reviser does not anticipate any rule-making activity for the period of July through December 2023. 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

WSR 23-15-033

AGENDA

LIQUOR AND CANNABIS BOARD

[Filed July 11, 2023, 8:43 a.m.]

Pursuant to RCW 34.05.314, this report describes current and anticipated rule development activities for the liquor and cannabis board (LCB). If you have any questions regarding this report or LCB rule development activities, please contact Katherine Hoffman, LCB policy and rules manager, at 360-664-1622 or katherine.hoffman@lcb.wa.gov.

This agenda is for informational purposes, and the noted dates of anticipated rule-making actions are estimates. Any errors in the 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 LCB rule development activities that cannot be forecasted as the agency initiates rule making to implement new state laws, meet federal requirements, or meet unforeseen circumstances. The "Key" below explains terms and acronyms.

KEY

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.

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.

Liquor Related Rule Development Agenda
July 1 - December 31, 2023

RCW/SESSION LAW	RULE TITLE/ DESCRIPTION	CR-101	CR-101 WSR#	CR-102	CR-102 WSR#	CR-103	CONTACT	PHONE
66.08.030 66.20.330 SSB 5448 (chapter 279, Laws of 2023)	Title 314 WAC. LCB is considering amending WAC 314-17-015 and repealing, amending, and creating rule sections in Title 314 WAC, or both, as necessary to allow Class 13 mandatory alcohol server training permit holders, in areas not restricted to minors, to open and pour beer and wine from bottles or cans away from the table. LCB is also considering repealing, amending, and creating rule sections in Title 314 WAC as necessary to implement the provisions of SSB 5448 (chapter 279, Laws of 2023), enacted during the 2023 legislative session regarding an extension of alcohol delivery and takeout privileges that were scheduled to expire on July 1, 2023.	8/19/23	TBD	9/13/23	TBD	11/8/23	Daniel Jacobs	360-480-1238

RCW/SESSION LAW	RULE TITLE/ DESCRIPTION	CR-101	CR-101 WSR#	CR-102	CR-102 WSR#	CR-103	CONTACT	PHONE
66.08.030 66.24.630	WAC 314-02-1071 What is "trade area"? LCB is considering amending, creating, or repealing existing rule related to trade area exceptions.	5/24/23	23-11-160	8/30/23	TBD	10/11/23	Katherine Hoffman	360-664-1622
66.08.030 66.20.330 69.50.342 HB 1730 (chapter 158, Laws of 2023) ESHB 1731 (chapter 257) HB 1772 (chapter 217, Laws of 2023).	Title 314 WAC. LCB is considering repealing, amending, and creating rule sections as necessary to implement alcohol and cannabis-related legislation enacted during the 2023 legislative session, including HB 1730 (chapter 158, Laws of 2023); ESHB 1731 (chapter 257, Laws of 2023); and HB 1772 (chapter 217, Laws of 2023).	5/24/23	23-11-155	8/2/23	TBD	10/11/23	Daniel Jacobs	360-480-1238
66.08.030 66.24.450	WAC 314-40-040(6) Private club membership recruitment. LCB is considering amending WAC 314-40-040, and amending, repealing, or creating other rules in Title 314 WAC as necessary to allow private clubs licensed under RCW 66.24.450 or 66.24.452 to add additional membership drives and/or host consecutive membership drives.	3/29/23	23-08-040	7/5/23	23-14-121	8/30/23	Katherine Hoffman	360-664-1622

**Cannabis Related Rule Development Agenda
July 1 - December 31, 2023**

RCW/SESSION LAW	RULE TITLE/ DESCRIPTION	CR-101	CR-101 WSR#	CR-102	CR-102 WSR#	CR-103	CONTACT	PHONE
69.50.342	Cannabis product sampling. LCB is considering amending WAC 314-55-096 concerning vendor, educational, and internal quality control samples based on a rule petition accepted by LCB on August 31, 2022.	3/1/23	23-06-079	9/27/23	TBD	1/3/24	Cassidy West	360-878-4235
66.50.342 69.50.345	Cannabis advertising requirements and promotional items. LCB is considering creating, amending, or repealing existing rule sections as necessary to update advertising requirements for licensed cannabis businesses. Revisions may also include clarifying and technical updates to existing rules.	8/31/22	22-18-057	TBD Project paused	TBD Project paused	TBD Project paused	Cassidy West	360-878-4235

RCW/SESSION LAW	RULE TITLE/ DESCRIPTION	CR-101	CR-101 WSR#	CR-102	CR-102 WSR#	CR-103	CONTACT	PHONE
69.50.342 69.50.34 E2SSB 5367 (chapter 365, Laws of 2023)	Chapter 314-55 WAC. LCB is considering rule making to implement E2SSB 5367 (chapter 365, Laws of 2023) enacted during the 2023 legislative session concerning the regulation of products containing tetrahydrocannabinol. As part of this rule making, LCB is considering creating, amending, or repealing existing rule throughout chapter 314-55 WAC as necessary to implement E2SSB 5367.	6/21/23	23-13-129	10/25/23	TBD	1/3/24	Cassidy West	360-878-4235
69.50.335 69.50.342 E2SSB 5080 (chapter 220, Laws of 2023)	Chapter 314-55 WAC. LCB is considering rule making to implement E2SSB 5080 (chapter 220, Laws of 2023) enacted during the 2023 legislative session related to various provisions of the social equity in cannabis program. As part of this rule making, LCB is considering creating, amending, or repealing existing rule throughout chapter 314-55 WAC as necessary to implement E2SSB 5080.	TBD	TBD	TBD	TBD	TBD	Katherine Hoffman	360-664-1622

WSR 23-15-036
NOTICE OF PUBLIC MEETINGS
COMMUNITY COLLEGES
OF SPOKANE

[Filed June 20, 2023, 1:43 p.m.]

BOARD OF TRUSTEES
WASHINGTON COMMUNITY COLLEGE DISTRICT 17
2023 MEETING SCHEDULE

Notice is hereby given, pursuant to RCW 42.30.075, that the board of trustees of Washington State Community College District 17 (Community Colleges of Spokane) shall hold regular meetings on the following dates (typically the third Tuesday of the month):

January 17, 2023	Lodge WORK SESSION
February 21, 2023	Lodge
March 14, 2023	Lodge
April 18, 2023	Lodge WORK SESSION
May 9, 2023	Spokane Community College (SCC) campus
June 20, 2023	Spokane Falls Community College (SFCC) campus
July 18, 2023	SCC campus WORK SESSION
August 15, 2023	No meeting
September 12, 2023	SFCC campus
October 17, 2023	Colville campus
November 14, 2023	SFCC campus
December 19, 2023	SCC campus

In-person meetings will be held at 8:30 a.m. in the Lodge Building, 3305 West Fort George Wright Drive, Spokane, WA. The June 20, 2023, meeting will be held at the SFCC Pullman campus at 8:30 a.m. located at 185 Veterans Way, Pullman, WA 99164. The October 17, 2023, meeting will be held at the SCC Colville campus at 8:30 a.m. at 985 South Elm Street, Colville, WA 99114.

The board of trustees has the right to change in-person meetings to Zoom for weather-related changes.

WSR 23-15-037

NOTICE OF PUBLIC MEETINGS

HEALTH CARE AUTHORITY

[Filed July 11, 2023, 12:42 p.m.]

PRESCRIPTION DRUG AFFORDABILITY BOARD

2023 Meeting Schedule

Date	Time	Location
October 20, 2023	9:00 a.m. - 3:00 p.m.	In-person executive session
December 11, 2023	9:00 a.m. - 4:00 p.m.	Webinar*

*Webinar registration link and meeting materials will be posted to the health care authority website 30 days prior to the meeting date, <https://www.hca.wa.gov/about-hca/programs-and-initiatives/clinical-collaboration-and-initiatives/prescription-drug-affordability-board>.

For further assistance, please contact Simon Borumand, 360-725-1044, Simon.Borumand@hca.wa.gov.

WSR 23-15-038

NOTICE OF PUBLIC MEETINGS

WASHINGTON STATE

LEADERSHIP BOARD

[Filed July 11, 2023, 1:59 p.m.]

The Washington state leadership board has changed the following regular meeting:

From: August 9, 2023, at 11 a.m. - 1 p.m., at the Olympia Timberland Regional Library, Meeting Room, 313 8th Avenue S.E., Olympia, WA 98501.

To: August 9, 2023, at 11 a.m. - 1 p.m., at the Tumwater Timberland Library, Meeting Room, 7023 New Market Street S.W., Tumwater, WA 98501.

If you need further information, please contact Claire Muehleisen at 4250 Martin Way East, Suite 105, PMB #228, Olympia, WA 98516, phone 564-201-8246, Info@Wslb.Wa.Gov, Claire.Muehleisen@Wslb.Wa.Gov, www.washingtonleaders.org.

WSR 23-15-041
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
(Board of Physical Therapy)
[Filed July 12, 2023, 7:29 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 approved schedule of regular meetings for the department of health (DOH), board of physical therapy (board), for the year 2024. The board meetings are open to the public and access for persons with disabilities may be arranged with advance notice. Please contact the staff person below for more information.

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

2024 Meeting Schedule

Date	Time	Location
February 12, 2024	10:00 a.m.	TBD
April 15, 2024	10:00 a.m.	TBD
June 10, 2024	10:00 a.m.	TBD
August 12, 2024	10:00 a.m.	TBD
October 14, 2024	10:00 a.m.	TBD
December 9, 2024	10:00 a.m.	TBD

If you need further information, please contact Allyson McIver, Program Manager, DOH, Board of Physical Therapy, P.O. Box 47852, Olympia, WA 98504-7852, 360-236-2878, 360-236-2901, Physical.therapy@doh.wa.gov, www.doh.wa.gov.

Please be advised the board 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 23-15-042

AGENDA

FOREST PRACTICES BOARD

[Filed July 12, 2023, 9:47 a.m.]

**Semi-Annual Rule-Making Agenda
July - December 2023**

The forest practices board's (board) mandate is to adopt rules to protect the state's public resources while maintaining a viable forest products industry. The following rule proposals are under development or are anticipated during this time period. There may be additional rule-making activity not on the agenda as conditions warrant.

1. **Water Typing System.** The board has been engaged in rule development to establish a permanent water typing system. The board may initiate rule making in late 2023.

2. **Type Np Water Buffer.** The board may initiate rule making in early 2024 on Type Np Water (nonfish perennial) riparian management zone buffers in chapter 222-30 WAC.

3. **Marbled Murrelet.** The board approved an expedited rule making at its May 10, 2023, meeting to amend critical habitat rules for marbled murrelet. The board may consider adoption of the rules at their August 2023 [meeting].

4. **Water Typing Lidar Map-Based Model.** The board confirmed a lidar map-based model as a goal for the permanent water typing system rule. The board may engage in rule making when there is sufficient statewide lidar coverage.

Contact Person: Patricia Anderson, Rules Coordinator, Department of Natural Resources, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, phone 360-890-0277, fax 360-902-1428, email patricia.anderson@dnr.wa.gov.

WSR 23-15-049

HEALTH CARE AUTHORITY

[Filed July 13, 2023, 9:52 a.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 23-0047
Technical Correction to Add Dental Health Aide Therapists (DHAT).
Effective Date: July 23, 2017.

Description: The health care authority (HCA) intends to submit SPA 23-0047 as a technical correction to add coverage of and reimbursement for DHAT. In accordance with SB 5079, signed into law on February 22, 2017, HCA submitted SPA 17-0027 on August 22, 2017, to add DHAT coverage; the Centers for Medicare and Medicaid Services (CMS) disapproved that SPA. In *Washington State Health Care Authority v. Centers for Medicare & Medicaid Services*, Case No. 21-70338, the United States Court of Appeals for the Ninth Circuit, held that CMS's disapproval of SPA 17-0027 was not in accordance with law. Therefore, CMS approved SPA 17-0027 on June 21, 2023, with an effective date of July 23, 2017.

In HCA's original notice filed as WSR 17-15-114, it was estimated that SPA 17-0027 may increase annual aggregate expenditures by an average of \$525,000 for dental services within the DHAT scope of practice, including oral examinations, preventive dental services, simple restorations, stainless steel crowns, extractions, and X-rays. However, SPA 17-0027 was expected to have no impact on the state portion of annual aggregate expenditures as the services authorized by this SPA will be eligible for 100 percent federal medical assistance participation under Section 1905 of the Social Security Act.

A copy of SPA 23-0047 is available for review. HCA would appreciate any input or concerns regarding this SPA. To request a copy of the SPA 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: Ann Myers, State Plan Coordinator, P.O. Box 42716, Olympia, WA 98504, TRS 711, email ann.myers@hca.wa.gov.

WSR 23-15-052

AGENDA

WASHINGTON STATE LOTTERY

[Filed July 13, 2023, 2:40 p.m.]

Pursuant to RCW 34.05.314, Washington's lottery is submitting its semi-annual agenda for publishing in the Washington State Register. At this time, lottery does not have any rules in process, nor do we anticipate having any in the next six months.

Semi-Annual Rule-Making Agenda

July 1 - December 31, 2023

WAC	Purpose for Rule Making	CR-101 Filing	Next Step
None	N/A	N/A	N/A

WSR 23-15-063
RULES OF COURT
STATE SUPREME COURT
[July 13, 2023]

IN THE MATTER OF THE IN THE) ORDER
MATTER OF THE SUGGESTED) NO. 25700-A-1525
AMENDMENTS TO JuCR 7.7—)
STATEMENT OF JUVENILE ON)
PLEA OF GUILTY)

The Pattern Forms Committee, having recommended the adoption of the suggested amendments to JuCR 7.7—Statement of Juvenile on Plea of Guilty, and the Court having considered the suggested amendments, and having determined that the suggested amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

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

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

DATED at Olympia, Washington this 13th day of July, 2023.

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

GENERAL RULE 9
RULE AMENDMENT COVER SHEET
PROPOSED AMENDMENT TO RULE JuCR 7.7

Superior Court of Washington County of _____
Juvenile Court
STATE OF WASHINGTON,
v. _____,
Respondent
No:
Statement on Plea of Guilty (STJOPG)

- 1. My true name is:_____
I am also known as:_____
2. My age is _____. Date of Birth:_____
3. I have been informed and fully understand that I have the right to a lawyer, and that if I cannot afford to pay for a lawyer, the judge will provide me with one at no cost. I understand that a lawyer can look at the social and legal files in my case, talk to the police, probation counselor, and prosecuting attorney, tell me about the law, help me understand my rights, and help me at trial.
4. I understand that I am charged with Count 1 _____,

the elements of which are _____

Count 2 _____

the elements of which are _____
_____.

Count(s) _____ was (were) committed against a family or household member.

Count(s) _____ was (were) committed against an intimate partner.

I have been given a copy of the charge(s).

5. I UNDERSTAND I HAVE THE FOLLOWING IMPORTANT RIGHTS, AND I GIVE THEM ALL UP BY PLEADING GUILTY:

- a. I have the right to a speedy and public trial in the county where the offense(s) allegedly occurred.
- b. I have the right to remain silent before and during trial, and I need not testify against myself.
- c. I have the right to hear and question witnesses who might testify against me.
- d. I have the right to testify and to have witnesses testify for me. These witnesses may be required to appear at no cost to me.
- e. I am presumed innocent unless the charge is proven beyond a reasonable doubt or I enter a plea of guilty.
- f. I have the right to appeal a finding of guilt after trial.

6. I have been informed that in order to determine an appropriate sentence regarding the charges to which I plead guilty in this matter, the judge will take into consideration my criminal history, which is as follows:

- a. _____
- b. _____
- c. _____
- d. _____
- e. _____
- f. _____

7. The Standard Sentencing Range, which was calculated using my criminal history as referenced in Paragraph 6, above, is as follows:

LOCAL SANCTIONS:

COUNT	SUPERVISION	COMMUNITY RESTITUTION SERVICE	FINE	DETENTION	RESTITUTION
<input type="checkbox"/> 1	0 to 12 months	0 to 150 hours	\$0 to \$500	0 to 30 Days	<input type="checkbox"/> As required <input type="checkbox"/> _____
<input type="checkbox"/> 2	0 to 12 months	0 to 150 hours	\$0 to \$500	0 to 30 Days	<input type="checkbox"/> As required <input type="checkbox"/> _____
<input type="checkbox"/> 3	0 to 12 months	0 to 150 hours	\$0 to \$500	0 to 30 Days	<input type="checkbox"/> As required <input type="checkbox"/> _____

I understand that, if community supervision is imposed, I will be required to comply with various rules, which could include school attendance, curfew, law abiding behavior, associational restrictions, counseling, treatment, urinalysis, and/or other conditions deemed appropriate by the judge. Failure to comply with the conditions of supervision could result in a violation being found and further confinement imposed for the violation up to 30 days.

~~In addition to these conditions, the court will order me to perform up to 7 hours of community restitution per offense involving a victim who suffered bodily injury or death and that is not a most se-~~

~~rious offense as defined by RCW 9.94A.030, or a sex offense under chapter 9.44 RCW. I must perform this community restitution consecutively to any other community restitution imposed for the offense. RCW 7.68.035, .020.~~

[] COMMITMENT TO DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES JUVENILE REHABILITATION (DCYFJR):

COUNT	WEEKS AT DCYFJR REHABILITATION FACILITY							RESTITUTION
[]1	[]15 - 36	[]30 - 40	[]52 - 65	[]80 - 100	[]103 - 129	[]180 - Age 21	[]129 - 260	[] As required []__
[]2	[]15 - 36	[]30 - 40	[]52 - 65	[]80 - 100	[]103 - 129	[]180 - Age 21	[]129 - 260	[] As required []__
[]3	[]15 - 36	[]30 - 40	[]52 - 65	[]80 - 100	[]103 - 129	[]180 - Age 21	[]129 - 260	[] As required []__

I understand that, if I am committed to a DCYFJR rehabilitation facility, following my release I may be required to comply with a program of parole for a number of months. I understand that if placed on parole, I will be under the supervision of a parole officer. The conditions of parole will restrict my actions and may require me to participate in activities and programs including, but not limited to, evaluation, treatment, education, employment, community restitution, electronic monitoring, or urinalysis, and, if I am adjudicated of certain offenses, a program applicable to juvenile firearm offenders. Failure to comply with the conditions of parole may result in parole revocation and further confinement. If the offense to which I am pleading guilty is a sex offense, failure to comply with the conditions of parole may result in further confinement of up to 24 weeks.

~~In addition to these conditions, the court will order me to perform up to 7 hours of community restitution per offense involving a victim who suffered bodily injury or death and that is not a most serious offense as defined by RCW 9.94A.030, or a sex offense under chapter 9.44 RCW. I must perform this community restitution consecutively to any other community restitution imposed for the offense. RCW 7.68.035, .020.~~

I understand that if I am pleading guilty to 2 or more offenses, the disposition terms shall run consecutively (1 term after the other) subject to the limitations in RCW 13.40.180.

I understand that if any additional criminal history is discovered, both the standard sentence range and the prosecuting attorney's recommendation may increase. Even so, my plea of guilty to this charge is binding.

8. RIGHT TO APPEAL SENTENCE: I understand that the judge must impose a sentence within the standard range, unless the judge finds by clear and convincing evidence that the standard range sentence would amount to a manifest injustice. If the judge goes outside the standard range, either the state or I can appeal that sentence. If the sentence is within the standard range, no one can appeal the sentence.

9. MAXIMUM PUNISHMENT: I have been informed, and fully understand, that the maximum punishment I can receive is commitment until I am [] 21 years old [] 25 years old, but that I may be incarcerated for no longer than the adult maximum sentence for this offense.

10. COUNTS AS CRIMINAL HISTORY: I understand that my plea of guilty and the judge's acceptance of my plea will become part of my criminal history. I understand that if I am pleading guilty to 2 or more offenses that arise out of the same course of conduct, only the most serious offense will count as an offense in my criminal history. I understand that my guilty plea will remain part of my criminal history when I am an adult and may affect my ability to remain in the Juvenile Justice System should I re-offend. I understand that the judge will consider my criminal history, if I committed murder in the 1st or 2nd degree or

a class A sex offense, when sentencing me for any offense that I commit in the future as an adult or juvenile.

11. **GROUNDS FOR DEPORTATION:** If I am not a citizen of the United States, a plea of guilty to an offense punishable as a crime under state law may be grounds for deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

12. **NOTIFICATION RELATING TO SPECIFIC CRIMES: IF ANY OF THE FOLLOWING PARAGRAPHS DO NOT APPLY, THEY SHOULD BE STRICKEN AND INITIALED BY THE DEFENDANT AND THE JUDGE.**

[A] **SUSPENSION/REVOCAION OF DRIVING PRIVILEGE:** I have been informed that the Department of Licensing will be notified and my privilege to drive suspended or revoked:

Over 13 and Alcohol, Drugs, Unlawful Possession of a Firearm (UPFA) <18, or Armed with Firearm (not first offense): (1) If the court finds me guilty of 1 of the following offenses and I was 13 years or older at the time I committed the offense: alcohol under chapter 66.44 RCW; Violation of the Uniform Controlled Substances Act (VUCSA) under chapter 69.50 RCW; legend drug under chapter 69.41 RCW; imitation drugs under chapter 69.52 RCW; UPFA <18 under RCW 9.41.040 (2) (a) (vi); and/or an offense while armed with a firearm under RCW 13.40.196; AND (2) I have a prior offense for the same offense. See RCW 13.40.265.

UPFA or armed during Offense In which vehicle was used (with priors):

(1) If the court finds me guilty of 1 of the following offenses: UPFA 1 or 2 under RCW 9.41.040; and/or an offense while armed with a firearm under RCW 13.40.196 during which the court found a motor vehicle served an integral function during the offense; AND (2) I previously committed 1 or more of the following offenses: alcohol under chapter 66.44 RCW; VUCSA under chapter 69.50 RCW; legend drug under chapter 69.41 RCW; imitation drugs under chapter 69.52 RCW; UPFA under RCW 9.41.040; and/or an offense while armed with a firearm under RCW 13.40.196. See RCW 9.41.040(5).

Certain Motor Vehicle Offenses: If the court finds me guilty of 1 of the following offenses: DUI; physical control; DWLS 1 & 2; vehicular assault/homicide; hit and run attended; reckless driving; any felony offense where a vehicle was used in a manner that endangered persons or property (except "TMVOOP2" (taking a motor vehicle without owner's permission) where the court finds I was a passenger only in committing the offense); false statements under Title 46 RCW; felony elude; unattended child in running vehicle (second or subsequent conviction); reckless endangerment of road workers; and/or theft of motor vehicle fuel. See RCW 46.20.285, 46.61.5055(9), 46.20.342(2), 46.61.524, 46.52.020(6), 46.61.500(2), 46.61.024(3), 46.61.685(2), 46.61.527(5), 46.61.740(2), and 46.20.270.

[B] **Offender Registration for Sex Offense or Kidnapping Offense:** One or more of the offenses I am pleading guilty to involve a sex or kidnapping offense and meets the requirements of RCW 9A.44.130 for registration. The specific registration requirements are located in the "Offender Registration" Attachment.

Because I am a non-adult, and the offense involves one or more of the following offense conditions as checked below, I will be required to register unless I qualify for and am granted a Special Sexual Offender Disposition Alternative (SSODA) under RCW 13.40.162, and I complete the SSODA without being revoked:

[] **Kidnapping Offense** - I committed Kidnapping in the First or Second Degree, or, Unlawful Imprisonment, as defined in RCW Title

9A.40, where the victim is a minor and I am not the minor's parent, or, any criminal attempt, solicitation, or conspiracy to commit the same under RCW Title 9A.28, RCW 9A.44.130 (b) (vi).

Sex Offense. RCW 9A.44.130 (b) (i-v)

Class A or B Sex Offense when 16 or 17 - I was 16 or 17 years of age when I committed a Class A or B sex offense.

Rape in the First Degree when 14 or 15 - I was 14 or 15 years old when I committed Rape in the First Degree.

Rape in the Second Degree when 14 or 15 - I was 14 or 15 years old when I committed Rape in the Second Degree.

Prior Sex Offense - I committed a sex offense and at the time of the offense I had a prior conviction for a sex offense or a deferred disposition for a sex offense, including any out of state, tribal, or federal conviction for a sex offense.

REGISTRATION WARNING FOR MULTIPLE SEX OFFENSE ADJUDICATIONS

I understand that anytime I have been adjudicated of multiple sex offenses, a court could require me to register as a sex offender if the court finds by clear, cogent, and convincing evidence that: (i) I was 14 through 17 years of age at the time I committed a sex offense; (ii) I did not receive a Special Sexual Offender Disposition Alternative (SSODA) under RCW 13.40.162 for the sex offense committed, or, that SSODA is revoked; (iii) I have been adjudicated of multiple sex offenses involving two or more distinct victims and in separate counts or causes; (iv) I present a serious threat to public safety after my last date of release from confinement, including full-time residential treatment, if any, or entry of disposition; and (v) registration will lessen the serious threat to public safety.

~~OFFENDER REGISTRATION FOR SEX OFFENSE OR KIDNAPPING OFFENSE: Because this crime involves a sex offense, or a kidnapping offense involving a minor as defined in RCW 9A.44.128, or unlawful transmission of HIV to a child or vulnerable adult under chapter 70.24 RCW, I will be required to register where I reside, study, or work. The specific registration requirements are set forth in the "Offender Registration" attachment.~~

[C] ~~DNA TESTING: Pursuant to RCW 43.43.754, if this crime involves a felony, or an offense which requires sex or kidnapping offender registration, or any of the following offenses: stalking, harassment, communication with a minor for immoral purposes, assault in the fourth degree where domestic violence was pleaded and proved, assault in the fourth degree with sexual motivation, custodial sexual misconduct in the second degree, failure to register as a sex or kidnapping offender, patronizing a prostitute, sexual misconduct with a minor in the second degree, indecent exposure, or violation of a sexual assault protection order, I will be required to have a biological sample collected for purposes of DNA identification analysis. I will be required to pay a \$100 DNA fee unless my DNA was previously taken in another case. This paragraph does not apply if it is established that the Washington State Patrol crime laboratory already has a sample from me for a qualifying offense.~~

~~[D] \$100 CVC FEE FOR MOST SERIOUS OR SEX OFFENSE: I understand that if I am pleading guilty to a most serious offense as defined by RCW 9.94A.030 and/or a sex offense under chapter 9A.44 RCW, I will be required to pay a mandatory Crime Victim's Compensation Fee of \$100. RCW 7.68.035.~~

[D] ~~SCHOOL NOTIFICATION: I understand that if 1 or more of the offenses for which I am pleading guilty is a violent offense as defined in RCW 9.94A.030; a sex offense as defined in RCW 9.94A.030; an offense under RCW chapter 9.41 (firearms/weapons), or unlawful possession or deliv-~~

ery, or both, of a controlled substance in violation of RCW chapter 69.50, then, following my adjudication of guilt the court will provide written notification of the adjudication to any school in which I was enrolled prior to adjudication, or, in which I express an intent to enroll following adjudication, unless: (1) I have already received a high school diploma or its equivalent; or, (2) I am over the age of 18 and my enrollment information cannot be obtained or I assert no intention of enrolling in any educational program.

[E] SCHOOL ATTENDANCE WITH VICTIM PROHIBITED: I understand that if I am pleading guilty to a sex offense, I will not be allowed to attend any school attended by the victim or victim's siblings. RCW 13.40.162.

[F] MANDATORY MINIMUM SENTENCE: The crime of _____ has a mandatory minimum sentence of at least _____ weeks of total confinement. The law does not allow any reduction of this sentence.

[G] RIGHT TO POSSESS FIREARMS: [JUDGE MUST READ THE FOLLOWING TO THE OFFENDER]: I have been informed that if I am pleading guilty to any offense that is classified as: (1) a felony, or (2) any of the following crimes when committed by 1 family or household member against another or by 1 intimate partner against another: assault in the fourth degree, coercion, stalking, reckless endangerment, criminal trespass in the first degree, or violation of the provisions of a protection order or no-contact order restraining the person or excluding the person from a residence, or (3) harassment committed by 1 family or household member against another or by 1 intimate partner against another, committed on or after June 7, 2018; that I may not possess, own, or have under my control any firearm, and under federal law, any firearm or ammunition, unless my right to do so has been restored by the court in which I am adjudicated or the superior court in Washington State where I live, and by a federal court if required.

[H] FIREARMS POSSESSION OR COMMISSION WHILE ARMED:

[i] Minimum 10 Days for Possession under Age 18: I understand that since the offense I am pleading guilty to includes possession of a firearm in violation of RCW 9.41.040 (2)(a)(v), and pursuant to RCW 13.40.193, the judge will impose a mandatory minimum disposition of 10 days of confinement, which must be served in total confinement, without possibility of release, until a minimum of 10 days has been served.

[ii] Unlawful Possession with Stolen Firearm: I understand that if the offenses I am pleading guilty to include both a conviction under RCW 9.41.040 for unlawful possession of a firearm in the first or second degree and 1 or more convictions for the felony crimes of theft of a firearm or possession of a stolen firearm, that the sentences imposed for these crimes shall be served consecutively to each other. A consecutive sentence will also be imposed for each firearm unlawfully possessed.

[iii] Armed During Commission of Any Offense: I understand that if the offense I am pleading guilty to includes a finding that either I or my accomplice was armed with a firearm during the commission of the offense, that the standard range disposition shall be determined pursuant to RCW 13.40.160, unless the judge finds a manifest injustice, in which case the disposition shall be determined pursuant to RCW 13.40.193(3). Such confinement will run consecutive to any other sentence that may be imposed.

[iv] Armed During Commission of a Felony: I further understand that the offense I am pleading guilty to includes a finding that either myself or my accomplice was armed with a firearm during the com-

mission of a felony (other than possession of a machine gun, possession of a stolen firearm, drive-by shooting, theft of a firearm, unlawful possession of a firearm in the first or second degree, or use of a machine gun in a felony) and, therefore, unless the felony is a "violent offense" as defined in RCW 9.94A.030, committed when I was 16 or 17 years old, the following mandatory periods of total confinement will be added to my sentence: For a class A felony, six (6) months; for a class B felony, four (4) months; and for a class C felony, two (2) months. If the felony is a "violent offense" as defined in RCW 9.94A.030, committed when I was 16 or 17 years old, then a period of 12 months will be added to my sentence. Such confinement will run consecutive to any other sentence that may be imposed.

[v] Armed During Violent Offense at Age 16 or 17 with Gang Involvement: I further understand that the offense I am pleading guilty to includes a finding that (a) I was 16 or 17 years old during the commission of a robbery in the first degree, drive-by shooting, burglary in the first degree, or any "violent offense" as defined in RCW 9.94A.030, (b) during commission of the offense I was armed with a firearm, and (c) my participation in the offense was related to membership in a criminal street gang or advanced the benefit, aggrandizement, gain, profit, or other advantage for a criminal street gang; therefore, a period of 3 months will be added to my sentence. Such confinement will run consecutive to any other sentence that may be imposed.

[vi] Unlawful Possession of a Firearm in the 1st or 2nd degree: I understand that if I am pleading guilty to unlawful possession of a firearm in the 1st or 2nd degree, I must participate in a "qualifying program," unless there is no such program available or the court makes a written finding based on the juvenile court risk assessment that participation in the program would not be appropriate. A qualifying program means an aggression replacement training program, a functional family therapy program, or another cost-beneficial, evidence, or research-based approved program applicable to the juvenile firearm offender population.

[I] FELONY FIREARM OFFENDER REGISTRATION: I am subject to court-ordered felony firearm offender registration pursuant to RCW 9.41.330. The specific registration requirements are located in the "Felony Firearm Offender Registration" attachment.

13. I understand that the prosecuting attorney will make the following recommendation to the judge:

14. I understand that the probation counselor will make the following recommendation to the judge:

15. Although the judge will consider recommendations of the prosecuting attorney and the probation officer, the judge may impose any sentence that they feel is appropriate, up to the maximum allowed by law.

16. I plead guilty to count _____ in the _____ Information. I have received a copy of that Information.

17. I make this plea freely and voluntarily. No one has threatened to harm me or anyone else to get me to plead guilty.

18. No one has made any promises to make me plead guilty, except as written in this statement.

19. [Statement of Respondent.] The judge has asked me to state in my own words what I did that makes me guilty of this crime. This is my statement:

[] The crime(s) was (were) committed against family or household member(s): _____

_____ (name(s)).

[] The crime(s) was (were) committed against intimate partner(s): _____ (name(s)).

[] [No statement made.] Instead of making a statement, I agree that the judge may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea, including a determination of my relationship to each victim as:

[] family or household member(s): _____ (name(s)).

[] intimate partner(s): _____ (name(s)).

20. I have read or someone has read to me everything printed above, and in Attachment "A," if applicable, and I understand it in full. I have been given a copy of this statement. I have no more questions to ask the judge.

Dated: _____

Respondent

I have read and discussed this statement with the respondent and believe that the respondent is competent and fully understands the statement.

Deputy Prosecuting Attorney

WSBA No.

Attorney for Respondent

WSBA No.

Type or Print Name

Type or Print Name

JUDGE'S CERTIFICATE

The foregoing statement was signed by the respondent in open court in the presence of his or her lawyer and the undersigned judge. The respondent asserted that [check appropriate box]:

[] (a) The respondent had previously read the entire statement above and that the respondent understood it in full;

[] (b) The respondent's lawyer had previously read to him or her the entire statement above and that the respondent understood it in full; or

[] (c) An interpreter had previously read to the respondent the entire statement above and that the defendant understood it in full. The Interpreter's Declaration is attached.

INTERPRETER'S DECLARATION: I am a certified or registered interpreter, or have been found otherwise qualified by the court to interpret, in the _____ language, which the respondent understands. I have interpreted this document for the respondent from English into that language. I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____, on (date) _____.

Interpreter

Print Name

I find the respondent's plea of guilty is knowingly, intelligently, and voluntarily made. Respondent understands the charge and the consequences of the plea. There is a factual basis for the plea. The respondent is guilty as charged.

Dated: _____

Judge/Commissioner

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 23-15-064
RULES OF COURT
STATE SUPREME COURT
[July 13, 2023]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO) NO. 25700-A-1526
THE CODE OF JUDICIAL CONDUCT)
PREAMBLE AND RULE 2.12)
COMMENT [2])

The Superior Court Judges' Association Ethics Committee, having recommended the adoption of the suggested amendments to the Code of Judicial Conduct Preamble and Rule 2.12 Comment [2], and the Court having considered the suggested amendments, and having determined that the suggested amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

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

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

DATED at Olympia, Washington this 13th day of July, 2023.

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

GR 9 COVER SHEET

Suggested Amendments to

WASHINGTON STATE CODE OF JUDICIAL CONDUCT (CJC): PREAMBLE; and Rule 2.12, Comment [2]

A. Name of Proponent:

Superior Court Judges Association, Judicial Ethics Committee

B. Spokesperson:

Judge Marshall L. Ferguson, Chair

C. Purpose:

The Consortium to Address Biased and Non-Inclusive Language in Court Rules suggested amendments to many court rules, including the Code of Judicial Conduct. In January 2023, the Court adopted proposed amendments to eliminate non-inclusive language from the court rules. The SCJA Judicial Ethics Committee applauds the work of the Consortium and now proposes two additional amendments within the spirit of that project.

The proposed amendments to the CJC Preamble and Rule 2.12, Comment [2] remove binary references to make the Code inclusive of all genders, including people who are nonbinary, transgender, intersex, gender expansive, or undefined.

The Committee proposes replacing "men and women" with "judges" in the CJC Preamble because the CJC defines a judge as "anyone who is authorized to perform judicial functions, including an officer such as a magistrate, court commissioner, part-time judge or judge pro tempore." CJC Application, Section I(A). The Committee believes the term "judge"

is gender neutral and its usage here will better encompass all judicial officers who are subject to the Code.

D. Hearing:

A hearing is not requested.

E. Expedited Consideration:

Expedited consideration is not necessary.

F. Supporting Materials:

Not Applicable.

Washington State Code of Judicial Conduct (CJC)

PREAMBLE

[1] "The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of ~~men and women~~ judges of integrity, will interpret and apply the law that governs our society."

[2] - [3] [Unchanged.]

CJC

CANON 2

RULE 2.12. Supervisory Duties

(A) - (B) [Unchanged.]

Comments

[1] [Unchanged.]

[2] Public confidence in the judicial system depends upon timely justice. To promote the efficient administration of justice, a judge with supervisory authority must take the steps needed to ensure that judges under ~~his or her~~ their supervision administer their workloads promptly.

WSR 23-15-065
RULES OF COURT
STATE SUPREME COURT
[July 13, 2023]

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENTS TO APR 11—) NO. 25700-A-1527
MANDATORY CONTINUING LEGAL)
EDUCATION (MCLE))

The Mandatory Continuing Legal Education Board, having recommen-
ded the adoption of the proposed amendments to APR 11—Mandatory Con-
tinuing Legal Education (MCLE), and the Court having considered the
proposed amendments, and having determined that the proposed amend-
ments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

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

(b) That the proposed amendments will be published in the Wash-
ington Reports and will become effective September 1, 2023.

DATED at Olympia, Washington this 13th day of July, 2023.

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

MANDATORY CONTINUING LEGAL EDUCATION (MCLE)

(a) - (d) [Unchanged.]

(e) Approved Activities. A lawyer, LLLT, or LPO may earn MCLE
credit by attending, teaching, presenting, or participating in activi-
ties approved by the Bar. Only the following types of activities may
be approved:

(1) - (9) [Unchanged.]

(10) Tutoring clerks through the APR 6 Law Clerk Program courses
when providing "personal supervision" as defined in APR 6 (d)(2).

(f) - (k) [Unchanged.]

WSR 23-15-066
RULES OF COURT
STATE SUPREME COURT
[July 13, 2023]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENTS TO) NO. 25700-A-1528
RULE OF APPELLATE PROCEDURE)
(RAP) 16.5—PERSONAL RESTRAINT)
PETITION—WHERE TO SEEK)
RELIEF, RAP 16.11—PERSONAL)
RESTRAINT PETITION—)
CONSIDERATION OF PETITION,)
AND RAP 16.13—PERSONAL)
RESTRAINT PETITION—)
PROCEDURE AFTER REFERENCE)
HEARING)

Justice Barbara A. Madsen and Justice Sheryl Gordon McCloud, having recommended the suggested amendments to Rule of Appellate Procedure (RAP) 16.5—Personal Restraint Petition—Where to Seek Relief, RAP 16.11—Personal Restraint Petition—Consideration of Petition, and RAP 16.13—Personal Restraint Petition—Procedure After Reference Hearing, and the Court having approved the suggested amendments for publication on an expedited basis;

Now, therefore, it is hereby

ORDERED:

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

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than October 5, 2023. 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 13th day of July, 2023.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GENERAL RULE 9
RULE AMENDMENT COVER SHEET
PROPOSED AMENDMENT TO RULES OF APPELLATE PROCEDURE 16.11, and 16.13

- 1. Proponent Organization: Justice Barbara A. Madsen and Justice Sheryl Gordon McCloud
2. Spokesperson & Contact Info: Justice Barbara A. Madsen and Justice Sheryl Gordon McCloud
3. Purpose of Proposed Rule Amendment
Washington's constitution provides for the right to bail. Wash. Const. Art. 1 §20. However, some individuals are held in confinement for nonviolent offenses without bail. This court should clarify that such detention orders are subject to expedited review.

Specifically, RCW 10.21.040 provides expedited review for a detention order and hearing, and in pertinent part, states that "[a] detainee is entitled to expedited review of the detention order by the court of appeals under the writ provided in RCW 7.36.160." The current personal restraint procedures, by operation of the Rules of Appellate Procedure (RAPs), do not provide expedited relief for petitioners who are challenging a pretrial determination, like denial of bail, creating a potential conflict between the statute and the RAPs. For this reason, we request that the rules be amended as set forth below.

4. Is Expedited Consideration Requested? [Yes because expedited consideration aligns with the existing statute].

5. Is a Public Hearing Recommended? [No public hearing recommended for the reason noted above].

RAP 16.5

PERSONAL RESTRAINT PETITION—WHERE TO SEEK RELIEF

(a) Court of Appeals. A personal restraint petition should be filed in the Court of Appeals, unless the petition is subject to subsection (b). A petition seeking review of a pretrial detention order under RCW 10.21.040 shall be filed in the Court of Appeals.

(b) Supreme Court. A personal restraint petition filed by a person under sentence of death shall be filed in the Supreme Court. See RAP 16.3(c).

(c) A personal restraint petition may be transferred by the court in which it is filed. The transfer of a personal restraint petition between the Supreme Court and the Court of Appeals shall not be subject to a motion to reconsider or, if the transfer is ordered by the clerk of the court, a motion to modify.

(d) If a petition filed in the Supreme Court is not transferred to the Court of Appeals, or has been transferred from the Court of Appeals to the Supreme Court, the determinations ordinarily made by the "Chief Judge" under rules 16.11 and 16.13 may be made by a commissioner.

References

RCW 7.36, Habeas Corpus.

[Adopted effective July 1, 1976; Amended effective April 16, 2002; September 1, 2014.]

RAP 16.11

PERSONAL RESTRAINT PETITION—CONSIDERATION OF PETITION

(a) Generally. The Chief Judge will consider the petition promptly after the time has expired to file petitioner's reply brief. The Chief Judge determines at the initial consideration if the petition will be retained by the appellate court for determination on the merits or transferred to a superior court for determination on the merits or for a reference hearing. Review of a detention order issued pursuant to RCW 10.21.040 shall be expedited. For the purpose of rules in this Title 16, "Chief Judge" includes "Acting Chief Judge."

(b) Determination by Appellate Court. The Chief Judge determines at the initial consideration of the petition the steps necessary to properly decide on the merits the issues raised by the petition. If, after consideration of the response and any reply, the Chief Judge determines that the issues presented are frivolous, the Chief Judge will dismiss the petition. If the petition is not frivolous and can be de-

terminated solely on the record, the Chief Judge will refer the petition to a panel of judges for determination on the merits. If the petition cannot be determined solely on the record, the Chief Judge will transfer the petition to a superior court for a determination on the merits or for a reference hearing. If a petitioner is subject to a pretrial detention order, the hearing must be expedited pursuant to RCW 10.21.040. The Chief Judge may enter other orders necessary to obtain a prompt determination of the petition on the merits.

(c) Oral Argument. Decisions of the Chief Judge will be made without oral argument. If a petition is to be decided on the merits by a panel of judges, the appellate court clerk will set the petition for consideration by the panel of judges, with or without oral argument. If oral argument is directed, the clerk will notify the parties of the date set for oral argument.

[Adopted effective July 1, 1976; Amended effective January 1, 1977; September 1, 1998; September 1, 2014.]

RAP 16.13

PERSONAL RESTRAINT PETITION—PROCEDURE AFTER REFERENCE HEARING

After a reference hearing and the findings of fact and appellate court files have been returned to the appellate court, the Chief Judge will dismiss the petition if the issues presented are frivolous. If the petition is not frivolous, the Chief Judge will refer the petition to a panel of judges for determination on the merits. Review of a detention order issued pursuant to RCW 10.21.040 shall be expedited. The appellate court may, on motion of a party, order the preparation of and transmittal to the appellate court of a part or all of the record of the reference proceeding. The appellate court order will define at whose expense the record is prepared. The record will be prepared at public expense where the petitioner is indigent, as set forth in rule 16.15(h). Oral argument is governed by rule 16.11(c).

[Adopted effective July 1, 1976; Amended effective July 2, 1976; September 1, 2014.]

WSR 23-15-067
RULES OF COURT
STATE SUPREME COURT
[July 13, 2023]

IN THE MATTER OF THE	)	ORDER
SUGGESTED NEW RULE OF	)	NO. 25700-A-1529
APPELLATE PROCEDURE (RAP))	

The King County Prosecuting Attorney's Office, having recommended the suggested new Rule of Appellate Procedure (RAP), and the Court having approved the new rule for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the 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 in January 2024.

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

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than April 30, 2024. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or supreme@courts.wa.gov. Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 13th day of July, 2023.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 Cover Sheet

A) **Proponent:** King County Prosecuting Attorney's Office, 516 3rd Ave, Seattle, WA 98104.

B) **Spokesperson:** Senior Deputy Prosecuting Attorney Gavriel Jacobs (gavriel.jacobs@kingcounty.gov).

C) **Purpose:** Unlike most superior court documents, appellate briefs and opinions are easily accessible and may be indexed by popular Internet search engines like Google. While RAP 3.4 currently mandates the use of initials when referring to juvenile defendants, this requirement does not extend to either juvenile or adult victims. This proposed rule will protect the privacy and psychological wellbeing of both minors and victims of sexual abuse by limiting the online exposure of these vulnerable populations.

This rule will also promote uniformity in Washington's appellate courts.¹ The use of initials is currently governed by a patchwork of general orders, potentially leading to confusion and disparate outcomes between jurisdictions. For example, Division Two requires that initials be used for all juvenile witnesses "in sex crime cases." Division II General Order No. 2011-1. Division Three requires the use of initials for "all child witnesses or any victims," regardless of the underlying offense. Division III General Order In RE the Use of Initials or Pseudonyms for Child Victims or Child Witnesses. Division One

has not issued any orders regarding the use of initials. Thus, all three divisions have taken different approaches to this issue, and none of the existing orders contemplates adult victims of sexual abuse.

¹ The proposed rule will also conform court practice with the intent of the legislature as stated in RCW 10.52.100 ("Identify of child victims of sexual assault not to be disclosed").

The proposed rule also comports with article I, section 12, of the Washington constitution. The rule does not permit any person to testify anonymously, and anyone who wishes to know the name of a witness can do so by attending the trial or reviewing the superior court record. Based on this reasoning, the Court of Appeals has correctly held on numerous occasions that using initials in filed documents is constitutionally permissible. State v. Mansour, 14 Wn. App. 2d 323, 332, 470 P.3d 543 (2020); State v. Williams, No. 53518-1, 2021 WL 1382609 (2021 Unpublished); State v. Streiff, No. 54170-0, 2021 WL 872691 (2021 Unpublished); State v. De Los Santos-Matuz, No. 79849-9, 2020 WL 5759769 (2020 Unpublished); State v. Ventar, No. 79178-8, 2020 WL 5759773 (2020 Unpublished); State v. Airhart-Bryon, No. 78805-1, 2020 WL 1853477 (2020 Unpublished); State v. Staples, 78460-9, 2019 WL 7373500 (2019 Unpublished).

Finally, Washington courts routinely use initials when referring to minors and adult victims of sexual abuse, and thus the proposed rule is largely codifying existing practice. See, e.g., State v. Tesfasilasye, 200 Wn.2d 345, 518 P.3d 193, 194 (2022) (referring to rape victim by initials); Haley v. Medical Disciplinary Bd., 117 Wn.2d 720, 722, n.1, 818 P.2d 1062 (1991) (referring to minor by initials in disciplinary review matter); State v. Corey, 181 Wn. App. 272, 273, n.1, 325 P.3d 250 (2014) (referring to juvenile witness using initials).

D) **Hearing:** The proponent does not request a public hearing.

E) **Expedited Consideration:** The proponent is not requesting expedited consideration.

Proposed Rule of Appellate Procedure

a) Except as provided in subsection (d), minors shall be referred to by their initials in all documents filed for the public record in criminal proceedings and civil commitment actions pursuant to Chapter RCW 71.09.

b) For purposes of this rule, "minor" means any person under the age of eighteen (18) at the time that any portion of the relevant crime occurred, regardless of their age when the document is filed for the public record.

c) Except as provided in subsection (d), all victims and alleged victims of the following offenses shall be referred to by their initials in all criminal proceedings and civil commitment actions pursuant to Chapter RCW 71.09: (1) any offense contained in Chapter 9A.44 RCW; (2) any offense contained in Chapter 9A.88 RCW; (3) any offense contained in Chapter 9A.86 RCW, (4) any offense alleged to have been committed with sexual motivation as defined in RCW 9.94A.030(48); (5) a violation of RCW 9A.56.120 or RCW 9A.56.130 when the threat is based on exposing past sexual conduct, or if the victim was being extorted to commit sexual acts; (6) a violation of RCW 9A.40.100 based on causing the victim to engage in either a sexually explicit act or a commercial sex act; or (7) any other offense defined as a "sex offense" under RCW 9A.44.128 or RCW 9.94A.030.

d) This rule does not apply:

i. If the appellate court determines that using a minor or victim's full name is necessary to uphold a constitutional right.

ii. To minor defendants in either adult court criminal proceedings or civil commitment proceedings under RCW 71.09.

iii. To documents filed under seal.

iv. In non-criminal proceedings, except civil commitment actions pursuant to Chapter 71.09 RCW.

Reviser's note: The spelling 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.

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

WSR 23-15-069
PUBLIC RECORDS OFFICER
OFFICE OF THE
CORRECTIONS OMBUDS

[Filed July 17, 2023, 8:01 a.m.]

Pursuant to RCW 42.56.580, the public records officer for the Office of the Corrections Ombuds is Heather Bates, P.O. Box 40009, Olympia, WA 98504, phone 360-664-4749, public records requests website <https://oco.wa.gov/about-us/public-records-requests>, email Heather.Bates@gov.wa.gov.

Caitlin T. Robertson, PhD
Director

WSR 23-15-070
PUBLIC RECORDS OFFICER
DEPARTMENT OF
RETIREMENT SYSTEMS

[Filed July 17, 2023, 8:26 a.m.]

Effective July 17, 2023, pursuant to RCW 42.56.580, the public records officer for the Department of Retirement Systems is Jessica Madeley. Public records requests should be sent to Jessica Madeley, P.O. Box 48380, Olympia, WA 98504-8380, Jessica.madeley@drs.wa.gov, www.drs.wa.gov.

Jessica Madeley
Public Records Officer
Litigation Manager

WSR 23-15-075
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed July 17, 2023, 11:57 a.m.]

Notice of Interpretive or Policy Statement

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

Economic Services Administration
Division of Child Support (DCS)

Document Title: PCM 23-005: Children in DCYF Out-of-Home Placements.

Subject: PCM 23-005.

Effective Date: July 14, 2023.

Document Description: This DCS policy clarification memo explains how staff work cases when a child is in a department of children, youth, and families out-of-home placement.

To receive a copy of the interpretive or policy statements, contact Rachel Shaddox, DCS, P.O. Box 11520, Tacoma, WA 98411-5520 [1520], phone 360-664-5073, TDD/TTY 360-753-9122, fax 360-664-5342, email Rachel.Shaddox@dshs.wa.gov, website <http://www.dshs.wa.gov/dcs/>.

**WSR 23-15-076
NOTICE OF PUBLIC MEETINGS
PARKS AND RECREATION
COMMISSION**

[Filed July 17, 2023, 12:03 p.m.]

As required by RCW 42.30.075, Open Public Meetings Act, the following schedule is submitted for publishing in the Washington State Register.

Date(s)	Meeting Location
January 24, 25	Department of Labor and Industries 7273 Linderson Way S.W. Tacoma, WA 98501
March 6	Virtual
April 10, 11	Yakima - TBD
May 29	Virtual
July 17, 18	Bellingham - TBD
August 21	Virtual
October 9, 10	Clarkston - TBD
November 13	Virtual
December 10, 11	North Bend commission planning meeting

The Washington state parks and recreation commission (commission) has adopted this 2024 regular meeting schedule. Once the physical addresses are secured for the in-person meetings, the commission will file the additional details.

Regular meetings run from 9 a.m. to 5 p.m. and include an opportunity for public comment. The December meeting is specifically for planning 2024 [2025] agenda. Staff will not present to the commission any requested actions or reports.

The commission typically meets in a work session from 9 a.m. to 5 p.m. the day prior to the regular meeting in the same location or at a location near the regular meeting location. Work sessions are educational sessions on park operations and issues that eventually may go before the commission.

The commission may also tour area sites or parks the day before or following the regular meeting. No public comments and/or formal actions are taken at work sessions and tours. The commission chair may call special meetings at any time; all special meetings are announced in advance.

The public is welcome to attend all commission meetings. Meeting sites will be barrier free to the greatest extent feasible. The commission will provide Braille or taped agenda items for the visually impaired and interpreters for those with hearing impairments if a request is received at 1111 Israel Road S.W., P.O. Box 42650, Olympia, WA 98504-2650 at least 10 working days in advance of the scheduled meeting date.

Agendas are posted on the agency website at least one week in advance of meetings. Commission action posted at www.parks.state.wa.gov.

WSR 23-15-077
RULES COORDINATOR
LIQUOR AND CANNABIS
BOARD

[Filed July 17, 2023, 2:40 p.m.]

Pursuant to RCW 34.05.312, the rules coordinator for the Washington State Liquor and Cannabis Board is Cassidy West, 1025 Union Avenue S.E., Olympia, WA 98504-3080, phone 360-878-4235, fax 360-664-9689, email cassidy.west@lcb.wa.gov.

David Postman
Chair

WSR 23-15-079

AGENDA

EMPLOYMENT SECURITY DEPARTMENT

[Filed July 17, 2023, 4:12 p.m.]

Semi-Annual Rule-Making Agenda
(July 2023 - January 2024)

The employment security department (ESD) prepares a semi-annual rule-making agenda in January and July each year to inform the public of expected upcoming rule changes. Pursuant to RCW 34.05.314, the agenda is published in the Washington State Register.

ESD encourages the public to be involved in the rule-making processes by attending public hearings and submitting comments on rules. To stay informed of our progress and be notified of any changes, please sign up for email notifications <https://public.govdelivery.com/accounts/WAESD/subscriber/new>.

Additional rule-making information is available on ESD's website at <https://esd.wa.gov/newsroom/rulemaking>.

Subject Matter or Division	WAC Chapter or Sections	Purpose and Scope of Rule Making	Preproposal Notice Filings (CR-101)	Proposed Rule and Public Hearing Filings (CR-102 or CR-105 Expedited)	Permanent Rule Filing (CR-103)
Unemployment insurance benefits	192-100-070	Concerning conditional payments	Filed October 24, 2022, in WSR 22-22-028	To be determined	To be determined
Unemployment insurance benefits	192-150-055, 192-150-165, 192-150-235, 192-170-010, 192-170-055, and 192-320-087	Concerning public health emergencies that begin or end during a benefit week	Filed February 1, 2023, in WSR 23-04-105	CR-102 filed April 19, 2023, in WSR 23-09-077	Filed July 7, 2023, in WSR 23-15-009
Unemployment insurance benefits	192-140-035	Concerning the circumstances under which a claimant who has been denied benefits due to a failure to respond to a request for information can requalify for benefits under a new claim	Filed February 15, 2023, in WSR 23-05-104	CR-102 filed July 5, 2023, in WSR 23-14-118	After August 10, 2023
Unemployment insurance benefits	192-300-170	Updating a reference to a repealed statute to the current statute	N/A	CR-105 filed April 24, 2023, in WSR 21-10-007	Filed July 10, 2023, in WSR 23-15-031
Unemployment insurance benefits	192-150, 192-180, 192-310, and 192-320	Concerning transportation network companies and drivers	Filed May 15, 2023, in WSR 23-11-067	To be determined	To be determined
Unemployment insurance benefits	192-310-190	Expanding availability of unemployment insurance to officers of employee-owned businesses	N/A	CR-105 filed May 16, 2023, in WSR 23-11-073	After July 25, 2023
Unemployment insurance benefits	192-310-010	Concerning the option for Native American tribes to report standard occupational classification codes	Filed May 24, 2023, in WSR 23-12-009	To be determined	To be determined
Unemployment insurance benefits	192-150 and 192-320	Concerning expanded good cause reasons for voluntarily quitting employment	Filed May 25, 2023, in WSR 23-12-017	To be determined	To be determined
Unemployment insurance benefits	192-02-060 and 192-02-130	Concerning information that must be provided in a request for public records and the process for requesting ESD to review a response to a request for records	Filed June 1, 2023, in WSR 23-12-055	After July 19, 2023	To be determined
Unemployment insurance benefits	192-220	Concerning whether rules regarding waivers of overpayments should be adopted as permanent rules	Filed June 27, 2023, in WSR 23-14-051	To be determined	To be determined
Unemployment insurance benefits	192-220-017	Extending emergency rules regarding waivers of overpayments	N/A	Filed CR-103E June 27, 2023, in WSR 23-14-052 to extend the emergency rules until October 28, 2023	N/A

Subject Matter or Division	WAC Chapter or Sections	Purpose and Scope of Rule Making	Preproposal Notice Filings (CR-101)	Proposed Rule and Public Hearing Filings (CR-102 or CR-105 Expedited)	Permanent Rule Filing (CR-103)
Paid family and medical leave	192-500-195 192-510-010 192-540-030 192-800-150	Clarifying the definition of placement, correcting an out-of-date pointer to an RCW, elective coverage eligibility, designated representative, and employer reporting requirements	Filed October 17, 2022, in WSR 22-21-096	Filed April 4, 2023, in WSR 23-08-075	Filed May 17, 2023, in WSR 23-11-083 Effective July 1, 2023
Paid family and medical leave	To be determined	Implementing SHB 1570 regarding transportation network companies	Filed May 17, 2023, in WSR 23-11-081	To be determined	To be determined
Paid family and medical leave	To be determined	Implementing SSB 5286, SSB 5586, and aligning public records rules with agency rules	Filed May 17, 2023, in WSR 23-11-082	To be determined	To be determined

ESD is responsible for initiating rule making to implement new state laws, meet federal requirements, and to meet unforeseen circumstances. Because of this variability, this agenda is prepared for informational purposes only and any dates noted herein are planning estimates that are subject to change. Additional rule making can occur in addition to what is listed on the agenda.

This agenda does not constitute a rule or rule-making action. Any errors or omissions in this agenda do not affect the actual rules or rule-making notices filed with the office of the code reviser and published in the Washington State Register.

The rule-making process can appear complex. ESD has outlined the process on its website to help constituents understand and become involved <https://www.esd.wa.gov/newsroom/rulemaking-process>. If you have additional questions, please contact the agency rules coordinator, Jannette Benham, 360-790-6583, email rules@esd.wa.gov.

WSR 23-15-081

HEALTH CARE AUTHORITY

[Filed July 17, 2023, 6:48 p.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 23-0048 Asset Verification System.

Effective Date: July 1, 2023.

Description: The health care authority (HCA) intends to submit SPA 23-0048 to comply with federal requirements in Section 1940 (42 C.F.R. 1396w) of the Social Security Act by contracting with a vendor who specializes in automated financial institution verification for medicaid agencies to verify financial resources of medicaid applicants/recipients.

SPA 23-0048 is expected to have no effect on annual aggregate expenditures.

A copy of SPA 23-0048 is available for review. HCA would appreciate any input or concerns regarding this SPA. To request a copy of the SPA or submit comments, please contact the person named below by August 25, 2023 (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

CONTACT: Paige Lewis, Medicaid Policy, 626th Avenue S.E., Olympia, WA 98504, TRS 711, email paige.lewis@hca.wa.gov.

WSR 23-15-086

NOTICE OF PUBLIC MEETINGS

APPLE COMMISSION

[Filed July 18, 2023, 8:46 a.m.]

Following is the 2023 schedule of regular meetings for the Washington apple commission:

March 30, 2023	10:00 a.m.	2900 Euclid Avenue Wenatchee, WA
October 12, 2023	10:00 a.m.	31 Allan Road Naches, WA

For further information, please contact Jennie Strong, 2900 Euclid Avenue, Wenatchee, WA 98801, 509-663-9600 ext. 234, email jennie.strong@waapple.org.

These meetings are open to all persons without regard to race, color, national origin, age, gender, religion, political beliefs, or disability. Persons with disabilities who require reasonable accommodations or alternative means of communication such as Braille, large print, audio file, sign language or language interpretation, or have any special dietary needs should contact the Washington apple commission at 509-663-9600 at least three days prior to the date of the meeting.

WSR 23-15-098
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Board of Massage)
 [Filed July 18, 2023, 1:34 p.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the approved schedule of regular meetings for the Washington state board of massage (board), for the year 2024. The board's meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

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

2024 Meeting Schedule

Date	Time	Location
January 19, 2024	9:00 a.m.	Hybrid: Physical Location: TBD in the Tumwater vicinity Virtual: Hyperlink will be provided on agenda. Public attendees can access the meeting online
March 15, 2024	9:00 a.m.	Hybrid: Physical Location: TBD in the Tumwater vicinity Virtual: Hyperlink will be provided on agenda. Public attendees can access the meeting online
May 3, 2024	9:00 a.m.	Hybrid: Physical Location: TBD in the Tumwater vicinity Virtual: Hyperlink will be provided on agenda. Public attendees can access the meeting online
July 18-19, 2024	9:00 a.m.	Hybrid: Physical Location: TBD in the Spokane vicinity Virtual: Hyperlink will be provided on agenda. Public attendees can access the meeting online
September 6, 2024	9:00 a.m.	Hybrid: Physical Location: TBD in the Everett vicinity Virtual: Hyperlink will be provided on agenda. Public attendees can access the meeting online
November 15, 2024	9:00 a.m.	Hybrid: Physical Location: TBD in the Tumwater vicinity Virtual: Hyperlink will be provided on agenda. Public attendees can access the meeting online

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

Please be advised the board 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 23-15-113

AGENDA

OFFICE OF THE
INSURANCE COMMISSIONER

[Filed July 19, 2023, 8:27 a.m.]

**Semi-Annual Rule Development Agenda
July 2023**

This list is current as of July 18, 2023. There may be additional rule-making activity not included on this agenda and all information referenced is subject to change.

For general information on the office of insurance commissioner's (OIC) rule making, please visit <https://www.insurance.wa.gov/legislation-and-rulemaking>.

For the most up-to-date information on proposed rules, please visit <https://www.insurance.wa.gov/proposed-rules>.

To sign up for email or text alerts from OIC about rule changes, legislation, industry information, and consumer news, please visit <https://public.govdelivery.com/accounts/WAOIC/subscriber/new>.

For questions, please contact OIC policy and rules manager, Ariele Page Landstrom, rulescoordinator@oic.wa.gov, or 360-725-7056.

The commissioner has released a rule-making agenda on the following topics, which are all in pre-CR-101 status:

Name of Proposed Rule	Summary
Eliminating preclicensing education requirements for insurance producers	HB 1061 (2023) removes preclicensing education requirements for first-time resident insurance producer licensee applicants. Proposed rule making will make changes to several rules under chapter 284-17 WAC that pertain to preclicensing education requirements to align with the new law.
Best interest standard for annuity transactions	HB 1120 (2023) requires insurance producers to act in the best interest of the consumer under the circumstances known at the time when making an annuity recommendation and is aligned with NAIC's Model Regulation #275 on annuity transactions. The proposed rule making will align chapters 284-17 and 284-23 WAC with the new law, including updating training requirements, revising the scope of applicability, and removing the prior suitability standard.
Communication by OIC	SHB 1266 (2023) sets a process for communication from OIC with insurance producers when the communication may affect licensure. Proposed rule making may address chapter 284-17 WAC to change definitions, address of record information, and email processes.
Revising the prior authorization process	E2SHB 1357 (2023) revised timelines for health plans processing of prior authorization requests related to decisions, electronic authorization standards, and communication requirements. Proposed rule making intends to address inconsistencies between the new law and current rule, such as WAC 284-43-2000 Health care services utilization review, 284-43-2020 Drug utilization review, and 284-43-2050 Prior authorization processes.
Continuity of coverage for prescription drugs	SSB 5300 (2023) prohibits health carriers and their health care benefit managers (HCBM) from requiring substitution of a prescribed nonpreferred drug with a preferred drug or increasing an enrollee's cost sharing obligation when the prescription is for a refill of an antipsychotic, antidepressant, antiepileptic drug, or any other drug prescribed to treat a serious mental illness. Proposed rule making intends to address inconsistencies between the new law and current rules, including addressing the prescription drug process (WAC 284-43-2021), formulary policies and prescription drug cost sharing (WAC 284-43-5060 through 284-43-5110), and the definition of "serious mental illness" (WAC 284-43-0160).
Risk mitigation in property insurance	SSB 5720 allows commercial property insurers to provide risk mitigation goods and services as part of commercial property insurance policies. Proposed rule making intends to amend chapter 284-33 WAC to remove exclusion of commercial property insurers and remove any reference to the amount allowed.
Consolidated health care proposed rule making	This proposed rule making intends to consolidate efforts in several health-related areas, including: <ul style="list-style-type: none"> • ESHB 1222 (2023) requires coverage of hearing instruments. Proposed rule language may clarify that an enrollee can purchase a more expensive hearing instrument and may address a circumstance in which an enrollee changes plans during the 36-month hearing instrument benefit period.

Name of Proposed Rule	Summary
	<ul style="list-style-type: none"> • SB 5036 (2023) extends by six months the date by which real-time telemedicine using audio and video technology may substitute for in-person. Proposed rule language intends to extend the time frame, as consistent with the new law. • SB 5066 (2023) clarifies that contracts and contract amendments between health care benefit managers and health carriers that were executed prior to the effective date of the bill and remain in force must be filed with OIC no later than 60 days following the effective date of the bill. Proposed rule language intends to update WAC 284-180-460 so that carriers are added to the current list of entities for which HCBMs must file their contracts and contract amendments. rule making may also address where there are discrepancies between the carrier and HCBM filings. • SB 5242 (2023) provides that a health carrier may not impose cost sharing for abortion of a pregnancy. Proposed rule language intends to include the new cost-sharing limitations for abortion. • SSB 5396 (2023) prohibits health carriers from imposing cost sharing on coverage for supplemental and diagnostic breast examinations. Proposed rule language intends to include the new cost-sharing limitations for breast examinations. Rule making may also include requiring mammography services. <p>Proposed rule making intends to align the definition of "emergency medical services" in RCW 48.43.005 with the same term as defined in rule (WAC 284-43-0160 and 284-170-130).</p>
Health care benefit manager registration	The proposed rule making intends to reduce the documentation required for registration of HCBMs. Additionally, disclosures for registration are currently limited to state agencies; proposed rule language intends to include expansion for federal violations for oversight.
Life insurance with accelerated benefits and long-term care riders	WAC 284-23-650 prohibits insurers from describing life insurance policies providing long-term care insurance benefits as long-term care insurance through the acceleration of the death benefit and requires that insurers issue a disclosure statement. The current rule language is in conflict with RCW 48.83.020(5), which allows life insurance policies funding long-term care insurance benefits through the acceleration of the policy's death benefits. The proposed rule making will clarify to which policies the prohibition and disclosure statement would apply.

Other Possible Rule-Making Topics: In addition to the rules referenced above, the commissioner continues his effort to update and clarify code, as well as implement recent legislation. A potential list of subjects that may be considered for future rule making include, or may include:

- Adjuster issues
- Annuity marketing and disclosure requirements
- Balance billing
- Barriers to patient care access resulting from contracting practices
- Breast cancer health issues
- Coordination of benefits
- Data security and cybersecurity
- Dental insurance practices
- Discontinuation and renewal of health plan coverage
- Discrimination in health care plan design
- Electronic filing of state specific reporting
- Electronic notices and document delivery of insurance products
- Essential health benefits
- Fixing outdated references
- Health care coverage
- HCBMs
- Holding company regulations
- Implementation of state or federal legislation or reform
- Licensing requirements
- Life and disability issues
- Guaranty funds
- Long-term care insurance

Market stabilization
Medical parity
Minimum valuation standards
NAIC model act and regulation implementation
Network access
Pharmacy formulary tiers
Pharmacy exceptions, substitutions and appeals process
Pharmacy benefit managers
Pediatric dental
Prelicensing insurance education
Producer issues, including commissioner and education requirements
Property and casualty issues
Ride-sharing insurance coverage
Summary of health insurance benefits coverage
Telemedicine
Rating variables
Reproductive health issues

In addition to the above-mentioned topics, any person may petition OIC under RCW 34.05.330 requesting the adoption, amendment, or repeal of any rule.

Mike Kreidler
Insurance Commissioner

WSR 23-15-121

**NOTICE OF PUBLIC MEETINGS
RECREATION AND CONSERVATION
OFFICE**

(Habitat and Recreation Lands Coordinating Group)

[Filed July 19, 2023, 10:45 a.m.]

The habitat and recreation lands coordinating group has changed the following regular meeting:

FROM: Joint regular meeting and lands coordinating forum, on August 30, 2023, from 9:00 a.m. to 1:00 p.m., at Room 172, Natural Resource Building, 1111 Washington Street S.E., Olympia, WA 98501.

TO: Regular meeting, on August 30, 2023, from 9:00 to 11:00 a.m., in person, at Room 172, Natural Resource Building, 1111 Washington Street S.E., Olympia, WA 98501; or online via Zoom. Additional information can be found on our meeting page.

For further information, please contact Julia McNamara, Board Liaison, 1111 Washington Avenue [Street] S.E., P.O. Box 40917, Olympia, WA 98504-0917, phone 360-819-3345, fax 360-902-3026, Julia.McNamara@rco.wa.gov, www.rco.wa.gov.

The recreation and conservation office schedules all public meetings at barrier free sites. Persons who need special assistance may contact Leslie Frank at 360-902-0220 or email Leslie.Frank@rco.wa.gov.

WSR 23-15-123

INTERPRETIVE STATEMENT

DEPARTMENT OF HEALTH

[Filed July 19, 2023, 10:56 a.m.]

**NOTICE OF ADOPTION OF
INTERPRETIVE STATEMENT**

Title of Interpretive Statement: Opioid Prescribing and Monitoring for Patients, INS2023-04.

Issuing Entity: Washington medical commission.

Subject Matter: Opioid prescribing for patients reaffirming the importance of the treating practitioner's clinical judgment and standard of care.

Effective Date: March 3, 2023.

Contact Person: Michael Farrell, JD, Policy Development Manager, 16201 East Indiana Avenue, Suite 1500, Spokane Valley, WA 99203, 509-329-2186, michael.farrell@wmc.wa.gov.

WSR 23-15-124

INTERPRETIVE STATEMENT

DEPARTMENT OF HEALTH

[Filed July 19, 2023, 11:00 a.m.]

**NOTICE OF ADOPTION OF
INTERPRETIVE STATEMENT**

Title of Interpretive Statement: Opioid Prescribing and Monitoring for Allopathic Physicians and Physician Assistants, INS2023-03.

Issuing Entity: Washington medical commission.

Subject Matter: Opioid prescribing for allopathic physicians and physician assistants reaffirming the importance of clinical judgment and standard of care.

Effective Date: March 3, 2023.

Contact Person: Michael Farrell, JD, Policy Development Manager, 16201 East Indiana Avenue, Suite 1500, Spokane Valley, WA 99203, 509-329-2186, michael.farrell@wmc.wa.gov.