



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 22, 2020

TIME: 8:25 AM

WSR 20-15-149

Agency: Department of Social and Health Services, Office of the Secretary

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) July 23, 2020

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: The department is filing this first extension of its emergency rule at WSR 20-08-049, that was effective March 25, 2020, and expires on July 23, 2020, in response to the public health crisis created by the COVID-19 virus (commonly referred to as the "Coronavirus"). The extended emergency rule allows electronic filing and electronic distribution of notices and orders to the office of administrative hearings via email by striking the email prohibition, adding a provision for email filing with the Office of Administrative Hearings, and adding clarifying language. DSHS is actively undertaking the appropriate procedures to adopt the rule as a permanent rule, and filed a CR-101 Preproposal Statement of Inquiry as WSR 20-15-061 on July 10, 2020.

Citation of rules affected by this order:

- New: None
- Repealed: None
- Amended: WAC 388-02-0075, How does a party file documents?
- Suspended: None

Statutory authority for adoption: RCW 43.17.060, RCW 43.20A.550, RCW 34.05.020, RCW 34.05.350

Other authority: Proclamation by the Governor 20-05

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: To protect public health, safety, and welfare there is an emergent need to allow electronic filing and electronic distribution of notices and orders to the Office of Administrative Hearings supporting "social distancing" due to the public health crisis created by the COVID-19 virus (commonly referred to as the "Coronavirus"), and associated state of emergency in all Washington counties as proclaimed by Governor Inslee's "Proclamation by the Governor 20-05." The Office of Administrative Hearings has issued "Temporary Emergency Policy and Procedures" authorizing electronic filings for the DSHS, HCA and DCYF caseloads, effective March 25, 2020. Instructions for using secure email filing are available at www.oah.wa.gov.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New ____ Amended ____ Repealed ____

The number of sections adopted on the agency's own initiative:

New ____ Amended 1 Repealed ____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New ____ Amended 1 Repealed ____

The number of sections adopted using:

Negotiated rule making:	New	____	Amended	____	Repealed	____
Pilot rule making:	New	____	Amended	____	Repealed	____
Other alternative rule making:	New	____	Amended	<u>1</u>	Repealed	____

Date Adopted: July 15, 2020

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



AMENDATORY SECTION (Amending WSR 00-18-059, filed 9/1/00, effective 10/2/00)

WAC 388-02-0075 How does a party file documents? (1) A party may file documents by delivering them to OAH or BOA by:

- (a) Personal service (hand delivery);
- (b) First class, registered, or certified mail;
- (c) Fax transmission if the party mails a copy of the document the same day;
- (d) Commercial delivery service; or
- (e) Legal messenger service.

(2) ((A)) Any party ((cannot)) may file documents with OAH by secure email. The BOA does not accept electronic submission except by fax.