

Chapter 137-150 WAC

ACCESS TO MENTAL HEALTH RECORDS

Reviser's note: The following chapter has not been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was filed in the code reviser's office and was published in the Washington State Register. It is published in the Washington Administrative Code exactly as filed by the agency with history notes added by code reviser's office.

WAC

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WAC 137-150-010 Purpose. The purpose of these rules is to set forth the department's responsibilities with regard to mental health information released in accordance with WAC 388-865-0610 et. seq. [Statutory Authority RCW 71.34.225 and 71.05.445]

[WSR 01-17-004, § 137-150-010, filed 8/1/01, effective 9/1/01.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.

Reviser's note: Under RCW 34.05.030 (1)(c), as amended by section 103, chapter 288, Laws of 1988, the above section was not adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was published in the Washington State Register and codified into the Washington Administrative Code exactly as shown by the agency filing with history notes added by the code reviser's office.

WAC 137-150-020 Definitions. (1) "Agency" means the department of corrections.

(2) "DOC" or "Department" means the department of corrections.

[WSR 01-17-004, § 137-150-020, filed 8/1/01, effective 9/1/01.]

Reviser's note: Under RCW 34.05.030 (1)(c), as amended by section 103, chapter 288, Laws of 1988, the above section was not adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was published in the Washington State Register and codified into the Washington Administrative Code exactly as shown by the agency filing with history notes added by the code reviser's office.

WAC 137-150-030 Notification. The department shall notify individuals under its jurisdiction of the provisions of RCW 71.34.225 and 71.05.445 in the following manner:

(1) Individuals entering the DOC system on or after the effective date of this rule, will receive written notification of the right of the department to access mental health records upon intake into the DOC system.

(2) Individuals under the jurisdiction of the department in a prison setting on the effective date of this rule will receive notification of the right of the department to access mental health records via a posting on the facility bulletin board consistent with written agency policy and procedures.

(3) All other individuals currently under active supervision of the department on the effective date of this rule will receive written notification of the department's right to access their mental health records in the form of a mailing to their address.

(8/1/01)

[WSR 01-17-004, § 137-150-030, filed 8/1/01, effective 9/1/01.]

Reviser's note: Under RCW 34.05.030 (1)(c), as amended by section 103, chapter 288, Laws of 1988, the above section was not adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was published in the Washington State Register and codified into the Washington Administrative Code exactly as shown by the agency filing with history notes added by the code reviser's office.

WAC 137-150-040 Confidentiality. The information received by the department shall remain confidential and subject to the limitations on disclosure outlined in chapter 71.05 RCW and chapter 71.34 RCW except:

(1) The department may release the information to the indeterminate sentence review board as relevant to carry out its responsibility of planning and ensuring community protection with respect to persons under its jurisdiction.

(2) The department may use the information to meet its statutory duties to provide evidence or report to the court.

(3) The department may release the information to other state and local agencies as relevant to plan for and provide offenders transition, treatment, and supervision services, or as relevant and necessary to protect the public and counteract the danger created by a particular offender, and in a manner consistent with written agency policy.

(4) The department may release the information to individuals only with respect to offenders who have been determined by the department to have a high risk of reoffending by a risk assessment, as defined in RCW 9.94A.030, only as relevant and necessary for those individuals to take reasonable steps for the purpose of self-protection, or as provided in RCW 72.09.370(2).

[WSR 01-17-004, § 137-150-040, filed 8/1/01, effective 9/1/01.]

Reviser's note: Under RCW 34.05.030 (1)(c), as amended by section 103, chapter 288, Laws of 1988, the above section was not adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was published in the Washington State Register and codified into the Washington Administrative Code exactly as shown by the agency filing with history notes added by the code reviser's office.