

WSR 17-23-062
RULES OF COURT
STATE SUPREME COURT
[November 8, 2017]

Table with two columns of names: Johnson, J., Madsen, J., Owens, J., Stephens, J., Fairhurst, C.J., Wiggins, J., Gonzalez, J., Gordon McCloud, J., Yu, J.

IN THE MATTER OF THE PROPOSED) ORDER
AMENDMENTS TO GR 35(e)—OFFI) NO. 25700-A-1202
CIAL CERTIFIED SUPERIOR COURT)
TRANSCRIPTS, RAP 9.2—VERBATIM)
REPORT OF PROCEEDINGS, RAP)
9.5—FILING AND SERVICE OF)
REPORT OF PROCEEDINGS, RAP)
11.3—DATE OF ARGUMENT, RAP)
15.2—DETERMINATION OF INDI)
GENCY AND RIGHTS OF INDIGENT)
PARTY, RAP 15.4—CLAIM FOR PAY)
MENT OF EXPENSE FOR INDIGENT)
PARTY, RAP 17.3—CONTENT OF)
MOTION, RAP 17.7—OBJECTION TO)
RULING—REVIEW OF DECISION ON)
MOTION, RAP 18.13—ACCELERATED)
REVIEW OF DISPOSITIONS IN JUVE)
NILE OFFENSE PROCEEDINGS, RAP)
18.13A—ACCELERATED REVIEW OF)
JUVENILE DEPENDENCY DISPOSI)
TION ORDERS, ORDERS TERMINAT)
ING PARENTAL RIGHTS, AND)
DEPENDENCY GUARDIANSHIP)
ORDERS, RAP FORM 12—ORDER OF)
INDIGENCY, RAP FORM 15A—)
NOTICE OF FILING VERBATIM)
REPORT OF PROCEEDINGS (RAP 9.5))

RULE 35. OFFICIAL CERTIFIED SUPERIOR COURT
TRANSCRIPTS

(a) - (d) [No changes.]

(e) The certified court reporter or authorized transcrip-
tionist shall attach to the official transcript filed with the court
a certificate in substantially the following form:

"I certify (or declare) under penalty of perjury under the
laws of the State of Washington that the following is true and
correct:

- 1. That I am a certified court reporter (or authorized tran-
scriptionist);
2. I received the electronic recording directly from the
trial court conducting the hearing;
3. This transcript is a true and correct record of the pro-
ceedings to the best of my ability, including any changes
made by the trial judge reviewing the transcript;
4. I am in no way related to or employed by any party in
this matter, nor any counsel in the matter; and
5. I have no financial interest in the outcome or end
result of the litigation.

(Date and Place)

(Signature)"

RAP 9.2 VERBATIM REPORT OF PROCEEDINGS

(a) - (b) [No changes.]

(c) Notice of Partial Report of Proceedings and
Issues. If a party seeking review arranges for less than all of
the verbatim report of proceedings, the party should include
in the statement of arrangements a statement of the issues the
party intends to present on review. Any other party who
wishes to add to the verbatim report of proceedings should
within 10 days after service of the statement of arrangements
file and serve on all other parties and the court reporter or
authorized transcriptionist a supplemental statement of
arrangements which designates the designation of additional
parts of the verbatim report of proceedings and file proof of
service with the appellate court. If the party seeking review
refuses to provide the additional parts of the verbatim report
of proceedings, the party seeking the additional parts may
provide them at the party's own expense or apply to the trial
court for an order requiring the party seeking review to pay
for the additional parts of the verbatim report of proceedings.

(d) - (e) [No changes.]

(f) Form.

(1) Generally. The verbatim report of proceedings shall
be on 8-1/2-by 11-inch paper. Margins shall be lined 1-3/8
inches from the left and 5/8 inches from the right side of each
page. Indentations from the left lined margin should be: 1
space for "Q" and "A"; 5 spaces for the body of the testi-
mony; 8 spaces for commencement of a paragraph; and 10
spaces for quoted authority. Typing should be double spaced

The Court of Appeals' Rules Committee, having recom-
mended the expeditious adoption of the proposed amend-
ments to GR 35(e)—Official Certified Superior Court Tran-
scripts, RAP 9.2—Verbatim Report of Proceedings, RAP
9.5—Filing and Service of Report of Proceedings, RAP
11.3—Date of Argument, RAP 15.2—Determination of Indig-
ency and Rights of Indigent Party, RAP 15.4—Claim for
Payment of Expense for Indigent Party, RAP 17.3—Content
of Motion, RAP 17.7—Objection to Ruling—Review of
Decision on Motion, RAP 18.13—Accelerated Review of
Dispositions in Juvenile Offense Proceedings, RAP
18.13A—Accelerated Review of Juvenile Dependency Dis-
position Orders, Orders Terminating Parental Rights, and
Dependency Guardianship Orders, RAP Form 12—Order of
Indigency, RAP Form I5A—Notice of Filing Verbatim
Report of Proceedings (RAP 9.5), and the Court having con-
sidered the amendments and comments submitted thereto,
and having determined that the proposed amendments 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 Washington Reports and will become effective Septem-
ber 1, 2018.

DATED at Olympia, Washington this 8th day of Novem-
ber, 2017.

except that comments by the reporter should be single spaced. The page should have 25 lines of type. Type must be pica type or its equivalent with no more than 10 characters an inch.

(A) Witnesses Designated/Examination. Indicate at the top or bottom of each page the name of the witness and whether the examination is on direct, cross, re-direct, re-cross, or rebuttal.

(B) Jury In/Out. Indicate when the jury is present, when the jury leaves, and when the jury returns.

(C) Bench/Side Bar Conferences. Designate whether a bench/side bar conference is on or off the record.

(D) Chamber Conferences. If the conference is recorded, note the presence or absence of persons participating in chamber conferences.

(E) Speaker/Event Identification. Identify speakers and events that occur throughout the proceedings in capital letters centered on the appropriate line. For example: recess/court reconvene; direct examination, cross examination, re-direct examination, re-cross examination, plaintiff rests; defendant's evidence: direct examination, cross examination, re-direct examination, re-cross examination, defense rests; instructions, conference, closing arguments: for plaintiff, for defense, and rebuttal.

(2) *Volume and Pages.*

(A) Pages in each volume of the verbatim report of proceedings shall be numbered consecutively and be arranged in chronologic order by date of hearing(s) requested in the statement of arrangements.

(B) Each volume of the verbatim report of proceedings shall include no more than ~~200~~ 250 pages. The page numbers in the first volume should start with page 1 and continue to ~~200~~ 250, as needed, regardless of how many hearing dates are included in the volume. In the second volume of the verbatim report of proceedings and subsequent volume page numbers should start with the next page number in sequence where the previous volume ended. The volumes shall be either bound or fastened securely.

(3) *Copies.* The verbatim report of proceedings should be legible, clean and reproducible.

References

Form 15, Statement of Arrangements; Title 6, Acceptance of Review.

RAP 9.5 FILING AND SERVICE OF REPORT OF PROCEEDINGS—OBJECTIONS

(a) **Generally.** The party seeking review must file an agreed or narrative report of proceedings with the appellate court within 60 days after the statement of arrangements is filed. The court reporter or authorized transcriptionist preparing a verbatim report of proceedings must file it in the appellate court within 60 days after the statement of arrangements is filed and all named court reporters or authorized transcriptionists are served. The court reporter or authorized transcriptionist shall promptly notify serve notice of filing on all parties that the report of proceedings has been filed with the appellate court and shall provide a copy of the report of proceedings to the party who arranged for the transcript.

(1) A party filing a brief must promptly forward a copy of the verbatim report of proceedings with a copy of the brief to the party with the right to file the next brief. If more than one party has the right to file the next brief, the parties must cooperate in the use of the report of proceedings. The party who files the last brief should return the copy of the report of proceedings to the party who paid for it.

(2) A searchable PDF electronic copy of the verbatim report of proceedings shall be filed with the original verbatim report of proceedings, with a copy provided to the party who caused the verbatim report of proceedings to be filed. The report of proceedings may be electronically filed with the appellate court in accordance with the court's filing procedures.

(b) - (d) [No changes.]

References

Title 6, Acceptance of Review

RULE 11.3 DATE OF ARGUMENT

(a) **Notice.** [No changes.]

(b) **Rescheduling.** A request to reschedule oral argument must be made by motion filed within ~~15~~ 10 days of receipt of the letter setting the date for oral argument, except upon a showing of good cause.

Rule 15.2

DETERMINATION OF INDIGENCY AND RIGHTS OF INDIGENT PARTY

(a) - (g) [No changes.]

(h) **Review of Order or Finding of Indigency.** A party in a case of a type listed in section (b)(1) of this rule may seek review of an order of indigency or an order denying an order of indigency entered by a trial court. A party may also seek review of written findings under section (c)(1) of this rule that the party is not indigent. ~~Review must be sought by a motion for discretionary review. A party may object to an indigency decision of the trial court by motion in the appellate court.~~

(i) [No changes.]

RULE 15.4

CLAIM FOR PAYMENT OF EXPENSE FOR INDIGENT PARTY

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

(d) **Invoice of Court Reporter or ~~Typist~~ Authorized Transcriptionist.**

(1) An invoice submitted by the court reporter or authorized transcriptionist should be titled "Invoice of Court Reporter or ~~Typist~~ Authorized Transcriptionist—Indigent Case." The invoice must state the number of pages transcribed and the billing rate per page. The billing rate must be at the rate per page or line page equivalent set by the Supreme Court for the original and one copy of that portion of the report of proceedings ordered by the superior court. Additional copies which have been authorized and ordered from the reporter or authorized transcriptionist must be charged for as though reproduced by the most economical method available to the reporter or authorized transcriptionist.

(e) **Invoice of Superior Court Clerk.** [No changes.]

RULE 17.3
CONTENT OF MOTION

(a) [No changes.]

(b) **Motion for Discretionary Review.** A motion for discretionary review should contain under appropriate headings and in the order here indicated:

(1) *Cover.* A title page, which is the cover.

(2) *Identity of Petitioner.* A statement of the name and designation of the person filing the motion.

(3) *Decision Below.* A statement of the decision which petitioner wants reviewed, the court entering or filing the decision, the date entered or filed, and the date and a description of any order granting or denying motions made after the decision.

(4) *Issues Presented for Review.* A concise statement of the issues presented for review.

(5) *Statement of the Case.* A statement of the facts and procedure below relevant to the issues presented for review, with appropriate reference to the record.

(6) *Argument.* A direct and concise statement of the reasons why review should be granted, with supporting argument.

(7) *Conclusion.* A short conclusion stating the precise relief sought.

(8) *Appendix.* An appendix containing a copy of the decision which the party wants reviewed, a copy of any order granting or denying motions made with respect to that decision, and a copy of parts of the record relevant to the motion. In addition, the appendix may include copies of statutes and constitutional provisions relevant to the issues presented for review, and other material which would assist the court in determining whether the motion should be granted. The appendix should include a table of contents and the pages should be consecutively numbered.

(c) [No changes.]

References

Form 3, Motion for Discretionary Review; Form 4, Statement of Grounds for Direct Review; Form 18, Motion; Form 20, Motion To Modify Ruling; Rule 6.2, Discretionary Review; Rule 12.4, Motion for Reconsideration of Decision Terminating Review.

RULE 17.7 OBJECTION TO RULING—REVIEW OF DECISION ON MOTION

(a) **Motion to modify.** An aggrieved person may object to a ruling of a commissioner or clerk, including transfer of the case to the Court of Appeals under rule 17.2(c), only by a motion to modify the ruling directed to the judges of the court served by the commissioner or clerk. Except as set forth in subsection (b), the motion to modify the ruling must be served on all persons entitled to notice of the original motion and filed in the appellate court not later than 30 days after the ruling is filed. A motion to the Justices in the Supreme Court will be decided by a panel of five Justices unless the court directs a hearing by the court en banc.

(b) **RAP 18.13 and RAP 18.13A.** A motion to modify a Court of Appeals commissioner's ruling terminating review of a motion for accelerated review filed pursuant to RAP

18.13 or RAP 18.13A is governed by the provisions of those rules.

References

Form 20, Motion To Modify Ruling.

RULE 18.13

ACCELERATED REVIEW OF DISPOSITION IN JUVENILE OFFENSE PROCEEDINGS

(a) - (b) **Generally.** [No changes.]

(c) **Motion procedure controls.**

(1) Unless otherwise specified in this rule, the motion procedure, including a party's response, is governed by ~~rule~~ Title 17.

(2) A motion to modify a Court of Appeals commissioner's ruling terminating review of a motion for accelerated review filed pursuant to RAP 18.13 must be served on all persons entitled to notice of the original motion and filed in the appellate court not later than 15 days after the commissioner's ruling is filed in the Court of Appeals. An answer to the motion to modify should be filed not later than 15 days after the motion to modify is filed. A party should not file a reply to an answer unless requested by the appellate court.

(d) **Accelerated review of other issues.** [No changes.]

(e) **Supreme Court review.** [No changes.]

(f) **Schedule.** [No changes.]

RULE 18.13A

ACCELERATED REVIEW OF JUVENILE DEPENDENCY DISPOSITION ORDERS, ORDERS TERMINATING PARENTAL RIGHTS, AND DEPENDENCY GUARDIANSHIP ORDERS

(a) - (i) [No changes.]

(j) **Motion procedure controls.**

(1) Unless otherwise specified in this rule, the motion procedure, including a party's response, is governed by Title 17.

(2) A motion to modify a Court of Appeals commissioner's ruling terminating review of a motion for accelerated review filed pursuant to RAP 18.13 must be served on all persons entitled to notice of the original motion and filed in the appellate court not later than 15 days after the commissioner's ruling is filed in the Court of Appeals. An answer to the motion to modify should be filed not later than 15 days after the motion to modify is filed. A party should not file a reply to an answer unless requested by the appellate court.

(k) **Supreme Court Review.** [No changes.]

(l) **Termination Appeals - Notice of Intent to Deliver Consent to Adoption.** When an order terminating parental rights is under review, the department of social and health services or supervising agency having the right to consent to an adoption should serve a written notice of its intent to deliver consent to adoption. The notice of intent should specify the intended delivery date, and should be served on all parties to the appeal and on anyone appointed to represent the interests of the child, no fewer than 30 days before the intended delivery date. A copy of the notice of intent and a proof of service should be filed in the appellate court. After service of the notice of intent, any party may move the court in which the appeal is pending to stay the order terminating parental rights, but only to the extent it authorized consent to adoption. The department or supervising agency should not

deliver its consent to adoption if any party seeks a stay before the intended delivery date, pending a ruling on the motion to stay. The appellate court will hear the motion to stay on an expedited basis. Any stay of enforcement shall terminate upon issuance of the mandate as provided in Rule 12.5, unless otherwise directed by the appellate court.

See Form 15D.

FORM 12. ORDER OF INDIGENCY

(Rule 15.2)

SUPERIOR COURT OF WASHINGTON
FOR () COUNTY

[Name of plaintiff],) No. (trial court)
Plaintiff,)
v.) ORDER OF
) INDIGENCY
)
[Name of defendant],)
Defendant.)

[Set forth finding of indigency and state that applicable law grants review wholly or partially at public expense. For example: "The court finds that the defendant lacks sufficient funds to prosecute an appeal and applicable law grants defendant a right to review at public expense to the extent defined in this order."] The court orders as follows:

- 1. The filing fee is waived.
2. [Name of indigent] is entitled to counsel for review wholly at public expense. When review is discretionary, counsel will be provided and the expenses detailed below will be paid if review is accepted or as applicable law permits.
3. The appellate court shall appoint counsel for review pursuant to RAP 15.2 [If applicable: "Trial counsel must assist appointed counsel for review in preparing the record."]
4. [Name of indigent] is entitled to the following at public expense:
(a) ~~Those portions of the~~ The verbatim report of proceedings reasonably necessary for review, as follows: [Designate parts of report.]
(b) A copy of the ~~following~~ clerk's papers reasonably necessary for review. : [Designate papers by name and trial court clerk's subnumber.]
(c) Preparation of original documents to be reproduced by the clerk as provided in rule 14.3(b).
(d) Reproduction of briefs and other papers on review that are reproduced by the clerk of the appellate court.
(e) The cost of transmitting the following cumbersome exhibits: [Designate cumbersome exhibits needed for review. See rule 9.8(b).]
(f) Other items: [Designate items.]

[Date]

Signature
[Name of Judge]
Judge of the Superior Court

Presented by:
[Name of party and attorney
for party presenting order;
Washington State Bar Association
membership number]

[Adopted Amended effective June 21, 2005; September 1, 2006.]

FORM 15A. NOTICE OF FILING VERBATIM REPORT OF PROCEEDINGS

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ____

)
)
) No.
)
v.)
) NOTICE OF FILING VERBA-
) TIM REPORT OF PROCEED-
) INGS (RAP 9.5)

DECLARATION

I, _____ (name), court reporter/transcriber, filed the verbatim report of proceedings on _____, 20____, for the following dates and provided a copy to the party who arranged for transcription:

The transcript (check one): ___ was computer-generated
___ was not computer-generated.

If it was computer-generated, I filed a copy of the ~~ASCH diskette or transcript in PDF format on compact disk or flash drive~~ on the same date as the transcript was filed and provided a copy to the party who arranged for transcription

CERTIFICATE OF SERVICE

I certify that on the ____ day of _____, 20____, I caused a true and correct copy of this Notice to be served on the following in the manner indicated below:

- () U.S. Mail
() Hand Delivery
() _____
() U.S. Mail
() Hand Delivery
() _____
() U.S. Mail
() Hand Delivery
() _____

By: _____

[December 24, 2002; amended effective September 1, 2010]

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

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

WSR 17-23-066
RULES OF COURT
STATE SUPREME COURT
[November 8, 2017]

IN THE MATTER OF THE SUGGESTED) ORDER
AMENDMENTS TO RPC 1.7—CON-) NO. 25700-A-1206
FLICT OF INTEREST: CURRENT CLI-)
ENTS, RPC 1.15A—SAFEGUARDING)
PROPERTY, AND RPC 4.2—COMMU-)
NICATION WITH PERSON NOT REP-)
RESENTED BY A LAWYER)

The Washington State Bar Association, having recommended the suggested amendments to RPC 1.7—Conflict of Interest: Current Clients, RPC 1.15A—Safeguarding Property, and RPC 4.2—Communication with Person Not Represented by a Lawyer, and the Court having considered the amendments and comments submitted thereto;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the proposed amendments as shown below are 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 2018.

(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, 2018. 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 November, 2017.

For the Court

Fairhurst, C.J.

CHIEF JUSTICE

GR 9 COVER SHEET

Suggested Amendment to
THE RULES OF PROFESSIONAL CONDUCT (RPC)
Rule 1.7

Submitted by the Board of Governors of the Washington State Bar Association

A. Name of Proponent: Washington State Bar Association.

B. Spokepersons:

Bradford E. Furlong, President, Washington State Bar Association, 1325 4th Avenue, Suite 600, Seattle, WA 98101-2539

Jeanne Marie Clavere, Professional Responsibility Counsel, Washington State Bar Association, 1325 4th Avenue, Suite 600, Seattle, WA 98101-2539

C. Purpose:

The purpose of the suggested amendment is to provide lawyers with guidance on consent to future conflict waivers under Washington RPC 1.7, Comment [22], which is currently [Reserved.]. Consideration of the issue was initiated by the Committee on Professional Ethics which recommended that it be addressed in the RPC. See Committee on Professional Ethics Rule of Procedure 4: Source of Issues.¹

When the Supreme Court adopted revisions to Washington's Rules of Professional Conduct in 2006, it neither expressly adopted nor expressly rejected Official Comment [22] to ABA Model Rule 1.7. It also chose not to present a different view.

¹ CPE Rules of Procedure 4:

Source of Issues. The Committee may issue Advisory Opinions on significant legal ethics issues. Members of the Committee, as coordinated by the Chair, are expected to research and identify legal ethics issues of relevance to the WSBA membership and bring them to the attention of the Committee. The Committee identifies issues on which it will express its opinion. In identifying issues, the Committee may consider inquiries and suggestions submitted by members of the Bar, by Bar Sections, by lawyer professional organizations, by the Board of Governors, and by Bar staff, and it may pursue issues on the Committee's own initiative. The Committee's selection of issues may be guided by the breadth of relevance of an issue to members of the Bar, the significance of the issue and its potential effects on members of the Bar and the public, the likelihood of recurrence of an ethics issue, and the existence or absence of prior guidance on the issue (including whether that guidance is consistent). The Committee may also take into account the diversity of law practices in the State of Washington, including differences in geography, practice types, client bases, and levels of experience and sophistication. The Committee will generally avoid known instances of pending litigation, disciplinary proceedings, or other disputes.

Since this time, Washington lawyers have been without guidance from the Court on whether or when waivers of future conflicts may be effective.

ABA Model Rule 1.7, Comment [22] provides that:

[22] Whether a lawyer may properly request a client to waive conflicts that might arise in the future is subject to the test of paragraph (b). The effectiveness of such waivers is generally determined by the extent to which the client reasonably understands the material risks that the waiver entails. The more comprehensive the explanation of the types of future representations that might arise and the actual and reasonably foreseeable adverse consequences of those representations, the greater the likelihood that the client will have the requisite understanding. Thus, if the client agrees to consent to a particular type of conflict with which the client is already familiar, then the consent ordinarily will be effective with regard to that type of conflict. If the consent is general and open-ended, then the consent ordinarily will be ineffective, because it is not reasonably likely that the client will have understood the material risks involved. On the other hand, if the client is an experienced user of the legal services involved and is reasonably informed regarding the risk that a conflict may arise, such consent is more likely to be effective, particularly if, e.g., the client is independently represented by other

counsel in giving consent and the consent is limited to future conflicts unrelated to the subject of the representation. In any case, advance consent cannot be effective if the circumstances that materialize in the future are such as would make the conflict nonconsentable under paragraph (b).

Although it does not appear that this Court or the Washington Court of Appeals has issued any opinions which address the question whether future conflicts can be waived, courts in many other jurisdictions have done so. And while there are opinions that accept or reject particular future conflicts waivers in particular circumstances, there does not appear to be any current authority in any jurisdiction holding that all future waivers are *per se* or inherently unenforceable. *See, e.g., Lennar Mare Island, LLC v. Steadfast Ins. Co.*, 105 F.Supp.3d 1100 (E.D.Cal. 2015) (rejecting waiver); *Galderma Laboratories, L.P. v. Actavis Mid Atlantic LLC* 927 F.Supp.2d 390 (N.D.Tex., 2013) (accepting waiver); *Visa U.S.A., Inc. v. First Data Corp.*, 241 F.Supp.2d 1100 (N.D.Cal. 2003) (accepting waiver).

As these and many other cases show, the enforceability of future waivers depends in each case upon factors including but not limited to, whether the client is separately represented in the granting of consent, the legal sophistication of the client, the adequacy of disclosure of pertinent risks in light of subsequent events, and the standard factors for assessing the effectiveness of present waivers such as whether the lawyer in question could subjectively and reasonably believe that the lawyer could provide competent representation to all Geoffrey C. Hazard, W. William Hodes & Peter R. Jarvis, *The Law of Lawyering* §§12.34-.36 (4th Ed. 2015); ABA/BNA Lawyers' Manual on Prof'l Conduct, Current Reports, Conflicts of Interest, Peter Jarvis, Allison Martin Rhodes and Calon Russell, *Clearly Enforceable Future Conflicts Waivers*, 30 L.M.P.C. 692 (Oct. 22, 2014).

Official Comment [22] fairly reflects both the trend in the law and the kinds of factors that must be considered in assessing the effectiveness of future waivers. To the best knowledge of the CPE, there are in fact no states in which there is case law, a black letter rule or an official comment that expressly bars all future conflicts waivers.

The adoption of Official Comment [22] will prompt Washington lawyers to analyze when and whether to attempt to obtain and rely upon a future conflicts waiver. In the absence of any Washington case law or any Official Comments on the subject, Washington lawyers may not adequately or fully appreciate the circumstances or conditions that must be met before a future conflicts waiver can be said to be effective. In addition, if the Court were to take the contrary position that future waivers are never allowed, Washington-based lawyers and firms would find themselves at a considerable disadvantage in attempting to conduct multi-state practices. Finally, it is the opinion of the CPE that future waivers constitute an important and necessary part of respect for client autonomy.

D. Hearing: A hearing is not requested.

E. Expedited Consideration: Expedited consideration is not requested.

F. Supporting Material: Suggested Rule Amendment

**SUGGESTED AMENDMENT TO RPC 1.7
CONFLICT OF INTEREST: CURRENT CLIENTS**

Comment

[1] to [21] unchanged.

Consent to Future Conflict

[22] ~~[Reserved.]~~ Whether a lawyer may properly request a client to waive conflicts that might arise in the future is subject to the test of paragraph (b). The effectiveness of such waivers is generally determined by the extent to which the client reasonably understands the material risks that the waiver entails. The more comprehensive the explanation of the types of future representations that might arise and the actual and reasonably foreseeable adverse consequences of those representations, the greater the likelihood that the client will have the requisite understanding. Thus, if the client agrees to consent to a particular type of conflict with which the client is already familiar, then the consent ordinarily will be effective with regard to that type of conflict. If the consent is general and open-ended, then the consent ordinarily will be ineffective, because it is not reasonably likely that the client will have understood the material risks involved. On the other hand, if the client is an experienced user of the legal services involved and is reasonably informed regarding the risk that a conflict may arise, such consent is more likely to be effective, particularly if, e.g., the client is independently represented by other counsel in giving consent and the consent is limited to future conflicts unrelated to the subject of the representation. In any case, advance consent cannot be effective if the circumstances that materialize in the future are such as would make the conflict nonconsentable under paragraph (b).

GR 9 COVER SHEET

**Suggested Amendment to
THE RULES OF PROFESSIONAL CONDUCT (RPC)
Rule 1.15A**

**Submitted by the Board of Governors of the Washington
State Bar Association**

A. Name of Proponent: Washington State Bar Association.

B. Spokepersons:

Bradford E. Furlong, President, Washington State Bar Association, 1325 4th Avenue, Suite 600, Seattle, WA 98101-2539

Jeanne Marie Clavere, Professional Responsibility Counsel, Washington State Bar Association, 1325 4th Avenue, Suite 600, Seattle, WA 98101-2539

C. Purpose:

The purpose of the suggested amendment to Comment [3] of RPC 1.15A is to bring the comment into conformity with the reasoning of Washington Advisory Opinions 1202 and 2158 (discussed below) regarding the handling of client funds by lawyers acting in other fiduciary capacities. The Committee on Professional Ethics (CPE) reviewed the advisory opinions and agreed with their analyses and concluded that Comment [3] needed to be clarified.

Washington's RPC 1.15A describes in detail the rules for safeguarding client property and, in particular, the rules regarding the maintenance of lawyer trust accounts. (RPC 1.15B describes what trust account records must be kept.) The rule and Washington comments were adopted by the

Supreme Court in 2006 when it adopted revisions to the RPC. The full text of RPC 1.15A is set out in the footnote.¹

¹ RPC 1.15A, in full, reads as follows:

SAFEGUARDING PROPERTY

(a) This Rule applies to (1) property of clients or third persons in a lawyer's possession in connection with a representation and (2) escrow and other funds held by a lawyer incident to the closing of any real estate or personal property transaction.

(b) A lawyer must not use, convert, borrow or pledge client or third person property for the lawyer's own use.

(c) A lawyer must hold property of clients and third persons separate from the lawyer's own property.

(1) A lawyer must deposit and hold in a trust account funds subject to this Rule pursuant to paragraph (h) of this Rule.

(2) Except as provided in Rule 1.5(f), and subject to the requirements of paragraph (h) of this Rule, a lawyer shall deposit into a trust account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred.

(3) A lawyer must identify, label and appropriately safeguard any property of clients or third persons other than funds. The lawyer must keep records of such property that identify the property, the client or third person, the date of receipt and the location of safekeeping. The lawyer must preserve the records for seven years after return of the property.

(d) A lawyer must promptly notify a client or third person of receipt of the client or third person's property.

(e) A lawyer must promptly provide a written accounting to a client or third person after distribution of property or upon request. A lawyer must provide at least annually a written accounting to a client or third person for whom the lawyer is holding funds.

(f) Except as stated in this Rule, a lawyer must promptly pay or deliver to the client or third person the property which the client or third person is entitled to receive.

(g) If a lawyer possesses property in which two or more persons (one of which may be the lawyer) claim interests, the lawyer must maintain the property in trust until the dispute is resolved. The lawyer must promptly distribute all undisputed portions of the property. The lawyer must take reasonable action to resolve the dispute, including, when appropriate, interpleading the disputed funds.

(h) A lawyer must comply with the following for all trust accounts:

(1) No funds belonging to the lawyer may be deposited or retained in a trust account except as follows:

(i) funds to pay bank charges, but only in an amount reasonably sufficient for that purpose;

(ii) funds belonging in part to a client or third person and in part presently or potentially to the lawyer must be deposited and retained in a trust account, but any portion belonging to the lawyer must be withdrawn at the earliest reasonable time; or

(iii) funds necessary to restore appropriate balances.

(2) A lawyer must keep complete records as required by Rule 1.15B.

(3) A lawyer may withdraw funds when necessary to pay client costs. The lawyer may withdraw earned fees only after giving reasonable notice to the client of the intent to do so, through a billing statement or other document.

(4) Receipts must be deposited intact.

(5) All withdrawals must be made only to a named payee and not to cash. Withdrawals must be made by check or by electronic transfer.

(6) Trust account records must be reconciled as often as bank statements are generated or at least quarterly. The lawyer must reconcile the check register balance to the bank statement balance and reconcile the check register balance to the combined total of all client ledger records required by Rule 1.15B (a)(2).

(7) A lawyer must not disburse funds from a trust account until deposits have cleared the banking process and been collected, unless the lawyer and the bank have a written agreement by which the lawyer personally guarantees all deposits to the account without recourse to the trust account.

(8) Disbursements on behalf of a client or third person may not exceed the funds of that person on deposit. The funds of a client or third person must not be used on behalf of anyone else.

(9) Only a lawyer admitted to practice law or an LLLT may be an authorized signatory on the account. If a lawyer is associated in a practice with one or more LLLT's, any check or other instrument requiring a signature must be signed by a signatory lawyer in the firm.

(i) Trust accounts must be interest-bearing and allow withdrawals or transfers without any delay other than notice periods that are required by law or regulation and meet the requirements of ELC 15.7(d) and ELC 15.7(e). In the exercise of ordinary prudence, a lawyer may select any financial institution authorized by the Legal Foundation of Washington (Legal Foundation) under ELC 15.7(c). In selecting the type of trust account for the purpose of depositing and holding funds subject to this Rule, a lawyer shall apply the following criteria:

(1) When client or third-person funds will not produce a positive net return to the client or third person because the funds are nominal in amount or expected to be held for a short period of time the funds must be placed in a pooled interest-bearing trust account known as an Interest on Lawyer's Trust Account or IOLTA. The interest earned on IOLTA accounts shall be paid to, and the IOLTA program shall be administered by, the Legal Foundation of Washington in accordance with ELC 15.4 and ELC 15.7(e).

(2) Client or third-person funds that will produce a positive net return to the client or third person must be placed in one of the following two types of non-IOLTA trust accounts unless the client or third person requests that the funds be deposited in an IOLTA account:

(i) a separate interest-bearing trust account for the particular client or third person with earned interest paid to the client or third person; or

(ii) a pooled interest-bearing trust account with sub-accounting that allows for computation of interest earned by each client or third person's funds with the interest paid to the appropriate client or third person.

(3) In determining whether to use the account specified in paragraph (i)(1) or an account specified in paragraph (i)(2), a lawyer must consider only whether the funds will produce a positive net return to the client or third person, as determined by the following factors:

(i) the amount of interest the funds would earn based on the current rate of interest and the expected period of deposit;

(ii) the cost of establishing and administering the account, including the cost of the lawyer's services and the cost of preparing any tax reports required for interest accruing to a client or third person's benefit; and

(iii) the capability of financial institutions to calculate and pay interest to individual clients or third persons if the account in paragraph (i)(2)(ii) is used.

Comment [3] to RPC 1.15A, in full, reads as follows:

[3] This Rule applies to property held in any fiduciary capacity in connection with a representation, whether as trustee, agent, escrow agent, guardian, personal representative, executor, or otherwise.

The CPE found this comment to be problematic since substantive law outside of the Rules of Professional Conduct controls what fiduciaries are required to do with fiduciary assets. That law imposes prudent investment standards that are inconsistent with RPC 1.15A. *See generally* RCW 11.100.010-.140.

In 2007, the Rules of Professional Conduct Committee, which was the predecessor to the current CPE, responded to an inquiry by issuing Advisory Opinion 2158 on the following subject: "How RPC 1.15A applies to monies held as a fiduciary for guardianship and probate matters." The opinion began by summarizing the inquiry as follows:

The inquiring attorney is appointed as a personal representative or executor in complex and contested estate matters, acts as a director of a guardianship service, and also acts as a professional guardian and trustee. In these capacities, her "routine" is to invest monies in other than FDIC insured trust accounts under RPC 1.15A, such as "mutual funds" for the purpose of securing a better rate of return on the funds invested. The inquiring party notes that RPC 1.15A, specifically Comment 3, seems to conflict with statutes and case law

concerning handling investments when acting in a fiduciary capacity other than as an attorney.

After discussion, Adv. Op. 2158 stated:

(4) The provisions of paragraph (i) do not relieve a lawyer or law firm from any obligation imposed by these Rules or the Rules for Enforcement of Lawyer Conduct.

(j) In any transaction in which a lawyer has selected, prepared, or completed legal documents for use in the closing of any real estate or personal property transaction, where funds received or held in connection with the closing of the transaction, including advances for costs and expenses, are not being held in that lawyer's trust account, the lawyer must ensure that such funds, including funds being held by a closing firm, are held and maintained as set forth in this rule or LPORPC 1.12A. This duty shall not apply to a lawyer whose participation in a matter is incidental to the closing if (i) the lawyer or lawyer's law firm has a preexisting lawyer-client relationship with a buyer or seller in the transaction, and (ii) neither the lawyer nor the lawyer's law firm has an existing client-lawyer relationship with a closing firm or LPO participating in the closing.

[Former Rule 1.14 was amended effective July 1, 1988; July 14, 1989; March 1, 1991; October 1, 2002. Renumbered and amended effective September 1, 2006; amended effective September 1, 2007; November 18, 2008; January 1, 2009; December 1, 2009; September 1, 2011; December 10, 2013 April 14, 2015.]

Comment (3) to RPC 1.15A applies to "property held in any fiduciary capacity in connection with a representation, whether as a trustee, agent, escrow agent, guardian, personal representative, executor, or otherwise". As such, *this does appear to be at odds with the statutes dealing with, for example, guardianships, which vest in the fiduciary the ability to manage assets in a manner in the best interests of the beneficiaries.* Emphasis added.

Adv. Op. 2158 analyzed an earlier Advisory Opinion 1202, issued in 1988, dealing with a similar question under the predecessor rule to RPC 1.15A. Adv. Op. 1202 stated the question before the committee and its summary conclusion as follows:

Question: When a lawyer holds funds or property in a fiduciary capacity as a trustee, guardian, or executor, must those funds be held in a trust account regulated by the requirement of RPC 1.14, and must such property be maintained in conformance with that rule?

Answer: If a lawyer holds funds or property in a fiduciary capacity, those funds should not be deposited in a trust account, as required by RPC 1.14. The funds or property should be maintained by the standards of a prudent fiduciary under Washington law.

Adv. Op. 2158 reaffirmed those earlier conclusions under new RPC 1.15A:

In noting that the duties imposed upon a fiduciary in fact may actually require the fiduciary to invest in assets in such a manner that would not be possible with an interest bearing account established by the lawyer, Informal Opinion #1202 held that a lawyer acting in the capacity of a fiduciary should not deposit funds into the trust account when acting as a guardian or personal representative.

... [A]lthough the wording of RPC 1.15A differs in some respect from the previous RPC 1.14, the intent does not appear to have changed. If so, it is certainly not clearly articulated in the new rule. Further, it poses an interesting question as to whether or not the terms of the Rules of Professional Conduct can in effect override the statutory directives of Title 11, dealing with guardians, trustees, personal repre-

sentatives, and executors. If the new Rule as intended to replace the functions outlined therein, then a formal opinion should be drafted or the rule revised to clearly state what the responsibility of the attorney is when handling monies in a capacity other than an attorney. *It would seem unusual to impose a standard on an attorney to invest monies in a manner less prudent than a non-attorney might be required to do in his/her capacity as a guardian or a personal representative.* Emphasis added.

Accordingly, Informal Opinion #1202 still appears to be valid and will control in this case, even though RPC 1.14 has been superseded by the present RPC 1.15A.

In conclusion, the suggested revision to RPC 1.15A, comment [3], would clarify the responsibility of an attorney acting in various fiduciary roles.

D. Hearing: A hearing is not requested.

E. Expedited Consideration: Expedited consideration is not requested.

F. Supporting Material: Suggested Rule Amendment

SUGGESTED AMENDMENT TO RPC 1.15A SAFEGUARDING PROPERTY

Washington Comments

[1] - [2] Unchanged.

[3] ~~This Rule applies to property held in any fiduciary capacity in connection with a representation, whether as trustee, agent, escrow agent, guardian, personal representative, executor, or otherwise. This Rule does not apply to property held by a lawyer acting solely in a fiduciary capacity such as attorney in fact, trustee, guardian, personal representative, executor, administrator, or in any similar capacity where the lawyer's investment duties as a fiduciary are controlled by statute or other law. If a lawyer is acting as both a fiduciary and as the lawyer for the fiduciary, the character of the funds controls whether funds should be deposited in a fiduciary account or the lawyer's trust account. In some cases, it may be permissible to put funds received in either the lawyer's trust account or the fiduciary account. That determination depends in part on the substantive law of fiduciary obligations, which is beyond the scope of these rules. The conflict of interest rules determine whether it is appropriate for a lawyer who is the fiduciary to also serve as the attorney for the fiduciary. See generally RPC 1.7 and RPC 1.8(a) and comment [8] to RPC 1.8 and *In re Disciplinary Proceeding Against McKean*, 148 Wn.2d 849, 866n.12, 64 P.3d 1226, 1234n.12 (2003).~~

GR 9 COVER SHEET

Suggested Amendment to THE RULES OF PROFESSIONAL CONDUCT (RPC) Rule 4.2

Submitted by the Board of Governors of the Washington State Bar Association

A. Name of Proponent: Washington State Bar Association.

B. Spokepersons:

Bradford E. Furlong, President, Washington State Bar Association, 1325 4th Avenue, Suite 600, Seattle, WA 98101-2539

Jeanne Marie Clavere, Professional Responsibility Counsel, Washington State Bar Association, 1325 4th Avenue, Suite 600, Seattle, WA 98101-2539

C. Purpose:

The purpose of the suggested amendment to RPC 4.2 is to clarify the ability of a lawyer acting pro se in a litigation to communicate directly with a represented party.

In 2015, the Committee on Professional Ethics (CPE) took up the issue of a lawyer acting pro se who wants to communicate with a represented party. Following an extensive review of opinions from other jurisdictions a majority held the view that RPC 4.2 does apply to lawyers. However, no advisory opinion in Washington provided specific clarity on the issue. The CPE ultimately recommended new Comment [13] to RPC 4.2 to provide guidance to lawyers on whether and when RPC 4.2 applies to lawyers as pro se litigants or in a non-representational capacity.

RPC 4.2, in full, states that:

In representing a client, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order.

Neither the rule nor the comments currently provides express guidance for a lawyer who is involved in a matter personally, and who is either (a) representing himself or herself ("pro se lawyer") or (b) being represented by retained counsel ("represented lawyer") for the matter. The intent of this suggested amendment is to provide such guidance consistent with what the Washington Supreme Court has already made clear.

The court addressed the situation of the pro se lawyer under RPC 4.2 at some length in *In re Disciplinary Proceeding Against Haley*, 156 Wn.2d 324, 126 P.3d 1262 (2006).

In *In re Haley*, lawyer Haley was proceeding pro se in an action he had brought against the CEO of a company Haley had been involved with as a shareholder and a board member. While proceeding pro se, he sent a settlement proposal to the defendant and his wife although he knew they were represented by counsel. He followed the letter with a phone call to the defendant. A Hearing Officer and the Disciplinary Board found that Haley had violated RPC 4.2 and the Board recommended he be suspended for six months for this violation. The Supreme Court concluded that RPC 4.2 does apply to lawyers proceeding pro se, but declined to apply this conclusion to Haley because the existing rule and commentary were sufficiently unclear and that Haley might reasonably have concluded that he was not subject to Rule 4.2. The court made clear that it would apply its interpretation of RPC 4.2 only prospectively.

The court's full discussion was as follows:

Applicability of RPC 4.2(a) to Lawyer Acting Pro Se.

RPC 4.2(a) reads in full as follows:

In representing a client, a lawyer shall not communicate about the subject of the representation with a party the lawyer knows to be represented by another lawyer in the matter,

unless the lawyer has the consent of the other lawyer or is authorized by law to do so.¹

The rule is virtually identical to model rule 4.2. See ABA, *Annotated Model Rules of Professional Conduct* (5th ed. 2003) (ABA *Annotated Model Rules*) rule 4.2. While we have not formally adopted the commentary to the ABA *Annotated Model Rules*, we have noted that it "may be 'instructive in exploring the underlying policy of the rules.'" *In re Disciplinary Proceeding Against Carmick*, 146 Wash.2d 582, 595, 48 P.3d 311 (2002) (quoting *State v. Hunsaker*, 74 Wash.App. 38, 46, 873 P.2d 540 (1994)). As the comment to model rule 4.2 explains, the rule aims to protect those represented by counsel "against possible overreaching by other lawyers who are participating in the matter, interference by those lawyers with the client-lawyer relationship and the uncounselled disclosure of information relating to the representation."[] In *Carmick*, we acknowledged that "[t]he rule's purpose is to prevent situations in which a represented party is taken advantage of by adverse counsel." 146 Wash.2d at 597, 48 P.3d 311 (citing *Wright v. Group Health Hosp.*, 103 Wash.2d 192, 197, 691 P.2d 564 (1984)).

¹ RPC 4.2, as quoted by the court in *Haley*, is slightly different than the rule as adopted by our court in 2006, to conform to the ABA Model Rule. In 2006, the word "party" was replaced with the word "person" to make clear that the rule applies regardless of whether a proceeding before a tribunal is involved. Note that *Haley* was decided in 2006 and so the prior form of the rule would have been in effect for purposes of that case. The change should not affect the issue being addressed.

At issue in the present case is whether RPC 4.2(a) applies to lawyers acting pro se—or, more precisely, whether a lawyer who is representing himself or herself is, in the words of RPC 4.2(a), "representing a client." This court has not previously addressed this issue; nor has the WSBA issued an ethics opinion, formal or informal, on the question. Other jurisdictions that have considered the rule's applicability to lawyers acting pro se have generally concluded that the policies underlying the rule are better served by extending the restriction to lawyers acting pro se. See *In re Segall*, 117 Ill.2d 1, 5-6, 509 N.E.2d 988, 109 Ill.Dec. 149 (1987); *Comm. on Legal Ethics v. Simmons*, 184 W.Va. 183, 185, 399 S.E.2d 894 (1990); *Sandstrom v. Sandstrom*, 880 P.2d 103, 108-09 (Wyo.1994); *Runsvold v. Idaho State Bar*, 129 Idaho 419, 420-21, 925 P.2d 1118 (1996); *Vickery v. Comm'n for Lawyer Discipline*, 5 S.W.3d 241, 259 (Tex.App.1999); *In re Discipline of Schaefer*, 117 Nev. 496, 507-08, 25 P.3d 191 (2001).

Haley asks this court to take the contrary view and hold that the plain meaning of the word 'client' in RPC 4.2(a) precludes application of the rule to a lawyer acting pro se. The word "client" is variously defined as "[a] person or entity that employs a professional for advice or help in that professional's line of work," BLACK'S LAW DICTIONARY 271 (8th ed.2004), and "a person who engages the professional advice or services of another." WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY OF THE ENGLISH LANGUAGE 422 (2002). Thus, for the rule to apply to lawyers acting pro se, such lawyers would, in effect, be employing or engaging themselves for advice, help, or services. This, as Haley contends, suggests that lawyers who are acting pro se are excluded from the scope of the rule because such lawyers have no client.

In the alternative, Haley maintains that, even if RPC 4.2(a) were construed to restrict pro se lawyers from contacting represented parties, we should conclude that the rule as applied to him, a lawyer proceeding pro se, was unconstitutionally vague, violating his constitutional due process rights. Such a resolution finds support in *Schaefer*, 117 Nev. 496, 25 P.3d 191. There, the Nevada State Supreme Court relied on the principle that "a statute or rule is impermissibly vague if it 'either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application.'" *Id.* at 511, 25 P.3d 191 (quoting *Connally v. Gen. Constr. Co.*, 269 U.S. 385, 391, 46 S.Ct. 126, 70 L.Ed. 322 (1926)).[] The *Schaefer* court based its determination that Nevada's Supreme Court Rule 182, a rule identical to RPC 4.2(a), was unconstitutionally vague on "the absence of clear guidance" from the Nevada State Supreme Court and on "the existence of conflicting authority from other jurisdictions." 117 Nev. at 512, 25 P.3d 191; see *State Bar of Texas v. Tinning*, 875 S.W.2d 403, 408 Tex.App.1994 (applying standard that "statute, rule, regulation, or order is fatally vague only when it exposes a potential actor to some risk or detriment without giving fair warning of the nature of the proscribed conduct"); see also *In re Ruffalo*, 390 U.S. 544, 552, 88 S.Ct. 1222, 20 L.Ed.2d 117 (1968) (holding that, in state disbarment proceeding, "absence of fair notice as to the reach of the grievance procedure" violated attorney's due process rights).

Both factors relied on in *Schaefer* are present here. First, as noted above, no prior opinion of this court has addressed the application of RPC 4.2(a) to lawyers proceeding pro se. Second, in late 1996 and early 1997 when Haley contacted Highland, authority permitting such contacts counterbalanced the prohibitions then existing from four jurisdictions. See *Segall*, 117 Ill.2d at 5-6, 109 Ill.Dec. 149, 509 N.E.2d 988 (1987); *Simmons*, 184 W.Va. at 185, 399 S.E.2d 894 (1990); *Sandstrom*, 880 P.2d at 108-09 (Wyo.1994); *Runsvold*, 129 Idaho at 420-21, 925 P.2d 1118 (1996).[] The comment to rule 2-100 of the California RPCs, a rule identical to RPC 4.2(a) in all material respects, explicitly permits a lawyer proceeding pro se to contact a represented party:

[T]he rule does not prohibit a [lawyer] who is also a party to a legal matter from directly or indirectly communicating on his or her own behalf with a represented party. Such a member has independent rights as a party which should not be abrogated because of his or her professional status. To prevent any possible abuse in such situations, the counsel for the opposing party may advise that party (1) about the risks and benefits of communications with a lawyer-party, and (2) not to accept or engage in communications with the lawyer-party.

Cal. RPC 2-100 discussion ¶ 2. Likewise, a comment to the restatement specifically provides that "[a] lawyer representing his or her own interests pro se may communicate with an opposing represented nonclient on the same basis as other principals." RESTATEMENT (THIRD) OF THE LAW: THE LAW GOVERNING LAWYERS § 99 cmt. e at 73 (2000).

Alongside these explicit statements permitting the questioned contact, other authorities supported a reasonable inference that our RPC 4.2(a) did not foreclose a pro se lawyer's communication with a represented opposing party. For exam-

ple, the comparable rule in Oregon, DR 7-104 (A)(1), put lawyers acting pro se squarely within the rule's ambit:

(A) During the course of the lawyer's representation of a client, a lawyer shall not:

(1) Communicate or cause another to communicate ... with a person the lawyer knows to be represented by a lawyer ... This prohibition includes a lawyer representing the lawyer's own interests.>[]

The absence of an explicit prohibition in RPC 4.2(a) could have suggested that Washington's rule was narrower in scope than Oregon's and did not apply to lawyers acting pro se. Additionally, the commentary to model rule 4.2 includes the statement that "[p]arties to a matter may communicate directly with each other." ABA, *Annotated Model Rules* rule 4.2 cmt. 4, at 417. Unlike the commentary to the restatement and to California's RPC 2-100, this comment does not pointedly refer to a lawyer-party acting pro se; consequently, the breadth of the statement permits an inference that all parties may communicate unreservedly with each other. Finally, the holding in *Pinsky v. Statewide Grievance Committee*, 216 Conn. 228, 578 A.2d 1075 (1990), appears to call into question the policy concerns supporting the application of RPC 4.2(a) to lawyers acting pro se. In *Pinsky*, the Connecticut State Supreme Court concluded that a represented lawyer-party had not violated an identical version of RPC 4.2(a) when he directly contacted his landlord, who was also represented by counsel, during an eviction matter. The *Pinsky* court took note that "[c]ontact between litigants ... is specifically authorized by the comments under rule 4.2' and concluded that Pinsky was not "representing a client" as stated in the rule. *Id.* at 236, 578 A.2d 1075. The *Pinsky* court thus determined that communication between a represented lawyer-party and a represented nonlawyer party did not conflict with a key purpose of RPC 4.2(a)—the protection of a represented nonlawyer party from "possible overreaching by other lawyers who are participating in the matter." ABA, *Annotated Model Rules* rule 4.2 cmt. 1, at 417. Because the *Pinsky* decision did not address why contacts from a lawyer acting pro se would pose a greater threat of overreaching than would contacts from a represented lawyer-party,⁹ [fn⁹ That a lawyer-party seeks representation may at least suggest that he or she does not have the 'superior knowledge and skill of the opposing lawyer' in the subject of the litigation, a circumstance that would arguably diminish the risk of overreaching in the represented lawyer-party's contacts with other represented parties. *Pinsky*, 216 Conn. at 236, 578 A.2d 1075.] *Pinsky* provides further equivocal authority on the application of RPC 4.2(a) to lawyers acting pro se.

In sum, consistent with the resolution of the same issue in *Schaefer*, we hold that a lawyer acting pro se is 'representing a client' for purposes of RPC 4.2(a), but given the absence of a prior decision from this court, along with the presence of conflicting or equivocal authority from other jurisdictions and legal commentaries, we find the rule impermissibly vague as to its applicability to pro se attorneys and thus apply our interpretation of the rule prospectively only.[] We therefore dismiss the violation alleged in count 2. We need not reach Haley's alternative contention that the application of RPC 4.2(a) to his communications with Highland violated his free speech rights.

In re Disciplinary Proceeding Against Haley, 156 Wn.2d 324, 333-39, 126 P.3d 1262, 1266-69 (2006) (emphasis added) (footnotes omitted ("[]") except for footnote 9).

Thus, despite considerable authority to the contrary, the *Haley* opinion prohibits pro se lawyers from making ex parte contact with other persons known to be represented without the consent of the other person's attorney.

The *Haley* opinion did not state whether the prohibition applies when the lawyer is represented by another and is not acting pro se. The proposed comment answers this related question in the negative, concluding that the rule does not apply to lawyers who have retained counsel and are not acting pro se. There are several reasons that support a different result in the case of a represented lawyer.

First, and foremost, this portion of the proposed comment is based on the language of the rule, itself. RPC 4.2 imposes the prohibition only on lawyers who are "representing a client." A lawyer who has retained counsel to represent him or her in a matter is not "representing a client" as is a pro se lawyer who is self-representing.²

² *Pinsky v. Statewide Grievance Comm.*, 216 Conn. 228, 236, 578 A.2d 1075, 1079 (1990). See also *HTC Corp. v. Tech. Properties Ltd.*, 715 F. Supp. 2d 968, 972 (N.D. Cal. 2010) (lawyer principal in a tech company did not violate RPC 4.2 in communicating with persons known to be represented in the matter because he was not representing a client).

Second, a comment to RPC 4.2 states that: "Parties to a matter may communicate directly with each other, and a lawyer is not prohibited from advising a client concerning a communication that the client is legally entitled to make. Also, a lawyer having independent justification or legal authorization for communicating with a represented person is permitted to do so." RPC 4.2, cmt [4].³ This comment expressly permits parties who are represented to communicate directly with one another and permits their attorneys to advise them of this right.⁴

³ RPC 4.2, cmt [4] in its entirety reads:

[Washington revision] This Rule does not prohibit communication with a person represented by a lawyer or an employee or agent of such a person, concerning matters outside the representation. For example, the existence of a controversy between a government agency and a private party, or between two organizations, does not prohibit a lawyer either from communicating with nonlawyer representatives of the other regarding a separate matter. Nor does this Rule preclude communication with a person represented by a lawyer who is seeking advice from a lawyer who is not otherwise representing a client in the matter. A lawyer may not make a communication prohibited by this Rule through the acts of another. See Rule 8.4(a). Parties to a matter may communicate directly with each other, and a lawyer is not prohibited from advising a client concerning a communication that the client is legally entitled to make. Also, a lawyer having independent justification or legal authorization for communicating with a represented person is permitted to do so.

⁴ Presumably, despite the use of the word "parties" in this comment, given the 2006 change made to the rule which has been addressed earlier, the comment encompasses not just "parties" but also "persons" who may not be parties to a formal adversarial proceeding.

Third, the *Haley* court suggested that a different conclusion as to the applicability of RPC 4.2 might be justified where a lawyer has retained counsel:

That a lawyer-party seeks representation may at least suggest that he or she does not have "the superior knowledge and skill of the opposing lawyer" in the subject of the litigation, a circumstance that would arguably diminish the risk of

overreaching in the represented lawyer-party's contacts with other represented parties. *Pinsky*, 216 Conn. at 236, 578 A.2d 1075.

Haley, 156 Wn.2d. at 338 n.9, 126 P.3d at 1269 n.9. This language suggests that the court might find the case of the represented lawyer party distinguishable from that of the pro se lawyer. It also demonstrates that it is currently unclear in Washington whether a represented lawyer would violate RPC 4.2 in communicating directly with other represented persons.

Finally, a represented lawyer's rights as a party should not be overlooked. As the comments to California's Rule 4.2 (which expressly exempts not only represented but pro se lawyers from the prohibition of that state's version of Rule 4.2) point out: "[A lawyer] member has independent rights as a party which should not be abrogated because of his or her professional status. To prevent any possible abuse in such situations, the counsel for the opposing party may advise that party (1) about the risks and benefits of communications with a lawyer-party, and (2) not to accept or engage in communications with the lawyer-party."⁵ Prohibiting a represented lawyer from communicating directly with another represented person arguably puts the lawyer at a disadvantage if other non-lawyer represented persons can engage in direct communication with represented persons (other than the lawyer) without the consent of their lawyers. Lawyers have no monopoly on persuasive skills. Non-lawyers may be just as persuasive in seeking to resolve matters without the involvement of lawyers as a lawyer can be. Furthermore, there are things to be said for the ability of persons involved in a matter being able to resolve differences among themselves without the involvement of their retained lawyers. If Rule 4.2 is understood to preclude represented lawyers from initiating such direct communication, it would also preclude such represented lawyers from talking to other represented persons who initiate such contacts. There is no good reason that such an opportunity should be denied to represented lawyers.

⁵ Cal. RPC Rule 2-100, Discussion.

In the end, however, the predicate for applying RPC 4.2 to a represented lawyer is simply absent in this situation. The represented lawyer is not "representing a client." RPC 4.2 should prohibit a represented lawyer from communicating directly with another represented person. Accordingly, the comment should clarify that RPC 4.2 does not prohibit represented lawyers from communicating directly with other represented persons without the consent of their lawyers.

It follows then that if a represented lawyer is expressly serving as co-counsel in his/her matter, that lawyer should be subject to the rule announced in *Haley*. In that instance, the represented lawyer is, indeed, "representing a client," notwithstanding that the represented lawyer has retained counsel.

D. Hearing: A hearing is not requested.

E. Expedited Consideration: Expedited consideration is not requested.

F. Supporting Material: Suggested Rule Amendment

**SUGGESTED AMENDMENT TO RPC 4.2
COMMUNICATION WITH PERSON REPRESENTED BY A
LAWYER**

Additional Washington Comments (10 - ~~12~~ 13)
[10] - [12] Unchanged.

[13] A lawyer who is representing himself or herself in a matter in which he or she is personally involved ("a pro se lawyer") is "representing a client" in the matter and so is prohibited by this rule from communicating "about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order." *In re Disciplinary Proceeding Against Haley*, 156 Wn.2d 324, 333-39, 126 P.3d 1262, 1266-69 (2006). On the other hand, a lawyer who is personally involved in a matter and has retained another lawyer to represent him or her is not "representing a client," and is permitted to communicate directly with another person the lawyer knows to be represented in the matter without the consent of the other lawyer, provided the represented lawyer is not acting as co-counsel.

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

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

**WSR 17-24-001
NOTICE OF PUBLIC MEETINGS
COMMUNITY COLLEGES
OF SPOKANE**

[Filed November 22, 2017, 12:17 p.m.]

2018 SCHEDULE OF REGULAR MEETINGS

Following is the schedule of regular meetings for the board of trustees of Washington state community college District 17 (Community Colleges of Spokane) for 2018:

Date	Time	Location
January 16, 2018	8:30 a.m.	Lodge Building 3305 West Fort George Wright Drive Spokane, WA
February 27, 2018	8:30 a.m.	Lodge Building 3305 West Fort George Wright Drive Spokane, WA
March 20, 2018	8:30 a.m.	Lodge Building 3305 West Fort George Wright Drive Spokane, WA
April 17, 2018	8:30 a.m.	Lodge Building 3305 West Fort George Wright Drive Spokane, WA

Date	Time	Location
May 15, 2018	8:30 a.m.	Lodge Building 3305 West Fort George Wright Drive Spokane, WA
June 19, 2018	8:30 a.m.	Lodge Building 3305 West Fort George Wright Drive Spokane, WA
July 17, 2018	8:30 a.m.	Lodge Building 3305 West Fort George Wright Drive Spokane, WA
August 21, 2018	8:30 a.m.	Lodge Building 3305 West Fort George Wright Drive Spokane, WA
September 11, 2018	8:30 a.m.	Lodge Building 3305 West Fort George Wright Drive Spokane, WA
October 16, 2018	9:00 a.m.	Colville Center 985 South Elm Street Colville, WA
November 20, 2018	8:30 a.m.	Lodge Building 3305 West Fort George Wright Drive Spokane, WA
December 11, 2018	8:30 a.m.	Lodge Building 3305 West Fort George Wright Drive Spokane, WA

If you need further information, please contact Peggy Wold, 501 North Riverpoint Boulevard, Mailstop 1001, Spokane, WA 99217-6000, phone 509-434-5006, fax 509-434-5025, email peggy.wold@ccs.spokane.edu.

**WSR 17-24-002
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY**

(Natural Resource Damage Assessment Committee)

[Filed November 22, 2017, 2:49 p.m.]

**Natural Resource Damage Assessment (NRDA)
Committee
January - December 2018 Meeting Schedule**

The NRDA committee, which is chaired by the department of ecology, includes representatives of the state departments of fish and wildlife, natural resources, health, archaeology and historic preservation, and the parks and recreation commission. The committee makes decisions regarding the most appropriate damage assessment to pursue for oil spills in state waters, and evaluates restoration projects proposed by responsible parties in lieu of monetary claims.

Meetings for January through November 2018 will be held on the second Wednesday of each month in Room ROA-36. On December 12, 2018, the meeting will be held in Room ROA-09.

Meetings start at 9:00 a.m. at the Department of Ecology, Headquarters Building, 300 Desmond Drive S.E., Lacey, WA.

For more information, contact Geoff Baran at 360-407-7114, geoff.baran@ecy.wa.gov.

WSR 17-24-003
NOTICE OF PUBLIC MEETINGS
SHORELINE COMMUNITY COLLEGE

[Filed November 22, 2017, 8:36 p.m.]

The Shoreline Community College board of trustees shall hold its regular meetings at Shoreline Community College, 16101 Greenwood Avenue North, Shoreline, WA 98133, on the following dates and times in calendar year 2018:

January 24, 2018	4:30 p.m.
February 28, 2018	4:30 p.m.
March 21, 2018 ¹	4:30 p.m.
April 25, 2018	4:30 p.m.
May 23, 2018	4:00 p.m.
June 27, 2018	4:00 p.m.
July 18, 2018	4:00 p.m.
October 17, 2018 ¹	4:30 p.m.
December 5, 2018 ²	4:30 p.m.

¹ Third Wednesday of the month.

² First Wednesday of the month

Regular meeting location information (e.g. room and building) will be denoted on each regular meeting agenda.

Please call 206-546-4552 or email lyonemitsu@shoreline.edu for further information.

WSR 17-24-004
NOTICE OF PUBLIC MEETINGS
BREE COLLABORATIVE

[Filed November 24, 2017, 9:48 a.m.]

The following change is the schedule of Dr. Robert Bree Collaborative hysterectomy workgroup meetings for the remainder of 2017:

Date	Time	Location
Wednesday January 10, 2018	3:00 - 4:30 p.m.	Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104

If you need further information contact Ginny Weir, Foundation for Health Care Quality, 705 Second Avenue, Suite 410, Seattle, WA 98104, phone 206-204-7377, fax 206-682-3739, email GWeir@qualityhealth.org.

WSR 17-24-005
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH

(Podiatric Medical Board)

[Filed November 27, 2017, 9:11 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, podiatric medical board, for the year 2018. The podiatric medical 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 listserv and the department of health web site (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the podiatric medical board reserves the right to change or amend agendas at the meeting.

Date	Time	Locations
January 11, 2018	9:00 a.m.	Kent
April 12, 2018	9:00 a.m.	Kent
July 12, 2018	9:00 a.m.	Kent
October 11, 2018	9:00 a.m.	Kent

If you need further information, please contact Susan Gragg, Program Manager, Washington Department of Health, Podiatric Medical Board, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4941, fax 360-236-2901, email susan.gragg@doh.wa.gov, web www.doh.wa.gov.

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

WSR 17-24-006
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH

(Board of Naturopathy)

[Filed November 27, 2017, 9:12 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, board of naturopathy, for the year 2018. The board of naturopathy meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

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

Date	Time	Locations
February 9, 2018	8:30 a.m.	Kent
May 18, 2018	8:30 a.m.	Kenmore
August 17, 2018	8:30 a.m.	Kent
November 16, 2018	8:30 a.m.	Kent

If you need further information, please contact Susan Gragg, Program Manager, Washington Department of Health, Board of Naturopathy, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4941, fax 360-236-2901, email susan.gragg@doh.wa.gov, web www.doh.wa.gov.

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

WSR 17-24-007

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH**

(Dental Quality Assurance Commission)

[Filed November 27, 2017, 9:16 a.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedures [Procedure] Act (chapter 34.05 RCW), the following is the revised schedule of regular meetings for the department of health, dental quality assurance commission, for the year 2017. The dental quality assurance 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 listserv and the department of health web site (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the dental quality assurance commission reserves the right to change or amend agendas at the meeting.

Date	Time	Location
January 27, 2017	8:00 a.m.	DoubleTree Suites 16500 Southcenter Parkway Seattle, WA 98188
March 17, 2017	8:00 a.m.	Department of Health 310 Israel Road S.E. Tumwater, WA 98501
April 21, 2017	8:00 a.m.	Department of Health 310 Israel Road S.E. Tumwater, WA 98501
June 2, 2017	8:00 a.m.	Department of Health 310 Israel Road S.E. Tumwater, WA 98501
July 21, 2017	8:00 a.m.	Department of Health 310 Israel Road S.E. Tumwater, WA 98501

Date	Time	Location
September 8, 2017	8:00 a.m.	Department of Health 310 Israel Road S.E. Tumwater, WA 98501
October 27, 2017	8:00 a.m.	Department of Health 310 Israel Road S.E. Tumwater, WA 98501
December 15, 2017	9:30 a.m.	Department of Health 310 Israel Road S.E. Tumwater, WA 98501

If you need further information, please contact Jennifer Santiago, Health Service Consultant 4, Washington Department of Health, Dental Quality Assurance Commission, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4893, fax 360-236-2901, email Jennifer.santiago@doh.wa.gov, web www.doh.wa.gov.

Please be advised the dental quality assurance 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 board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 17-24-012

**NOTICE OF PUBLIC MEETINGS
GAMBLING COMMISSION**

[Filed November 27, 2017, 3:17 p.m.]

Approved 2018 Commission Meetings Schedule

January 11	Hampton Inn and Suites 4301 Martin Way East Olympia, WA 98516
February 8	Hampton Inn and Suites 4301 Martin Way East Olympia, WA 98516
March 15	Hampton Inn and Suites 4301 Martin Way East Olympia, WA 98516
April 12 and 13	The Heathman Lodge April 13 Retreat 7801 N.E. Greenwood Drive Vancouver, WA 98662
May 10	Great Wolf Lodge 20500 Old Highway 99 S.W. Grand Mound, WA 98531
June	NO MEETING
July 12	Hotel Murano 1320 Broadway Plaza Tacoma, WA 98402 253-238-8000
August 9 and 10	Holiday Inn Express Hotel & Suites 4525 Convention Place Pasco, WA 99301
September 13 and 14	The Davenport Grand Hotel 333 West Spokane Falls Boulevard Spokane, WA 99201 509-598-4319

October 18 Hampton Inn and Suites
4301 Martin Way East
Olympia, WA 98516
360-459-5000

November 15 Hampton Inn and Suites
4301 Martin Way East
Olympia, WA 98516
360-459-5000

December NO MEETING

No Meeting in June or December.

Contact Julie Anderson, 360-486-3453, Julie.anderson@wsgc.wa.gov.

WSR 17-24-019

**NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION**

[Filed November 28, 2017, 11:07 a.m.]

The following revised date and time is for the December 21, 2017, commission meeting: Washington State Human Rights Commission, Commission Meeting, December 21, 2017, at 5:30 p.m., conference call, 319-527-3510, Access Code 833014#.

WSR 17-24-022

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed November 28, 2017, 11:32 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 (DSHS).

**Aging and Long-Term Support Administration
Division of Home and Community Services (HCS)**

Document Title: Public Notice.
Subject: New Freedom Waiver (WA.0443).
Effective Date: January 1, 2018.

Document Description: The agency intends to submit an amendment for the New Freedom waiver to make the following changes:

- Revise language regarding the personal needs allowance to be in compliance with RCW 74.09.340.
- Revise language regarding the maximum amount that may [be] deducted for guardianship fees to refer to the amount published by the agency in WAC.
- Increase the estimate of the number of participants utilizing the treatment and health maintenance service.

To receive a copy of the interpretive or policy statements, contact Jamie Tong, HCS, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-3293, TDD/TTY 1-877-

905-0454, fax 360-438-8633, email Jamie.tong@dshs.wa.gov, web site <https://www.dshs.wa.gov/altsa>.

WSR 17-24-023

**INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed November 28, 2017, 11:36 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 (DSHS).

**Aging and Long-Term Support Administration
Division of Home and Community Services (HCS)**

Document Title: Public Notice.
Subject: Residential Support Waiver (WA.1086).
Effective Date: January 1, 2018.

Document Description: The agency intends to submit an amendment for the residential support waiver to make the following changes:

- Revise language regarding the personal needs allowance to be in compliance with RCW 74.09.340.
- Revise language regarding the maximum amount that may deducted for guardianship fees to refer to the amount published by the agency in WAC.
- Increase the waiver enrollment capacity limit.

To receive a copy of the interpretive or policy statements, contact Jaime Tong, HCS, P.O. Box 45600, Olympia, WA 98504-5600, phone 360-725-3293, TDD/TTY 1-877-905-0454, fax 360-438-8633, email Jamie.tong@dshs.wa.gov, web site <http://www.dshs.wa.gov/altsa>.

WSR 17-24-024

**NOTICE OF PUBLIC MEETINGS
DAIRY PRODUCTS COMMISSION**

[Filed November 28, 2017, 12:24 p.m.]

2018 Meeting Schedule

February 8, 2018	Homewood Suites 18123 Alderwood Mall Parkway Lynnwood, WA 98037	8:30 a.m.
April 24, 2018	Washington Dairy Center 4201 198th Street S.W. Lynnwood, WA 98036	8:30 a.m.
June 22, 2018	Bellevue, Washington Location to be determined	8:30 a.m.
September 18-19, 2018	Location to be determined	8:30 a.m.
November 13, 2018	Location to be determined	8:30 a.m.
December 12, 2018	Lynnwood, Washington Washington Dairy Center	8:30 a.m.

WSR 17-24-029
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
 (Board of Nursing Home Administrators)
 [Filed November 29, 2017, 7:22 a.m.]

In accordance with the Open Public Meeting[s] Act (chapter 42.30 RCW) and the Administrative Procedures [Procedure] Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, board of nursing home administrators, for the year 2018. The board of nursing home administrators meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

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

Date	Time	Location
January 26, 2018	9:00 a.m.	Tumwater
April 27, 2018	9:00 a.m.	Spokane
July 27, 2018	9:00 a.m.	Tumwater
October 26, 2018	9:00 a.m.	Tumwater

If you need further information, please contact Kendra Pitzler, Program Manager, Washington Department of Health, Board of Nursing Home Administrators, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4723, fax 360-236-2901, email kendra.pitzler@doh.wa.gov, web www.doh.wa.gov.

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

WSR 17-24-030
NOTICE OF PUBLIC MEETINGS
LAW ENFORCEMENT OFFICERS' AND
FIREFIGHTERS' PLAN 2 RETIREMENT BOARD
 [Filed November 29, 2017, 10:50 a.m.]

The law enforcement officers' and firefighters' (LEOFF) plan 2 retirement board has scheduled their meetings for 2018.

Contact 360-586-2330 or email jessie.jackson@leoff.wa.gov should you have any questions.

- Wednesday, January 17
- Wednesday, February 28
- Wednesday, March 28

- Wednesday, April 25
- Wednesday, May 23
- Wednesday, June 20
- Wednesday, July 25
- Wednesday, August 22
- Wednesday, September 26
- Wednesday, October 24
- Wednesday, November 28
- Wednesday, December 19

WSR 17-24-036
NOTICE OF PUBLIC MEETINGS
HOP COMMISSION
 [Filed November 29, 2017, 2:37 p.m.]

2018 Regular Meeting Schedule

- Tuesday, March 20 Washington Hop Commission Office
Liberty Building
32 North 3rd Street
Suite 408
Yakima, WA
- Tuesday, May 8 Washington Hop Commission Office
Liberty Building
32 North 3rd Street
Suite 408
Yakima, WA
- Tuesday, July 17 WSU-IAREC
24106 North Bunn Road
Prosser, WA
- Tuesday, October 16 Washington Hop Commission Office
Liberty Building
32 North 3rd Street
Suite 408
Yakima, WA

Meeting times are to be determined. For more information, contact the hop commission at 509-453-4749.

WSR 17-24-038
NOTICE OF PUBLIC MEETINGS
GUARANTEED EDUCATION
TUITION PROGRAM
 [Filed November 30, 2017, 8:12 a.m.]

2018 Committee Meeting Schedule
Background

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

The following is the meeting schedule for the 2018 calendar year.

DATE	TIME	PLACE
Wednesday January 17, 2018	2:00 p.m. - 4:00 p.m.	To be determined
Wednesday April 25, 2018	2:00 p.m. - 4:00 p.m.	Cherberg Building Capitol Campus Senate Hearing Room 3
Wednesday September 19, 2018	2:00 p.m. - 4:00 p.m.	Cherberg Building Capitol Campus Senate Hearing Room 3
Tuesday November 6, 2018	2:00 p.m. - 4:00 p.m.	Cherberg Building Capitol Campus Senate Hearing Room 3

WSR 17-24-039
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

[Filed November 30, 2017, 8:43 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 (DSHS).

Economic Services Administration
Division of Child Support (DCS)

Document Title: DCS Administrative Policy 7.01: IRS Confidentiality and Security.

Subject: IRS confidentiality and security.

Effective Date: November 9, 2017.

Document Description: This policy explains how DCS protects and secures federal tax information to meet IRS confidentiality and security requirements.

To receive a copy of the interpretive or policy statements, contact Karen Sundahl, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone 360-664-5194, TDD/TTY 800-833-6384, fax 360-664-5342, email sundaka@dshs.wa.gov, web site <http://www.dshs.wa.gov/dcs/>.

WSR 17-24-042
NOTICE OF PUBLIC MEETINGS
BREE COLLABORATIVE

[Filed November 30, 2017, 1:30 p.m.]

The following is the schedule of Dr. Robert Bree collaborative steering committee meetings for 2018:

Date	Time	Location
Wednesday January 3	1:00 - 1:45 p.m.	Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104

Date	Time	Location
Monday February 26	1:00 - 1:45 p.m.	Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104
Wednesday May 2	1:00 - 1:45 p.m.	Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104
Monday July 2	1:00 - 1:45 p.m.	Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104
Wednesday September 5	1:00 - 1:45 p.m.	Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104
Wednesday October 31	1:00 - 1:45 p.m.	Foundation for Health Care Quality 705 Second Avenue Suite 410 Seattle, WA 98104

If you need further information contact Ginny Weir, Foundation for Health Care Quality, 705 Second Avenue, Suite 410, Seattle, WA 98104, phone 206-204-7377, fax 206-682-3739, email GWeir@qualityhealth.org.

WSR 17-24-043
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION COMMISSION

[Filed November 30, 2017, 3:14 p.m.]

Following is the transportation commission's 2018 meeting schedule:

January 17-18	Wednesday-Thursday	Olympia
February 13-14	Tuesday-Wednesday	Olympia
March 14	Wednesday	Seattle
April 17-18	Tuesday-Wednesday	Olympia
May 16	Wednesday	Yakima
June 20	Wednesday	Walla Walla
July 17-18	Tuesday-Wednesday	Olympia
September 12	Wednesday	Port Angeles
October 16-17	Tuesday-Wednesday	Olympia
November 14	Wednesday	Oak Harbor
December 11-12	Tuesday-Wednesday	Olympia

Olympia meetings are held between 9:00 a.m. and 5:00 p.m. in Room 1D2 of the Transportation Building, 310 Maple Park Drive S.E., Olympia, WA.

Locations for our local meetings are yet to be determined and will be published on our web site prior to the meeting date.

WSR 17-24-044
NOTICE OF APPEAL
OFFICE OF THE GOVERNOR

[Filed November 30, 2017, 3:46 p.m.]

NOTICE OF APPEAL
RCW 34.05.330(3)

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

On October 27, 2017, the Governor's Office received an appeal from CHI Franciscan Health relating to the Washington State Department of Health's denial of a petition to repeal or amend WAC 246-310-715(1), WAC 246-310-720(2), and WAC 246-310-745(10)(d). The Governor's Office denied the Petition on November 22, 2017.

DATE: November 30, 2017

Taylor K. Wonhoff
 Deputy General Counsel
 to the Governor

WSR 17-24-046
NOTICE OF PUBLIC MEETINGS
LAW ENFORCEMENT OFFICERS' AND
FIREFIIGHTERS' PLAN 2 RETIREMENT BOARD

[Filed November 30, 2017, 4:33 p.m.]

The law enforcement officers' and firefighters' plan 2 retirement [board] has changed the location of the following regular meeting:

From: December 20, 2017, at the DoubleTree by Hilton Olympia, 415 Capitol Way North, Capitol Room, Olympia, WA 98501.

To: December 20, 2017, at the Washington State Investment Board, 2100 Evergreen Park Drive S.W., Suite 100, Olympia, WA 98502.

If you need further information contact Jessie Jackson, 360-586-2330, jessie.jackson@leoff.wa.gov.

WSR 17-24-048
NOTICE OF PUBLIC MEETINGS
ENERGY FACILITY SITE
EVALUATION COUNCIL

[Filed December 1, 2017, 8:44 a.m.]

Council Meeting Dates for January - December 2018

DATE	TIME	DESCRIPTION	LOCATION
January 16, 2018	1:30 p.m.	Monthly Council Meeting	UTC Room 139
February 20, 2018	1:30 p.m.	Monthly Council Meeting	UTC Room 206
March 20, 2018	1:30 p.m.	Monthly Council Meeting	UTC Room 206
April 17, 2018	1:30 p.m.	Monthly Council Meeting	UTC Room 206

DATE	TIME	DESCRIPTION	LOCATION
May 15, 2018	1:30 p.m.	Monthly Council Meeting	UTC Room 139
June 19, 2018	1:30 p.m.	Monthly Council Meeting	UTC Room 206
July 17, 2018	1:30 p.m.	Monthly Council Meeting	UTC Room 206
August 21, 2018	1:30 p.m.	Monthly Council Meeting	UTC Room 206
September 18, 2018	1:30 p.m.	Monthly Council Meeting	UTC Room 206
October 16, 2018	1:30 p.m.	Monthly Council Meeting	UTC Room 206
November 20, 2018	1:30 p.m.	Monthly Council Meeting	UTC Room 206
December 18, 2018	1:30 p.m.	Monthly Council Meeting	UTC Room 206

Contact Person: Joan Aitken, 360-664-1920.

WSR 17-24-050
NOTICE OF PUBLIC MEETINGS
OFFICE OF
CIVIL LEGAL AID
 (Civil Legal Aid Oversight Committee)

[Filed December 1, 2017, 9:30 a.m.]

The civil legal aid oversight committee established by RCW 2.53.010 will meet and conduct business on the following dates during calendar year 2016 [2018]:

- Friday, March 23, 2017 [2018] Seattle area
- Friday, June 22, 2017 [2018] Seattle area
- Friday, September 14, 2017 [2018] Seattle area
- Friday, December 7, 2017 [2018] Seattle area or by conference call

Meetings generally run from 10:30 a.m. to 2:00 p.m. Specific meeting times, locations and agendas will be published prior to the meetings and materials will be available on the office of civil legal aid's web site at <http://ocla.wa.gov/oversight-committee>.

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

Contact: For further information about these meetings and/or to request reasonable accommodation, please contact James A. Bamberger, Director, Office of Civil Legal Aid, 1112 Quince Street S.E., Mailstop 41183, Olympia, WA 98504, 360-704-4135, jim.bamberger@ocla.wa.gov.

WSR 17-24-051

**NOTICE OF PUBLIC MEETINGS
EXECUTIVE ETHICS BOARD**

[Filed December 1, 2017, 10:08 a.m.]

The following is the executive ethics board meeting schedule for the year 2018. The executive ethics board will hold regular monthly meetings on the second Friday of each month with the exceptions of August and December, when no meetings are scheduled, or as indicated otherwise. All meetings will begin at 9:00 a.m. and be held at 2425 Bristol Court S.W., 4th Floor Conference Room, Olympia, WA.

Meeting dates for 2018 are:

January 12	
February	No meeting
March 9	
April	No meeting
May 11	
June	No meeting
July 13	
August	No meeting
September 14	
October	No meeting
November 9	
December	No meeting

Meeting agendas and other information may be accessed five to seven days prior to the meeting at the following web site <http://www.ethics.wa.gov>.

For additional information or reasonable accommodations to attend meetings, please contact board staff at 360-664-0871. Reasonable accommodation requests should be made at least ten working days prior to the scheduled meeting date.

WSR 17-24-052

**NOTICE OF PUBLIC MEETINGS
LOWER COLUMBIA COLLEGE**

[Filed December 1, 2017, 10:34 a.m.]

On November 15, 2017, the Lower Columbia College board of trustees adopted the following meeting schedule for 2018. All regularly scheduled meetings are held on the third Wednesday of each month at 5:00 p.m. in the Heritage Room of the Administration Building unless noted otherwise.

2018 MEETING SCHEDULE

The trustees meet on the third Wednesday of each month at 5:00 p.m. in the Heritage Room of the Administration Building unless noted differently below.

January 17, 2018	5:00 p.m.	Regular meeting
February 22, 2018 (Thursday)	8:30 a.m.	Workshop (all day)
March 14, 2017 [2018]	5:00 p.m.	Special executive session
March 21, 2018	5:00 p.m.	Regular meeting
April 18, 2018	5:00 p.m.	Regular meeting
May 16, 2018	5:00 p.m.	Regular meeting
June 20, 2018	5:00 p.m.	Regular meeting
July	No meeting	
August 22, 2018	8:30 a.m.	Workshop (all day)
September	No meeting	
October 17, 2018	5:00 p.m.	Regular meeting
November 28, 2018	5:00 p.m.	Regular meeting
December 19, 2018	5:00 p.m.	Regular meeting

WSR 17-24-054

**NOTICE OF PUBLIC MEETINGS
BATES TECHNICAL COLLEGE**

[Filed December 1, 2017, 12:15 p.m.]

**Schedule for Board of Trustee Meetings
Fiscal Year 2017-18**

Date	Time	Location
December 19, 2017 Regular Meeting	3:00 p.m.	Bates Downtown Campus 1101 South Yakima Avenue Tacoma, WA 98405
January 23, 2018 January 30, 2018 Regular Meeting	3:00 p.m.	Bates Downtown Campus 1101 South Yakima Avenue Tacoma, WA 98405
February 27, 2018 Regular Meeting	3:00 p.m.	Bates Downtown Campus 1101 South Yakima Avenue Tacoma, WA 98405
March 27, 2018 Work Session Regular Meeting	2:30 p.m. 4:00 p.m.	Bates Downtown Campus 1101 South Yakima Avenue Tacoma, WA 98405
April 24, 2018 Regular Meeting	3:00 p.m.	Bates South Campus 2201 South 78th Street Tacoma, WA 98409
May 22, 2018 Work Session Regular Meeting	2:00 p.m. 4:00 p.m.	Bates Downtown Campus 1101 South Yakima Avenue Tacoma, WA 98405
June 26, 2018 Regular Meeting	3:00 p.m.	Bates Downtown Campus 1101 South Yakima Avenue Tacoma, WA 98405

Please note, the January 2018 board meeting has been rescheduled from January 23 to January 30, 2018. The meeting will take place at the same time and location.

WSR 17-24-056
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
[Filed December 1, 2017, 3:33 p.m.]

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 18-02 issue of the Register.

WSR 17-24-058
NOTICE OF PUBLIC MEETINGS
STATE INDEPENDENT
LIVING COUNCIL
[Filed December 4, 2017, 8:11 a.m.]

The following is the schedule of regular meetings for the Washington state independent living council (SILC) for 2018.

Changing from:

Date	Time	Location
January 16, 2018	9:00 - 4:00 p.m.	Olympia, Washington
January 17, 2018	9:00 - 2:00 p.m.	

To:

Date	Time	Location
January 16, 2018	10:00 - 5:00 p.m.	DoubleTree
January 17, 2018	9:00 - 4:00 p.m.	415 Capitol Way North Olympia, WA 98501

For accommodation requests, please contact SILC at 800-624-4105.

SILC is appointed by the governor to guide development of and promote access to independent living services for individuals with disabilities statewide. The council works to increase opportunities for self-determination and empowerment of people with disabilities, and to create awareness of people with disabilities as a valuable human resource.

If you need further information, contact SILC at 800-624-4105.

WSR 17-24-061
NOTICE OF PUBLIC MEETINGS
BOARD OF TAX APPEALS
[Filed December 4, 2017, 9:23 a.m.]

The schedule of regular public meetings of the Washington state board of tax appeals for January 1 through December 31, 2018 is:

January 5, 2018	9:30 a.m.
January 19, 2018	9:30 a.m.
February 2, 2018	9:30 a.m.
February 23, 2018	9:30 a.m.
March 16, 2018	9:30 a.m.
March 30, 2018	9:30 a.m.

April 13, 2018	9:30 a.m.
April 27, 2018	9:30 a.m.
May 18, 2018	9:30 a.m.
June 8, 2018	9:30 a.m.
June 22, 2018	9:30 a.m.
July 20, 2018	9:30 a.m.
August 3, 2018	9:30 a.m.
August 17, 2018	9:30 a.m.
September 28, 2018	9:30 a.m.
October 12, 2018	9:30 a.m.
October 26, 2018	9:30 a.m.
November 16, 2018	9:30 a.m.
November 30, 2018	9:30 a.m.
December 14, 2018	9:30 a.m.
December 28, 2018	9:30 a.m.

All regular public meetings of the Washington state board of tax appeals are conducted at the agency's main office. For meetings up to and including the March 30, 2018, meeting, the agency's main office will be located at 910 5th Avenue S.E., Olympia, WA 98504. For all subsequent meetings, the agency's main office will be located on the third floor of the Capitol Court Building, 1110 Capitol Way South, Olympia, WA 98501.

If you need additional information, please contact the agency at 360-753-5446 or toll-free at 866-788-5446.

WSR 17-24-062
HEALTH CARE AUTHORITY
[Filed December 4, 2017, 9:42 a.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 18-0006 Managed Care Updates.

Effective Date: January 1, 2018.

Description: The health care authority (the agency) intends to submit medicaid SPA 18-0006 to include Grant, Chelan and Douglas counties in the implementation of the fully integrated managed care (FIMC) program (also known as integrated managed care (IMC)), effective January 1, 2018. Clark and Skamania counties implemented IMC in April of 2016. IMC includes medical, mental health, and substance use disorder treatment services in a managed care program administered by the agency.

This SPA will also include an administrative change to add to managed care medicaid clients for whom medicaid is secondary insurance. In the past, clients with third party coverage were exempted from managed care enrollment. The agency now enrolls those clients into apple health managed care.

SPA 18-0006 is expected to have no effect on the annual aggregate expenditures for the apple health program, as the agency is incorporating behavioral health services with med-

ical services in a single managed care program, which will reduce administrative cost and improve continuity of care. Within the limits of available funding, managed care organizations will negotiate agreements with behavioral health providers based on their existing contracts with behavioral health organizations.

A copy of SPA 18-0006 is available for review. The agency would appreciate any input or concerns regarding this SPA. To request a copy of the SPA or submit comments, please contact Alison Robbins, Apple Health Managed Care, 626 8th Avenue S.E., P.O. Box 45530, Olympia, WA 98501, phone 360-725-1634, TDD/TTY 1-800-848-5429, fax 360-753-7315, email Alison.robbs@hca.wa.gov, web site www.hca.wa.gov. Please note that all comments are subject to public review and disclosure, as are the names of those who comment.

County Contacts

Adams County

Adams County Health Department
108 West Main
Ritzville, WA 99169
Phone (509) 659-3315

Asotin County

Clarkston Home and Community Services Office
525 Fifth Street
Clarkston, WA 99403
Web site <http://www.altcWashington.com>
Phone (509) 751-4672
Alt. Phone 1-800-310-4881
Fax (509) 758-4593

Benton County

Tri-Cities Home and Community Services Office
500 North Morain Street
Suite 2210
Kennewick, WA 99336
Phone (509) 374-2100
Alt. Phone 1-800-310-4833
Fax (509) 374-7559

Chelan County

Chelan Community Services Office
805 South Mission Street
Wenatchee, WA 98801
Phone (509) 667-6000

Clallam County

Port Angeles Home and Community Services Office
235 West 1st Street
Port Angeles, WA 98362
Phone (360) 565-2160
Alt. Phone 1-800-280-9891
TTY (360) 417-5651
Fax (360) 417-1416

Clark County

Vancouver Home and Community Services Office
800 N.E. 136th Avenue
Suite 220
Vancouver, WA 98684

Phone (360) 397-9500
Alt. Phone 1-800-280-0586
TTY (360) 750-4079
Fax (360) 992-7949

Columbia County

Aging and Disability Resource Center
410 East Main
Dayton, WA 99328
Web site <http://www.altcWashington.com/>
Phone (509) 382-4787

Cowlitz County

Kelso Home and Community Services Office
711 Vine Street
Kelso, WA 98626
Phone (360) 501-2500
Alt. Phone 1-800-605-7322
TTY (360) 577-7591
Fax (360) 578-4106

Douglas County

Wenatchee Home and Community Services Office
50 Simon Street S.E.
Suite B
East Wenatchee, WA 98802
Phone (509) 886-6140
Alt. Phone 1-800-670-8874
Fax (509) 886-6221

Ferry County

Republic Home and Community Services Office
89 East Delaware
Republic, WA 99166
Phone (509) 775-2227
Alt. Phone 1-888-437-0516
TTY (509) 775-2661
Fax (509) 775-2401

Franklin County

Franklin County Commissioners Office
1016 North 4th Avenue
Pasco, WA 99301
Phone (509) 545-3535

Garfield County

Garfield County District Court
789 West Main Street
P.O. Box 817 or 819
Pomeroy, WA 99347
Phone (509) 843-1002

Grant County

Moses Lake Home and Community Services Office
1651 South Pilgrim Street
Moses Lake, WA 98837
Phone (509) 764-5657
Alt. Phone 1-800-671-8902
TTY 1-800-833-6388
Fax (509) 764-5656

Grays Harbor County

Aberdeen Home and Community Services Office
415 West Wishkah Street

Suite A2
Aberdeen, WA 98520
Phone (360) 533-9222
Alt. Phone 1-800-487-0119
TTY (360) 533-9730
Fax (360) 533-9782

Island County

Oak Harbor Home and Community Services Office
900 East College Way
Suite 210
Mt. Vernon, WA 98273
Phone (360) 429-2961
Alt. Phone 1-866-608-0836
Fax (360) 429-2958

Jefferson County

Port Townsend Home and Community Services Office
915 Sheridan Street
Suite 201
Port Townsend, WA 98368
Phone (360) 379-4326
Alt. Phone 1-800-280-9991
Fax (360) 344-4600

King County

King County Home and Community Services Office
1737 Airport Way South
Suite 130
P.O. Box 24847
Seattle, WA 98134
Phone (206) 341-7750
Alt. Phone 1-800-346-9257
TTY 1-800-833-6384

Kitsap County

Bremerton Home and Community Services Office
4710 Auto Center Boulevard
Bremerton, WA 98312
Phone (360) 473-2299
Alt. Phone 1-800-422-7114
TTY (360) 478-4928
Fax (360) 478-6467

Kittitas County

Ellensburg Home and Community Services Office
100 East Jackson Avenue
Suite 100
Ellensburg, WA 98926
Phone (509) 925-0433
Alt. Phone 1-800-310-4999
Fax (509) 962-7755

Klickitat County

White Salmon Home and Community Services Office
221 North Main Street
White Salmon, WA 98672
Phone (509) 493-6157
Alt. Phone 1-800-504-1180

Lewis County

Chehalis Home and Community Services Office
3451 Galvin Road

Centralia, WA 98531
Phone (360) 807-7150
Alt. Phone 1-800-487-0360
Fax (360) 330-7552

Lincoln County

Lincoln County Health Department
90 Nicholls Street
Davenport, WA 99122
Phone (509) 725-1001

Mason County

Shelton Home and Community Services Office
2505 Olympic Highway North
Suite 440
Shelton, WA 98584
Phone (360) 664-9050
Alt. Phone 1-800-462-4957
Fax (360) 432-2045

Okanogan County

Omak Home and Community Services Office
130 South Main
Omak, WA 98841
Phone (509) 846-2103
Alt. Phone 1-888-437-0529
TTY (509) 826-7389
Fax (509) 826-7439

Pacific County

South Bend Home and Community Services Office
307 East Robert Bush Drive
P.O. Box 87
South Bend, WA 98586
Phone (360) 875-4222
Alt. Phone 1-800-458-3747
Fax (360) 875-0590

Pend Oreille County

Newport Home and Community Services Office
1600 West First Avenue
Newport, WA 99156
Phone (509) 447-6223
Alt. Phone 1-888-437-0516
Fax (509) 447-5256

Pierce County

Tacoma Home and Community Services Office
1949 South State Street
Tacoma, WA 98405
Phone (253) 476-7200
Alt. Phone 1-800-442-5129
TTY (253) 593-5471
Fax (253) 597-4161

San Juan County

San Juan County Health Services
145 Rhone Street
Friday Harbor, WA 98250
Phone (360) 378-4474
Fax (360) 378-7036

Skagit County

Mount Vernon Home and Community Services Office

900 East College Way
Suite 210
Mt. Vernon, WA 98273
Phone (360) 429-2961
Alt. Phone 1-866-608-0836
Fax (360) 416-7401

Skamania County

Stevenson Home and Community Services Office
266 S.W. Second Street
P.O. Box 817
Stevenson, WA 98648
Phone (509) 427-5611
Alt. Phone 1-800-505-4203
Fax (509) 427-4604

Snohomish County

Smokey Point Home and Community Services Office
3906 172nd Street N.E.
Suite 101
Arlington, WA 98223
Phone (360) 651-6800
Alt. Phone 1-800-827-2984
Fax (360) 651-6832

Spokane County

Spokane Home and Community Services Office
1330 North Washington Street
Suite 3000
Spokane, WA 99201
Phone (509) 568-3700
Alt. Phone 1-800-459-0421
TTY (509) 568-3697
Fax (509) 568-3771

Stevens County

Colville Home and Community Services Office
1100 South Main
Colville, WA 99114
Phone (509) 685-5644
Alt. Phone 1-800-437-0516
Fax (509) 684-7430

Thurston County

Tumwater Home and Community Services Office
6639 Capitol Boulevard S.W.
Tumwater, WA 98512
Phone (360) 664-9050
Alt. Phone 1-800-462-4957
TTY (360) 407-1678
Fax (360) 664-9107

Wahkiakum County

Health and Human Services
42 Elochoman Valley Road
Cathlamet, WA 98612
Phone (360) 795-8630
Alt. Phone 1-800-635-5989

Walla Walla County

Walla Walla Home and Community Services Office
206 West Poplar
Walla Walla, WA 99362

Phone (509) 524-4960
Alt. Phone 1-800-310-5678
Fax (509) 527-4142

Whatcom County

Bellingham Home and Community Services Office
600 Lakeway Drive
Bellingham, WA 98225
Phone (360) 756-5750
Alt. Phone 1-800-239-8292
Fax (360) 676-2239

Whitman County

Colfax Home and Community Services Office
418 South Main Street
Suite 3
Colfax, WA 99111
Phone (509) 397-5091
Alt. Phone 1-800-459-0421
Fax (509) 397-4323

Yakima County

Yakima Home and Community Services Office
1002 North 16th Avenue
Yakima, WA 98902
Phone (509) 225-4400
Alt. Phone 1-800-822-2097
Fax (509) 575-2286

WSR 17-24-063

**NOTICE OF PUBLIC MEETINGS
COLUMBIA BASIN COLLEGE**

[Filed December 4, 2017, 9:46 a.m.]

The Columbia Basin College board of trustees' January, February, March and April regular meetings will be held on the second Monday of every month at 7:30 a.m. All board of trustees meetings will be held in the CBC Beers Board Room.

If you have any questions, please contact Deb Severin at 509-542-4749.

WSR 17-24-073

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
(Real Estate Appraiser Commission)**

[Filed December 5, 2017, 8:08 a.m.]

The real estate appraiser commission will meet on a regular basis per WAC 308-125-225. Regular meetings are usually scheduled for 9:00 a.m. in February, May, August, and November on the third Friday. Following is the schedule for the year 2018:

February 16, 2018

Skagit County
Fire State #3
4701 East Division Street
Mt. Vernon, WA

May 18, 2018 Benton County
Council Chambers
Richland City Hall
505 Swift Boulevard
Richland, WA

August 17, 2018 Thurston County
Department of Labor and Industries
7273 Linderson Way S.E.
SW RS 119
Olympia, WA

November 16, 2018 Jefferson County
The Bishop Victorian Hotel
714 Washington Street
Port Townsend, WA

Date	Time	Location
July 25, 2018	9:00 a.m. to 12:00 p.m.	Employment Security Department Maple Room Meeting Room 212 Maple Park Avenue S.E. Olympia, WA 98501
October 24, 2018	9:00 a.m. to 12:00 p.m.	Employment Security Department Maple Room Meeting Room 212 Maple Park Avenue S.E. Olympia, WA 98501

In accordance with chapter 42.30 RCW, the Open Public Meetings Act, these meetings are open to the public and conducted at a barrier-free site. For special assistance and for additional information, please contact Bianca Stoner, legislative and executive policy analyst, employment security department, at 360-902-9423 or via email at bstoner@esd.wa.gov. Meeting information is also available on the ESAC web site at <https://esd.wa.gov/newsroom/ESAC>.

WSR 17-24-074
NOTICE OF PUBLIC MEETINGS
WASHINGTON MATERIALS MANAGEMENT
AND FINANCING AUTHORITY

[Filed December 5, 2017, 8:35 a.m.]

The Washington materials management and financing authority would like to publish the schedule for regularly held board meetings for calendar year 2018 going forward. All regular meetings of the board of directors of the authority will be held on the third Thursday of every **other** month beginning in January. Therefore, regular meetings will be held:

- 2018
- January 18
- March 15
- May 17
- July 19
- September 20
- November 15

All meetings are held at 9:30 a.m. at the offices of Van Ness Feldman, 719 Second Avenue, Suite 1150, Seattle, WA 98104.

WSR 17-24-075
NOTICE OF PUBLIC MEETINGS
EMPLOYMENT SECURITY DEPARTMENT
(Employment Security Advisory Council)

[Filed December 5, 2017, 8:46 a.m.]

Following is the schedule of set meetings of the employment security advisory council (ESAC) (convened pursuant to RCW 50.12.200) for 2018.

Date	Time	Location
April 25, 2018	9:00 a.m. to 12:00 p.m.	Employment Security Department Maple Room Meeting Room 212 Maple Park Avenue S.E. Olympia, WA 98501

WSR 17-24-076
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF HEALTH
(Board of Optometry)

[Filed December 5, 2017, 9:19 a.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedures [Procedure] Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the department of health, board of optometry for the year 2018. 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 listserv and the department of health web site (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.

Date	Time	Location
March 23, 2017	9:00 a.m.	Department of Health Creekside Two at Center Point 20425 72nd Avenue South Room 307 Kent, WA 98032
June - TBD	9:00 a.m.	Department of Health Creekside Two at Center Point 20425 72nd Avenue South Room TBD Kent, WA 98032
September - TBD	9:00 a.m.	Department of Health Creekside Two at Center Point 20425 72nd Avenue South Room TBD Kent, WA 98032

Date	Time	Location
December - TBD	9:00 a.m.	Department of Health Creekside Two at Center Point 20425 72nd Avenue South Room TBD Kent, WA 98032

If you need further information, please contact Loralei Walker, Program Manager, Washington Department of Health, Board of Optometry, P.O. Box 47852, Olympia, WA 98504-7852, phone 360-236-4947, fax 360-236-2901, email loralei.walker@doh.wa.gov, web www.doh.wa.gov.

Please be advised the board of optometry 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 17-24-083

NOTICE OF PUBLIC MEETINGS

WINE COMMISSION

[Filed December 5, 2017, 11:33 a.m.]

2018 BOARD MEETINGS

As of November 6, 2017

Friday, January 26	9 a.m. to 12 p.m.	World Trade Center 2200 Alaskan Way Suite 410 Seattle
Friday, February 23	9 a.m. to 12:00 p.m.	Walter Clore Wine and Culinary Center 2140 Wine Country Road Prosser
March	No meeting	
Friday, April 13	Extended meeting 9:00 a.m. to 5 p.m.	Chateau Ste. Michelle Manor House 14111 NE 145th Street Woodinville
May	No meeting	
Friday, June 22	9 a.m. to 12:00 p.m.	Walter Clore Wine and Culinary Center 2140 Wine Country Road Prosser
July	No meeting	
Friday, August 17	9 a.m. to 12:00 p.m.	Brightwater Center Community Room 22505 State Route 9 S.E. Woodinville
September	No meeting	
October	No meeting	
Friday, November 16	9 a.m. to 12:00 p.m.	Walter Clore Wine and Culinary Center 2140 Wine Country Road Prosser
December	No meeting	

WSR 17-24-098

HEALTH CARE AUTHORITY

[Filed December 5, 2017, 2:50 p.m.]

NOTICE

Title or Subject: Medicaid State Plan Amendment (SPA) 18-0005 for January 2018 Fee Schedule Updates.

Effective Date: January 1, 2018.

Description: The agency intends to submit medicaid SPA 18-0005 to update some links and 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 (CMS), medicaid, and other sources. These changes are routine and do not reflect significant changes to policy or payment. SPA 18-0005 will update some links and the effective dates of the fee schedules for the following programs in the medicaid state plan:

- All other practitioners.
- Ambulatory surgery centers.
- Applied behavior analysis.
- Dental services.
- Injectable drugs.
- Outpatient hospital services.
- Outpatient prospective payment system.
- Physician-related services.
- School-based healthcare services.
- Substance use disorder (alcohol/drug treatment and detoxification services).

These fee schedule updates are budget neutral and are not anticipated to have an effect on providers' annual expenditures.

SPA 18-0005 is in the development process; therefore a copy is not yet available for review. The agency would appreciate any input or concerns regarding this SPA. To request a copy when it becomes available, you may contact the agency in your county listed in the table or the person named below. To 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).

NOTE: Effective March 20, 2017, official public notice of proposed medicaid SPAs is published on the agency's web site at the Public Notices link. As a convenience, the agency will continue to publish copies of SPA notices in the Washington State Register.

For additional information, contact Jean Bui, Rates Development, 626 [8th] Avenue S.E., Olympia, WA 98501, phone 360-725-1973, TDD/TTY 800-848-5429, fax 253-350-6512, email jean.bui@hca.wa.gov, web site http://www.hca.wa.gov/billers-providers/claims-and-billing/professional-rates-and-billing-guides.

County Contacts

Adams County

Adams County Health Department
108 West Main
Ritzville, WA 99169
Phone (509) 659-3315

Asotin County

Clarkston Home and Community Services Office
 525 Fifth Street
 Clarkston, WA 99403
 Web site <http://www.altcWashington.com>
 Phone (509) 751-4672
 Alt. Phone 1-800-310-4881
 Fax (509) 758-4593

Benton County

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 Kennewick, WA 99336
 Phone (509) 374-2100
 Alt. Phone 1-800-310-4833
 Fax (509) 374-7559

Chelan County

Chelan Community Services Office
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 Wenatchee, WA 98801
 Phone (509) 667-6000

Clallam County

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 Alt. Phone 1-800-280-9891
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 Fax (360) 417-1416

Clark County

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 Fax (360) 992-7949

Columbia County

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 Dayton, WA 99328
 Web site <http://www.altcWashington.com/>
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Cowlitz County

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 Phone (360) 501-2500
 Alt. Phone 1-800-605-7322
 TTY (360) 577-7591
 Fax (360) 578-4106

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 Suite B

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 Alt. Phone 1-800-670-8874
 Fax (509) 886-6221

Ferry County

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 Republic, WA 99166
 Phone (509) 775-2227
 Alt. Phone 1-888-437-0516
 TTY (509) 775-2661
 Fax (509) 775-2401

Franklin County

Franklin County Commissioners Office
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 Pasco, WA 99301
 Phone (509) 545-3535

Garfield County

Garfield County District Court
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 P.O. Box 817 or 819
 Pomeroy, WA 99347
 Phone (509) 843-1002

Grant County

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 Moses Lake, WA 98837
 Phone (509) 764-5657
 Alt. Phone 1-800-671-8902
 TTY 1-800-833-6388
 Fax (509) 764-5656

Grays Harbor County

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 Alt. Phone 1-800-487-0119
 TTY (360) 533-9730
 Fax (360) 533-9782

Island County

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 Mt. Vernon, WA 98273
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 Alt. Phone 1-866-608-0836
 Fax (360) 429-2958

Jefferson County

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 Suite 201
 Port Townsend, WA 98368
 Phone (360) 379-4326
 Alt. Phone 1-800-280-9991
 Fax (360) 344-4600

King County

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1737 Airport Way South
Suite 130
P.O. Box 24847
Seattle, WA 98134
Phone (206) 341-7750
Alt. Phone 1-800-346-9257
TTY 1-800-833-6384

Kitsap County

Bremerton Home and Community Services Office
4710 Auto Center Boulevard
Bremerton, WA 98312
Phone (360) 473-2299
Alt. Phone 1-800-422-7114
TTY (360) 478-4928
Fax (360) 478-6467

Kittitas County

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Ellensburg, WA 98926
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Alt. Phone 1-800-310-4999
Fax (509) 962-7755

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White Salmon, WA 98672
Phone (509) 493-6157
Alt. Phone 1-800-504-1180

Lewis County

Chehalis Home and Community Services Office
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Centralia, WA 98531
Phone (360) 807-7150
Alt. Phone 1-800-487-0360
Fax (360) 330-7552

Lincoln County

Lincoln County Health Department
90 Nicholls Street
Davenport, WA 99122
Phone (509) 725-1001

Mason County

Shelton Home and Community Services Office
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Suite 440
Shelton, WA 98584
Phone (360) 664-9050
Alt. Phone 1-800-462-4957
Fax (360) 432-2045

Okanogan County

Omak Home and Community Services Office
130 South Main
Omak, WA 98841
Phone (509) 846-2103

Alt. Phone 1-888-437-0529
TTY (509) 826-7389
Fax (509) 826-7439

Pacific County

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307 East Robert Bush Drive
P.O. Box 87
South Bend, WA 98586
Phone (360) 875-4222
Alt. Phone 1-800-458-3747
Fax (360) 875-0590

Pend Oreille County

Newport Home and Community Services Office
1600 West First Avenue
Newport, WA 99156
Phone (509) 447-6223
Alt. Phone 1-888-437-0516
Fax (509) 447-5256

Pierce County

Tacoma Home and Community Services Office
1949 South State Street
Tacoma, WA 98405
Phone (253) 476-7200
Alt. Phone 1-800-442-5129
TTY (253) 593-5471
Fax (253) 597-4161

San Juan County

San Juan County Health Services
145 Rhone Street
Friday Harbor, WA 98250
Phone (360) 378-4474
Fax (360) 378-7036

Skagit County

Mount Vernon Home and Community Services Office
900 East College Way
Suite 210
Mt. Vernon, WA 98273
Phone (360) 429-2961
Alt. Phone 1-866-608-0836
Fax (360) 416-7401

Skamania County

Stevenson Home and Community Services Office
266 S.W. Second Street
P.O. Box 817
Stevenson, WA 98648
Phone (509) 427-5611
Alt. Phone 1-800-505-4203
Fax (509) 427-4604

Snohomish County

Smokey Point Home and Community Services Office
3906 172nd Street N.E.
Suite 101
Arlington, WA 98223
Phone (360) 651-6800
Alt. Phone 1-800-827-2984
Fax (360) 651-6832

Spokane County

Spokane Home and Community Services Office
 1330 North Washington Street
 Suite 3000
 Spokane, WA 99201
 Phone (509) 568-3700
 Alt. Phone 1-800-459-0421
 TTY (509) 568-3697
 Fax (509) 568-3771

Stevens County

Colville Home and Community Services Office
 1100 South Main
 Colville, WA 99114
 Phone (509) 685-5644
 Alt. Phone 1-800-437-0516
 Fax (509) 684-7430

Thurston County

Tumwater Home and Community Services Office
 6639 Capitol Boulevard S.W.
 Tumwater, WA 98512
 Phone (360) 664-9050
 Alt. Phone 1-800-462-4957
 TTY (360) 407-1678
 Fax (360) 664-9107

Wahkiakum County

Health and Human Services
 42 Elochoman Valley Road
 Cathlamet, WA 98612
 Phone (360) 795-8630
 Alt. Phone 1-800-635-5989

Walla Walla County

Walla Walla Home and Community Services Office
 206 West Poplar
 Walla Walla, WA 99362
 Phone (509) 524-4960
 Alt. Phone 1-800-310-5678
 Fax (509) 527-4142

Whatcom County

Bellingham Home and Community Services Office
 600 Lakeway Drive
 Bellingham, WA 98225
 Phone (360) 756-5750
 Alt. Phone 1-800-239-8292
 Fax (360) 676-2239

Whitman County

Colfax Home and Community Services Office
 418 South Main Street
 Suite 3
 Colfax, WA 99111
 Phone (509) 397-5091
 Alt. Phone 1-800-459-0421
 Fax (509) 397-4323

Yakima County

Yakima Home and Community Services Office
 1002 North 16th Avenue
 Yakima, WA 98902

Phone (509) 225-4400
 Alt. Phone 1-800-822-2097
 Fax (509) 575-2286

WSR 17-24-099
NOTICE OF PUBLIC MEETINGS
STATE REHABILITATION
COUNCIL FOR THE BLIND

[Filed December 5, 2017, 2:51 p.m.]

Following is the schedule of regular meetings for the state rehabilitation council for the blind for 2018:

Date	Time	Location
March 2, 2018	9:00 a.m. to 5:00 p.m.	3411 South Alaska Street Seattle, WA 98118
June 15, 2018	9:00 a.m. to 5:00 p.m.	3411 South Alaska Street Room 130 Seattle, WA 98118
September 14, 2018	9:00 a.m. to 5:00 p.m.	3411 South Alaska Street Room 130 Seattle, WA 98118
December 7, 2018	9:00 a.m. to 5:00 p.m.	3411 South Alaska Street Room 130 Seattle, WA 98118

If you need further information and/or a reasonable accommodation to attend the meeting contact Yvonne Grimes, P.O. Box 40933, Olympia, WA 98504, 360-725-3830, 360-407-0679, yvonne.grimes@dsb.wa.gov, www.dsb.wa.gov.

WSR 17-24-100
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING

[Filed December 5, 2017, 3:02 p.m.]

2018 Regulatory Board Meetings
 Washington State Board for Architects

Date	Location	Start Time
January 25, 2018	Bellingham, Washington	9:00 a.m.
April 17, 2018	SeaTac, Washington	1:00 p.m.

Board of Licensure for Landscape Architects

Date	Location	Start Time
January 19, 2018	Olympia, Washington	9:00 a.m.
April 19, 2018	SeaTac, Washington	9:00 a.m.

Funeral and Cemetery Board

Date	Location	Start Time
February 7, 2018	Kirkland, Washington	9:00 a.m.
April 17, 2018	SeaTac, Washington	9:00 a.m.

Board of Registration for Professional Engineers and Land Surveyors

Date	Location	Start Time
February 7-8, 2018	SeaTac, Washington	Feb. 7 - 1:00 p.m. Feb. 8 - 8:00 a.m.
April 19, 2018	SeaTac, Washington	Committee Meetings 8:00 a.m. Board Meeting 12:30 p.m.
June 20-21, 2018	Spokane, Washington	June 20 - 1:00 p.m. June 21 - 8:00 a.m.

Collection Agency Board

Date	Location	Start Time
April 17, 2018	SeaTac, Washington	10:00 a.m.

WSR 17-24-101

NOTICE OF PUBLIC MEETINGS

COMMISSION ON

ASIAN PACIFIC AMERICAN AFFAIRS

[Filed December 5, 2017, 3:13 p.m.]

The Washington state commission on Asian Pacific American affairs will convene a regular meeting on January 20, 2018, at 10:00 a.m. - 2:00 p.m., at the Together Center, 16225 N.E. 87th Street, Redmond, WA 98052.

If you need further information contact Sam Le, 210 11th Avenue S.W., Suite 301A, Olympia, WA 98504, 360-725-5667, sam.le@capaa.wa.gov, www.capaa.wa.gov.

WSR 17-24-102

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF

ENTERPRISE SERVICES

(Capitol Campus Design Advisory Committee)

[Filed December 5, 2017, 3:34 p.m.]

Meeting Calendar for 2018

DATE	LOCATION	TIME
Thursday January 11, 2018	Senate Rules Room 2nd floor of the Legislative Building 416 Snyder Avenue S.W. Olympia, WA	10:00 a.m. to 12:00 p.m.
Thursday May 17, 2018	Conference Room 2208 2nd floor of the 1500 Jefferson Building 1500 Jefferson Street S.E. Olympia, WA	10:00 a.m. to 12:00 p.m.
Thursday September 20, 2018	Conference Room 2208 2nd floor of the 1500 Jefferson Building 1500 Jefferson Street S.E. Olympia, WA	10:00 a.m. to 12:00 p.m.

DATE	LOCATION	TIME
Thursday November 8, 2018	Conference Room 2208 2nd floor of the 1500 Jefferson Building 1500 Jefferson Street S.E. Olympia, WA	10:00 a.m. to 12:00 p.m.

As a side note, the January 11, 2018, meeting will be a joint meeting to include both the capitol campus design advisory committee and the state capitol committee.

WSR 17-24-104

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF

ENTERPRISE SERVICES

(State Capitol Committee)

[Filed December 5, 2017, 3:51 p.m.]

Calendar for 2018 Meeting[s]

DATE	LOCATION	TIME
Thursday January 11, 2018	Senate Rules Room 2nd floor of the Legislative Building 416 Sid Snyder Avenue S.W. Olympia, WA	10:00 a.m. to 12:00 p.m.
Thursday June 14, 2018	Senate Rules Room 2nd floor of the Legislative Building 416 Sid Snyder Avenue S.W. Olympia, WA	10:00 a.m. to 12:00 p.m.
Thursday October 18, 2018	Senate Rules Room 2nd floor of the Legislative Building 416 Sid Snyder Avenue S.W. Olympia, WA	10:00 a.m. to 12:00 p.m.
Thursday December 6, 2018	Senate Rules Room 2nd floor of the Legislative Building 416 Sid Snyder Avenue S.W. Olympia, WA	10:00 a.m. to 12:00 p.m.

As a side note, the January 11, 2018, meeting will be a joint meeting to include both the state capitol committee and the capitol campus design advisory committee.

WSR 17-24-109

INTERPRETIVE OR POLICY STATEMENT

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

[Filed December 6, 2017, 9:00 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 (DSHS).

**Economic Services Administration
Division of Child Support (DCS)**

Document Title: Policy Clarification Memo 17-008:
Updates to the Use of the Closure Screen (CZ).

Subject: Updates to the use of CZ.
Effective Date: November 9, 2017.

Document Description: This policy clarification memo explains changes to how CZ releases and income withholding for support, DSHS 09-857.

To receive a copy of the interpretive or policy statements, contact Karen Sundahl, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone 360-664-5194, TDD/TTY 800-833-6384, fax 360-664-5342, email sundaka@dshs.wa.gov, web site <http://www.dshs.wa.gov/dcs/>.

**WSR 17-24-110
INTERPRETIVE OR POLICY STATEMENT
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES**

[Filed December 6, 2017, 9:09 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 (DSHS).

**Economic Services Administration
Division of Child Support (DCS)**

Document Title: CN-289: Changes to the Service Requirements for the DSHS 09-851, Notice of Noncompliance and Intent to Suspend Licenses.

Subject: Changes to the service requirements for the DSHS 09-851, notice of noncompliance and intent to suspend licenses.

Effective Date: November 30, 2017.

Document Description: The canary notice (CN) explains when DCS may serve the notice of noncompliance and intent to suspend licenses, DSHS 09-851, by regular mail.

To receive a copy of the interpretive or policy statements, contact Karen Sundahl, DCS, P.O. Box 11520, Tacoma, WA 98411-5520, phone 360-664-5194, TDD/TTY 800-833-6384, fax 360-586-5342 [360-664-5342], email sundaka@dshs.wa.gov, web site <http://www.dshs.wa.gov/dcs/>.

**WSR 17-24-112
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON
STATE HISTORICAL SOCIETY**

[Filed December 6, 2017, 9:15 a.m.]

Following is the schedule for the board of trustees for the Eastern Washington State Historical Society for the calendar year of 2018 which was passed at the November 1, 2017, board meeting.

Northwest Museum of Arts and Culture
Board of Trustees Meeting Schedule

3 p.m. - 5 p.m.

Gilkey Community Room
(monthly unless otherwise noted)

Location of meetings: Northwest Museum of Arts and Culture, Gilkey Community Room, 2316 West First Avenue, Spokane, WA 99201-5906, 509-363-5336.

Board of Trustees Meetings

- Wednesday, December 6, 2017 3 p.m. - 5 p.m.
- Wednesday, January 3, 2018 3 p.m. - 5 p.m.
- Wednesday, February 7, 2018 3 p.m. - 5 p.m.
- Wednesday, March 7, 2018 3 p.m. - 5 p.m.
- Wednesday, April 4, 2018 3 p.m. - 5 p.m.
- Wednesday, May 2, 2018 3 p.m. - 5 p.m.
- Wednesday, June 6, 2018 3 p.m. - 5 p.m.
- Wednesday, July 11, 2018 3 p.m. - 5 p.m.
(2nd Wednesday due to holiday)
- No meeting in August
- Wednesday, September 5, 2018 3 p.m. - 5 p.m.
- Wednesday, October 3, 2018 3 p.m. - 5 p.m.
- Wednesday, November 7, 2018 3 p.m. - 5 p.m.
- Wednesday, December 5, 2018

Executive committee meets eight days prior to the board meeting from 3 p.m. - 5 p.m.

- No meeting in November 2017 board will meet in December
- No meeting in December due to holiday
- January 30, 2018
- February 27, 2018
- March 27, 2018
- April 24, 2018
- May 29, 2018
- June 26, 2018
- July 24, 2018
- August 28, 2018
- September 25, 2018
- October 30, 2018
- No meeting in November added a December board meeting instead
- No meeting in December due to holiday

Finance committee meets the last Thursday of each month at 11 a.m.

Approved by the board of trustees at their November 1, 2017, meeting.

WSR 17-24-113
NOTICE OF PUBLIC MEETINGS
OILSEEDS COMMISSION
 [Filed December 6, 2017, 9:15 a.m.]

The Washington oilseeds commission will be holding the following regular meetings in 2018:

Wednesday January 10	Three Rivers Convention Center Kennewick, Washington Annual Meeting	7:30 a.m.
Tuesday April 17	Conference call	9:00 a.m.
Tuesday July 10	Conference call	9:00 a.m.
Tuesday November 13	Viterra, Warden, Washington	9:00 a.m.

If you need further information contact Shane Johnson, 100 North Fruitland Street, Suite B, Kennewick, WA 99336, 509-585-5460, shanej@agmgt.com.

The Washington mint commission will be holding the following regular meetings in 2018:

Wednesday February 21, 2018	12:00 p.m. (noon)	Kennewick, Washington
Tuesday April 3, 2018	6:00 p.m.	Kennewick, Washington
Tuesday June 5, 2018	3:00 p.m.	WSU Prosser IAREC Prosser, Washington
Tuesday September 25, 2018	6:00 p.m.	Kennewick, Washington
Tuesday November 6, 2018	10:00 a.m.	Researchers meeting WSU Prosser IAREC
Tuesday December 4, 2018	12:00 p.m. (noon)	Washington Mint Convention Three Rivers Convention Center Kennewick, Washington

If you need further information contact Shane Johnson, 100 North Fruitland Street, Suite B, Kennewick, WA 99336, 509-585-5460, 509-585-2671, shanej@agmgt.com.

WSR 17-24-114
NOTICE OF PUBLIC MEETINGS
ALFALFA SEED COMMISSION
 [Filed December 6, 2017, 9:15 a.m.]

Following is the schedule of regular meetings for the Washington alfalfa seed commission for 2018:

Thursday February 27	Annual meeting 10:00 a.m.	WSU Prosser, Washington
Tuesday May 8	Noon	Kennewick, Washington
Tuesday September 25	Noon meeting	Kennewick, Washington
Tuesday December 11	Noon meeting	Kennewick, Washington

If you need further information contact Shane Johnson, 100 North Fruitland Street, Suite B, Kennewick, WA 99336, 509-585-5460, 509-585-2671, shanej@agmgt.com.

WSR 17-24-116
NOTICE OF PUBLIC MEETINGS
TURFGRASS SEED COMMISSION
 [Filed December 6, 2017, 9:15 a.m.]

The Washington turfgrass seed commission will hold the following regular meetings in 2018:

Annual Meeting	Thursday January 18 10:00 a.m.	Spokane, Washington
1st Quarter	Wednesday March 7 11 a.m.	Connell, Washington
2nd Quarter	Wednesday June 6 11 a.m.	Moses Lake, Washington
3rd Quarter	Wednesday September 5	Kennewick, Washington
4th Quarter	Wednesday December 5	Location and time to be determined

If you need further information contact Shane Johnson, 100 North Fruitland Street, Suite B, Kennewick, WA 99336, 509-585-5460, 509-585-2671, shanej@agmgt.com.

WSR 17-24-115
NOTICE OF PUBLIC MEETINGS
MINT COMMISSION
 [Filed December 6, 2017, 9:15 a.m.]

WSR 17-24-117
POLICY STATEMENT
HEALTH CARE AUTHORITY
(Public Employees Benefits Board)
[Filed December 6, 2017, 9:18 a.m.]

Notice of Administrative Policy Statements

The following is a list of administrative policies published by the public employees benefits board (PEBB) program. These policies are effective January 1, 2018. You can download the complete policy statements at www.hca.wa.gov/public-employee-benefits/rules-and-policies.

The following policies were amended:

Policy 15-1: Determining eligibility for seasonal employees and maintenance of employer contribution through the off-season. This policy clarifies seasonal employee eligibility for PEBB benefits and the employer contribution.

Policy 17-2: Determining faculty eligibility after a layoff. Applying the criteria for maintaining the employer contribution toward insurance coverage for faculty following a layoff.

Policy 17-3: Determining faculty eligibility for off-quarter/semester or for decreases in workload. To clarify when a faculty member qualifies for the employer contribution toward insurance coverage during an off-quarter/semester or when there is a decrease in workload.

Policy 19-1: Termination due to loss of eligibility. This policy applies whenever coverage for a subscriber or a subscriber's dependent is terminated due to loss of eligibility.

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

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

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

Policy 36-1: Certifying eligibility for a dependent child with a disability who is age twenty-six or older. This policy applies whenever a subscriber requests to enroll a dependent child with a disability who is age twenty-six or older to his or her PEBB program subscriber account.

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

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

Policy 93-1: PEBB program premium payment, premium surcharge collection, and write-off. This policy outlines the criteria used by PEBB insurance accounting to determine when a premium payment or premium surcharge owed on a subscriber's account will be deemed uncollectable and subsequently written off.

The following policies are new:

Policy 56-1: Continuation coverage and retiree insurance coverage reinstatement for subscribers with mental impairment or physical incapacitation. This policy applies whenever a subscriber (or another party on behalf of the sub-

scriber) requests reinstatement of continuation coverage or retiree insurance coverage due to nonpayment of premiums, or any applicable premium surcharges, for reason of mental impairment or physical incapacitation.

This policy (56-1) establishes the methodology that the PEBB program will use to make a determination of mental impairment or physical incapacitation and the timing requirements to request a reinstatement.

Policy 56-2: Continuation coverage and retiree insurance coverage election period tolling for applicants with mental impairment or physical incapacitation. This policy applies whenever an applicant (or another party on behalf of the applicant) requests tolling of the continuation coverage or retiree insurance coverage election period for reason of mental impairment or physical incapacitation.

This policy (56-2) establishes the methodology that the PEBB program will use to make a determination of mental impairment or physical incapacitation and the timing requirements to request tolling.

Policy 60-1: Required appeals related documents when the PEBB program is hearing an appeal. This policy clarifies what appeals related documents are required from an employing agency or third-party administrator when the PEBB program is hearing an appeal from one of its employees or subscribers.

Policy 90-2: What authority do employer groups or charter schools need before contracting with the PEBB program for health care benefits? This policy clarifies what authority is required from employer groups or charter schools as part of the application process for benefits with the health care authority (HCA) and the PEBB program.

Policy 90-3: Determining if an employer group or charter school requesting eligibility standards different from PEBB program rules shall be approved. This policy clarifies the criteria used by HCA to approve or deny requests for eligibility standards that are different eligibility standards than standards used by the PEBB program.

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

The following policies were amended to update the structure with no material changes:

Policy 11-1: Providing notifications to employees and employers.

Policy 11-3: Correcting employing agency enrollment errors.

Policy 17-1: Determining faculty eligibility for summer/short class sessions.

Policy 26-1: Administering PEBB insurance in coordination with Medicare Part D.

Policy 31-1: Verifying dependent eligibility before enrollment.

Policy 31-2: Use of premium surcharge help sheet and spousal plan calculator tools.

Policy 33-1: Verifying legal union's residency status.

Policy 37-1: Certifying eligibility for an extended dependent child.

Policy 90-1: Allowable mid-year employer group terminations.

Policy 91-1: Requesting a reasonable alternative for completing wellness incentive program requirements or avoiding the tobacco use premium surcharge.

Policy 91-2: Tobacco as it relates to religious or ceremonial use.

Policy 93-2: PEBB program payment plans.

To receive a hard copy of the policy statements, contact Rob Parkman at P.O. Box 42684, [Olympia,] WA 98501-2684, or 360-725-0883.