



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: November 06, 2020

TIME: 10:47 AM

WSR 20-23-014

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

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) November 20, 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 subsequent emergency rule 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. The department has completed the appropriate procedures to adopt the rule as a permanent rule. The CR-102 Proposed Rule Making was posted at WSR 20-19-148 on September 23, 2020; the public hearing was held on October 27, 2020; the CR-103 Rule-Making Order was filed as WSR 20-22-096 on November 3, 2020; and the permanent rule will take effect on December 4, 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- Repealed: None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: November 6, 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.