

WSR 25-06-084
PREPROPOSAL STATEMENT OF INQUIRY
OFFICE OF
ADMINISTRATIVE HEARINGS

[Filed March 5, 2025, 8:07 a.m.]

Subject of Possible Rule Making: The office of administrative hearings (OAH) is proposing to amend WAC 10-08-150 and 10-08-160, and chapter 10-08 WAC. The purpose is to update provisions around interpreters and language access.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.020, 34.05.250, 34.12.030, and 34.12.080.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The amendment aims to establish two distinct sections for working with interpreters:

(1) For people who are deaf or hard of hearing in accordance with chapter 2.42 RCW.

(2) For people with limited-English proficiency in accordance with chapter 2.43 RCW.

Under each section, the amendments would also clarify and define the procedures that presiding officers follow when working with interpreters who are either certified, registered, prequalified, or need to be qualified during a legal proceeding.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: OAH is the only agency that regulates the model rules of procedure under chapter 10-08 WAC. Other state agencies regulate interpreter usage and language access in administrative hearings in separate rules, including the department of social and health services; health care authority; and department of children, youth and families. The Washington state supreme court and administrative office of the courts regulate interpreter usage and language access in the state judicial branch. Also, the federal Department of Justice regulates language access. Under RCW 34.12.080, OAH will confer with affected agencies before promulgating any final rule changes.

Process for Developing New Rule: OAH welcomes the public to take part in developing the rule. Anyone interested should contact the staff identified below. At a later date, OAH will file a proposal with the office of the code reviser along with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Barb Cleveland, P.O. Box 42488, Olympia, WA 98504, phone 360-407-2700, fax 360-664-8721, email rulemaking@oah.wa.gov, website www.oah.wa.gov; or Tony Griego, P.O. Box 42488, Olympia, WA 98504, phone 360-407-2700, fax 360-664-8721, email rulemaking@oah.wa.gov, website www.oah.wa.gov.

March 5, 2025
RaShelle Davis
Chief Administrative Law Judge