

WAC 388-880-044 Resident records—Access. (1) Resident records disclosure requirements and conditions.

(a) Per RCW 71.09.080, SCC must keep resident records detailing all medical, expert, and professional care and treatment received by an SCC resident, and must keep copies of all reports of periodic examinations made pursuant to the resident's detainment and/or civil commitment.

(b) Per RCW 71.09.080(2), access to resident medical and clinical records by persons other than department employees or parties representing the department is limited to the following:

(i) Upon request only to:

(A) The resident;

(B) The resident's attorney;

(C) The resident's legal guardian, guardian ad litem or other personal representative properly authorized, in writing, by the resident;

(D) The prosecuting attorney/attorney general;

(E) The court;

(F) A protection and advocacy agency when authorized by law; or

(G) An expert or professional person who, upon proper showing, demonstrates a need for access to such records.

(ii) Upon documented request by a resident, the SCC shall provide the resident supervised access to all clinical and medical records and reports, or to redacted copies thereof, related to the resident's commitment, control, care and treatment. SCC may reasonably limit conditions, frequency and duration of the resident's access to his or her records and reports.

(A) The resident must review the aforementioned documents in person, at the facility where he or she resides.

(B) The resident may purchase copies of these documents through the SCC public records disclosure process described in WAC 388-880-150.

(iii) All other parties requesting resident records must have the signed authorization of the resident or be the resident's personal representative, or obtain a court order. For these records, SCC will charge copying fees per WAC 388-880-150 and 388-880-151.

(2) Inventories of resident personal property.

(a) SCC is required by RCW 71.09.080(3) to make available for inspection, by a "responsible relative" of the resident, a copy of the resident's personal property inventory which has been signed by the staff members who conducted the inventory; unless the resident has specifically imposed a limitation on the release of this information in advance of the request.

(b) SCC will not disclose the contents of the inventory to other persons without authorization of the resident or order of the court.

(c) A copy of the resident's current inventory shall be provided to him or her at no cost whenever a new inventory has been completed.

(3) A policy on access to resident records shall be maintained and published to residents of the SCC.

[Statutory Authority: Chapter 71.09 RCW and RCW 72.01.090. WSR 10-13-130, § 388-880-044, filed 6/22/10, effective 7/23/10. Statutory Authority: RCW 71.09.040(4). WSR 03-23-022, § 388-880-044, filed 11/10/03, effective 12/11/03. Statutory Authority: Chapter 71.09 RCW, 2000 c 44, 2001 c 286. WSR 02-02-054, § 388-880-044, filed 12/27/01, effective 1/27/02.]