



EXPEDITED RULE MAKING

CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: September 04, 2018

TIME: 10:51 AM

WSR 18-18-082

Agency: Department of Social and Health Services, Services and Enterprise Support Administration

Title of rule and other identifying information: (describe subject) The department is amending WAC 388-01-020 "How is DSHS organized?", 388-01-030 "What public records are available?", and WAC 388-01-060 "How may an individual request a public record? ".

Purpose of the proposal and its anticipated effects, including any changes in existing rules: These changes update an outdated hyperlink and correct two typographical errors.

Reasons supporting proposal: These changes are needed to clarify rule language.

Statutory authority for adoption: Chapter 42.56 RCW

Statute being implemented:

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|----------------------------------------|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

Name of proponent: (person or organization) Department of Social and Health Services

- Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting: Natasha House, DSHS Public Records Officer	PO Box 45135, Olympia WA 98504	360-902-7649
Implementation: Natasha House, DSHS Public Records Officer	PO Box 45135, Olympia WA 98504	360-902-7649
Enforcement: Natasha House, DSHS Public Records Officer	PO Box 45135, Olympia WA 98504	360-902-7649

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4):

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

Name: DSHS Rules Coordinator

Agency: Department of Social and Health Services

Address: PO Box 45850
Olympia, WA 98504

Phone: 360-664-6097

Fax: 360-664-6185

Email: DSHSRPAURulesCoordinator@dshs.wa.gov

Other:

AND RECEIVED BY (date) 5:00 p.m. November 5, 2018

Date: August 29, 2018

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



AMENDATORY SECTION (Amending WSR 18-05-021, filed 2/9/18, effective 3/12/18)

WAC 388-01-020 How is DSHS organized? (1) DSHS's current organizational structure can be located at the following link: (~~https://www.dshs.wa.gov/strategic-planning/organizational-chart~~) <https://www.dshs.wa.gov/office-of-the-secretary/organizational-chart>.

(2) You may also request organizational charts by writing to:

DSHS, office of the secretary
P.O. Box 45010
Olympia, WA 98504-5010.

AMENDATORY SECTION (Amending WSR 18-05-021, filed 2/9/18, effective 3/12/18)

WAC 388-01-030 What public records are available? (1) DSHS prepares and keeps public records that relate to the programs it administers. All records DSHS uses to conduct business are public records.

DSHS public records may include documents, audio and video recordings, pictures, email, computer disks, and electronic data.

(2) DSHS public records are available to the public unless a law exempts them from disclosure. Some DSHS records are confidential and not available to everyone. Records exempt from public disclosure are listed under chapter 42.56 RCW, (~~{WAC 388-01-020,}~~) WAC 388-01-120, and other federal and state laws applicable to DSHS.

(3) Clients, or someone authorized to act for a client, may access confidential records about the client that are exempt from disclosure to the public unless specifically prohibited by law.

(4) Upon request, DSHS may provide access to records such as rules, policies, indexes, interpretive statements, pamphlets, forms, and other publications at cost under WAC 388-01-180 without using the public records request process.

AMENDATORY SECTION (Amending WSR 18-05-021, filed 2/9/18, effective 3/12/18)

WAC 388-01-060 How may an individual request a public record?

(1) An individual may request a public record orally or in writing. DSHS prefers that all public record requests be in writing on the "request for DSHS records" form, DSHS 17-041(X). Individuals may locate this form on the DSHS website at <https://www.dshs.wa.gov/fsa/forms> or request it from:

DSHS public records officer
Services and enterprise support administration
Information governance unit
P.O. Box 45135
Olympia, WA 98504-5135
Telephone: (360) 902-8484
Fax: (360) 902-7855

Email: DSHSPublicDisclosure@dshs.wa.gov.

(2) If an individual does not use the DSHS form, the written public record request should include the following information:

(a) The requester's name, organization, mailing address, telephone number, fax number, and email address;

(b) The date of the request;

(c) A detailed description of the identifiable public record being requested;

(d) The email or mailing address where DSHS should send copies of the records, or if the requester wants to inspect the record at DSHS; and

(e) The requester's signature.

(3) An individual may fill out a record request at a DSHS office or send it by regular mail, email, or fax to the public records officer listed in WAC 388-01-050.

(4) Requests by third parties for confidential client records must be accompanied by a valid authorization as set forth in WAC 388-01-150.

(5) DSHS may ask an individual requesting a public record for personal identification when the law makes a record disclosable to a specific person.

(6) DSHS may deny a "bot" request, which is one of multiple requests from a requester within a twenty-four (~~{hour}~~) hour period, if responding to multiple requests would cause excessive interference with other essential DSHS functions.