



RULE MAKING ORDER
(RCW 34.05.360)

CR-103 (07/10/97)

Agency: Department of Corrections

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of Adoption:
July 14, 1998

(2) Purpose:

To establish procedures necessary for assuring effective communication required between health officials and correctional and jail administrators in the event of substantial exposure to the bodily fluids of an offender or detainee in the course of official duties.

(3) Citation of Rules Affected by this order:

Repealed:
Amended:
Suspended:

(4) Statutory authority for adoption: RCW 70.24.107
Other Authority:

PERMANENT RULE ONLY (including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 98-02-074 on 1/7/1998 (date).
Describe any changes other than editing from proposed to adopted version:
Proposed WAC 137-100-040 was not adopted. The Department does not have this authority. WAC sections have been renumbered to reflect the Department's repeal of WAC 137-100-001, 137-100-010, 137-100-020, and 137-100-030 filed November 26, 1997.

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) 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.
- (b) 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:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date).

(5.3) Any other findings required by other provisions of law as precondition to adoption of effectiveness of rule?

Yes No If Yes, explain:

(6) Effective date of rule:

Permanent Rules **Emergency Rules**

or Expedited Repeal

- 31 days after filing Immediately
- Other (specify) _____* Later (specify)

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

NAME (TYPE OR PRINT)

Joseph D. Lehman

SIGNATURE

TITLE

Secretary

DATE

7/14/98

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JUL 16 1998

TIME 11:13 AM

WSR 98-15-084 PM

**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 _____

*(current calendar year)

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 _____ Repealed _____

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

New _____ Amended _____ 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 _____	Repealed _____

Chapter 137-100 WAC

OCCUPATIONAL EXPOSURE TO HUMAN IMMUNOCDEFICIENCY VIRUS (HIV)

NEW SECTION

WAC 137-100-002 Purpose. The purpose of this chapter shall be to insure coordination of the provisions of SHB1605, RCW 70.24.105, RCW 70.24.340, RCW 70.24.370 and chapter 72.09 RCW by the department of corrections and the department of health.

NEW SECTION

WAC 137-100-011 Definitions. The following definitions shall apply in interpreting this chapter:

- (1) Correctional staff member means a department of corrections employee, an individual providing services under contract to the department, and volunteers.
- (2) Department means the department of corrections.

NEW SECTION

WAC 137-100-021 Medical Records Available. The department will make available an offenders sexually transmitted disease status to any correctional staff member who has experienced a substantial exposure by that offender. Should such records be nondiscloseable, the department shall advise the correctional staff member of the process to receive that information. This process shall be facilitated by the health care manager or infection control coordinator.

NEW SECTION

WAC 137-100-031 Request for records - by correctional staff members. A request for test results shall be made in writing. At a minimum, the request shall include:

- (1) Name of the person requesting the record;
- (2) Nature of the exposure, including date and time;
- (3) Name of the offender; and
- (4) DOC number of the offender, if known.

The request shall be accompanied by a copy of the report of personal injury (form DOC 3-133) and a post-exposure incident report (DOC form 3-184) outlining the circumstances and results of the exposure incident.