

**Chapter 388-885 WAC**  
**CIVIL COMMITMENT COST REIMBURSEMENT**  
(Formerly chapter 275-156 WAC)

Last Update: 5/4/11

**WAC**

388-885-005	Purpose.
388-885-010	Definitions.
388-885-013	Limitations on reimbursement costs related to expert evaluations.
388-885-015	Limitation of funds.
388-885-016	Matters for which reimbursement is not available.
388-885-020	Maximum allowable reimbursement for civil commitment cost.
388-885-025	Billing procedure.
388-885-030	Exceptions.
388-885-035	Reimbursement rate schedule.
388-885-040	Audits.

**WAC 388-885-005 Purpose.** These rules establish the standards and procedures for reimbursing counties for the cost incurred during civil commitment trial, annual evaluation, and review processes and release procedures related to chapter 71.09 RCW and apply to reimbursement for defense and prosecution activities.

These rules further establish reasonable limitations on expert expenditures when the state fund an expert for the prosecution, or defense for persons found indigent subject to chapter 71.09 RCW.

The department's reimbursement to counties is limited to appropriated funds and is intended to minimize primary or direct costs to counties for proceedings and related to civil commitment of sexually violent predators.

Indirect costs and costs incurred in excess of or different from those allowed by the itemized schedule of reimbursements as described in WAC 388-885-035 are the responsibility of the county.

These rules are intended as a limitation on the department's duty to reimburse the county or vendor for services rendered in cases under chapter 71.09 RCW and do not seek to limit the courts' or parties' consideration of or application for other sources of funding.

[Statutory Authority: Chapter 71.09 RCW, RCW 72.01.090, 2010 c 28, 2010 c 37, and Washington state supreme court decision No. 80570-9 re Detention of John L. Strand, filed October 8, 2009.11-10-086, § 388-885-005, filed 5/4/11, effective 6/4/11. Statutory Authority: Chapter 71.09 RCW and RCW 72.01.090. WSR 08-19-042, § 388-885-005, filed 9/11/08, effective 10/12/08. WSR 99-21-002, recodified as § 388-885-005, filed 10/6/99, effective 10/6/99. Statutory Authority: RCW 43.20A.050. WSR 91-21-027 (Order 3263), § 275-156-005, filed 10/8/91, effective 11/8/91.]

**WAC 388-885-010 Definitions.** (1) "Attorney cost" means the fully documented itemized hourly cost directly related to the violent sexual predator civil commitment process for:

- (a) A single assigned prosecuting attorney;
- (b) When the person is indigent, a single court-appointed attorney;
- (c) Additional counsel, for the defense or prosecution, when additional defense counsel is approved by the trial judge for good cause; and
- (d) Paralegal services and other costs, itemized based on a schedule of reimbursements as described in WAC 388-885-035.

(2) "Civil commitment process" as used in this chapter refers to the following distinct phases of chapter 71.09 RCW commitments and for a period encompassing the ninety days before the phases denominated in subsections (d) and (e) of this section.

(a) Investigation and preparation of an RCW 71.09.030 filing (by the prosecution only).

(b) Completion of a seventy-two hour probable cause hearing under RCW 71.09.040.

(c) Completion of an initial civil commitment trial under RCW 71.09.060.

(d) Completion of annual review proceedings under RCW 71.09.090 which commences with the filing of an annual review report under RCW 71.09.070 and ends with a waiver of a show cause hearing by the resident or completion of the show cause hearing.

(e) Completion of a post-commitment conditional or unconditional release trial under RCW 71.09.090.

(3) "Department" means the department of social and health services.

(4) "Deposition" means the legal fact finding interview of a person under force of subpoena or by agreement of the parties.

(5) "Evaluation(s)" means the different types of evaluations that occur related to a person's commitment or detention under chapter 71.09 RCW are as follows:

(a) The "initial evaluation performed by the state" occurs under RCW 71.09.025 and happens before the person is detained at the SCC, usually occurring while the person is in prison, juvenile rehabilitation administration (JRA), a state mental hospital, a county jail, or in the community following commission of a recent overt act.

(b) The "initial evaluation performed by the defense" occurs under RCW 71.09.050 and occurs when authorized by the court.

(c) "Supplemental evaluations", as required by RCW 71.09.040, are performed for civil commitment trial purposes after a court finding of probable cause.

(d) "Post commitment evaluations", as required by RCW 71.09.070, 71.09.090, and 71.09.098, occur when the person qualifies for a conditional or unconditional release trial.

(e) "Partial evaluations performed by the defense" means an evaluation performed by the same evaluator less than twelve months after performing an initial evaluation or post commitment evaluation.

(f) Upon proper application to the court for appointment of counsel to aid in seeking conditional or unconditional release pursuant to RCW 71.09.090(2).

(6) "Evaluation by expert cost" is as described in WAC 388-885-013.

(7) "Incidental cost" means county-incurred efforts or costs that are not otherwise covered and are exclusively attributable and necessary to the trial of a person alleged to be a "sexually violent predator."

(8) "Investigative cost" means a cost incurred by a police agency or other investigative service in the course of investigating issues specific to:

(a) Filing or responding to a petition alleging a person is a "sexually violent predator;" or

(b) Testifying at a hearing to determine if a person is a "sexually violent predator."

(9) "Medical cost" means a county-incurred extraordinary medical expense beyond the routine services of a jail.

(10) "Secretary" means the secretary of the department of social and health services.

(11) "Transportation cost" means the cost a county incurs when transporting a person alleged to be, or having been found to be, a "sexually violent predator," to and from his or her place of confinement.

(12) "Trial cost" means the costs a county incurs as the result of filing a petition for the civil commitment of a person alleged to be a "sexually violent predator" under chapter 71.09 RCW. This cost is limited to fees for:

- (a) Judges;
- (b) Court clerks;
- (c) Bailiff services;
- (d) Court reporter services;
- (e) Transcript typing and preparation;
- (f) Expert and nonexpert witnesses;
- (g) Juries; and
- (h) Jail facilities.

(13) "Supporting expert cost" means the cost of a specific physical or specialty testing done by other experts at the request of the single expert for the state or defense if such testing is normally relied on by the professional community in conducting an evaluation.

[Statutory Authority: Chapter 71.09 RCW, RCW 72.01.090, 2010 c 28, 2010 c 37, and Washington state supreme court decision No. 80570-9 re Detention of John L. Strand, filed October 8, 2009. WSR 11-10-086, § 388-885-010, filed 5/4/11, effective 6/4/11. Statutory Authority: Chapter 71.09 RCW and RCW 72.01.090. WSR 08-19-042, § 388-885-010, filed 9/11/08, effective 10/12/08. WSR 99-21-002, recodified as § 388-885-010, filed 10/6/99, effective 10/6/99. Statutory Authority: RCW 71.09.050 and 43.20A.050. WSR 94-12-006 (Order 3736), § 275-156-010, filed 5/19/94, effective 6/19/94. Statutory Authority: Chapter 71.09 RCW. WSR 92-18-037 (Order 3447), § 275-156-010, filed 8/27/92, effective 9/27/92. Statutory Authority: RCW 43.20A.050. WSR 91-21-027 (Order 3263), § 275-156-010, filed 10/8/91, effective 11/8/91.]

**WAC 388-885-013 Limitations on reimbursement costs related to expert evaluations.**

(1) "Expert evaluation cost" means the cost of a professional psychiatric and/or psychological evaluation of a person for purposes of assessing and/or rendering an opinion about whether such person meets the criteria for commitment, release, or conditional release in the civil commitment process under chapter 71.09 RCW. The department will pay for the cost of only a single professional at each stage of the civil commitment process for the prosecution. The department will pay the cost of a single professional at each stage of the civil commitment process for the defense. Whenever possible the same expert or professional previously used in an earlier stage of the process will be used for a subsequent stage of the civil commitment process.

(2) "Supporting expert cost" means the cost of a specific physical or specialty testing done by other experts at the request of the single expert for the state or defense if such testing is normally relied on by the professional community in conducting an evaluation and ordered by the court for good cause shown. Such costs are payable as

incidental costs and are not included in the limitations imposed by WAC 388-885-035.

(3) The department will reimburse a county for costs related to the evaluation of an indigent person by an additional examiner only upon a finding by the superior court that such appointment is for good cause.

(a) The department shall be provided notice of any request and have an opportunity to respond in writing and to be heard at a hearing to determine good cause for expert funding in excess of amounts allowed in WAC 388-885-035. Such a notice and request shall not be shared with the prosecuting agency, nor shall the pleadings, contents and results of the hearing be shared with the prosecuting agency.

(b) If the respondent makes a claim of privilege regarding the information to be provided to support the finding of good cause the court may order that records supporting the determination of good cause be produced in camera for determination of the applicability of any claims of privilege and to decide the issue of good cause.

(c) Any claim of privilege made to the information covered herein is not waived by providing the documentation to DSHS. If a claim of privilege is made to documents to be provided to DSHS the defense may request a sealing order prior to providing the documents in order to maintain the privilege.

(d) Prior to any release of such documents or information to any other person, agency, or party, the department will notify the attorney of record for the respondent involved and provide a reasonable time for review and application for a court order preventing the proposed release.

(e) In making its finding of good cause the superior court shall consider and issue written findings on whether:

(i) Any previous expert(s) appointed to assist the indigent person lack expertise to address a new area of concern;

(ii) The request for an additional expert is being requested merely because the opinion of a prior expert was not favorable to respondent's position;

(iii) The request is being made for the purpose of delaying the proceeding; or

(iv) The previously appointed expert is unavailable for testimony at trial.

(4) The department will not reimburse a county for expert evaluation costs if:

(a) The appointed expert lacks appropriate qualifications under WAC 388-880-033;

(b) For any charges related to an expert's international travel to or from a destination outside of North America, including but not limited to, airfare, meals, hourly rates, and accommodations;

(c) For an updated evaluation where the prior evaluation is less than twelve months old; or

(d) Evaluator costs associated with mental health or sex offender treatment services rendered to person committed or detained under chapter 71.09 RCW.

[Statutory Authority: Chapter 71.09 RCW, RCW 72.01.090, 2010 c 28, 2010 c 37, and Washington state supreme court decision No. 80570-9 re Detention of John L. Strand, filed October 8, 2009. WSR 11-10-086, § 388-885-013, filed 5/4/11, effective 6/4/11. Statutory Authority: Chapter 71.09 RCW and RCW 72.01.090. WSR 08-19-042, § 388-885-013, filed 9/11/08, effective 10/12/08.]

**WAC 388-885-015 Limitation of funds.** The department shall:

- (1) Reimburse funds to a county when appropriated funds are available;
- (2) Limit a county's reimbursement to costs of civil commitment proceedings as defined in WAC 388-885-010(2);
- (3) Restrict a county's reimbursement to documented investigation, expert evaluation, attorney, transportation, trial, incidental, and medical costs;
- (4) Not reimburse a county for a cost under the rules of this section when said cost is otherwise reimbursable under law;
- (5) Pay a county's claim for a trial or hearing occurring during each biennium in the order in which the claim is received, until the department's biennial appropriation is expended.

[Statutory Authority: Chapter 71.09 RCW, RCW 72.01.090, 2010 c 28, 2010 c 37, and Washington state supreme court decision No. 80570-9 re Detention of John L. Strand, filed October 8, 2009. WSR 11-10-086, § 388-885-015, filed 5/4/11, effective 6/4/11. Statutory Authority: Chapter 71.09 RCW and RCW 72.01.090. WSR 08-19-042, § 388-885-015, filed 9/11/08, effective 10/12/08. WSR 99-21-002, recodified as § 388-885-015, filed 10/6/99, effective 10/6/99. Statutory Authority: RCW 71.09.050 and 43.20A.050. WSR 94-12-006 (Order 3736), § 275-156-015, filed 5/19/94, effective 6/19/94. Statutory Authority: RCW 43.20A.050. WSR 91-21-027 (Order 3263), § 275-156-015, filed 10/8/91, effective 11/8/91.]

**WAC 388-885-016 Matters for which reimbursement is not available.** The department will not reimburse under chapter 388-885 WAC for the costs of the following:

- (1) Investigation or legal representation challenging the conditions of confinement at SCC.
- (2) Investigation, legal representation, or reimbursement for the costs of making requests under the Public Records Act, chapter 42.56 RCW, and for the costs of records procured subject to the Public Records Act.
- (3) Legal representation or advice provided regarding a grievance filed pursuant to SCC policy 204, unless provided as a part of SVP trial investigation and preparation under WAC 388-885-010 (2)(d) and (e).
- (4) Legal representation or advice provided regarding a behavioral management report pursuant to SCC policy 235 or 238, unless provided as a part of SVP trial investigation and preparation under WAC 388-885-010 (2)(d) and (e).
- (5) Investigation, legal representation, advice and associated costs regarding residents as defined in WAC 388-885-010 who have been criminally charged, unless provided as a part of SVP trial investigation and preparation under WAC 388-885-010 (2)(d) and (e).
- (6) Depositions conducted without a subpoena or by agreement of counsel, unless authorized by the court.
- (7) A new full evaluation of a resident when the evaluator has previously conducted a full evaluation of the same person within the past twelve months, unless authorized by the court.
- (8) After the appeal of the initial commitment proceeding, the department will not reimburse for appeal costs, the department does not pay for the costs associated with the appeal of the order of com-

mitment or an appeal resulting from any proceeding thereafter. These costs are reimbursed by the State Office of Public Defense.

(9) Costs associated with finding or developing a different less restrictive alternative other than what the department supports, unless authorized by the court for good cause.

(10) Any form of training for attorneys, expert witnesses, or other persons including continuing legal education or workshops.

(11) Legal representation during a period not covered as part of the civil commitment process as defined in WAC 388-885-010(2).

(12) For expert evaluation services performed by any party who does not qualify as a "professionally qualified person" WAC 388-880-010.

(13) For mental health or sex offender treatment provider services, treatment or consultation rendered to a resident at the total confinement facility or a secure community transition facility or other less restrictive alternative setting by anyone licensed under title 18 RCW unless approved in advance, in writing, by the SCC superintendent.

(14) For the presence of more than a single attorney at any evaluation or interview unless the presence of a second attorney is specifically authorized by order of the court.

(15) Standby attorneys for pro se litigants are compensated only in so far as allowed for specific activities set forth in the court order which appointed them and for reimbursement purposes, that appointment may only be for matters defined in WAC 388-885-010(2) "civil commitment process."

[Statutory Authority: Chapter 71.09 RCW, RCW 72.01.090, 2010 c 28, 2010 c 37, and Washington state supreme court decision No. 80570-9 re Detention of John L. Strand, filed October 8, 2009. WSR 11-10-086, § 388-885-016, filed 5/4/11, effective 6/4/11.]

**WAC 388-885-020 Maximum allowable reimbursement for civil commitment cost.** (1) The department shall reimburse a county for actual costs incurred up to the maximum allowable rate as specified in a biennial reimbursement rate schedule created and maintained by the department and approved by the legislature for reimbursement rates and expenses authorized under this chapter.

(2) The reimbursement schedule shall be developed and reviewed by the department for adequacy each biennium.

(a) In developing the reimbursement schedule, the special commitment center will accept input and comment from the public and counties in the form of written substantive documented evidence that reflects a need to change the reimbursement rates found in WAC 388-885-035.

(b) Substantive evidence may be submitted to the special commitment center during the month of June on even numbered years.

(c) Evidence of need should be sent to: DSHS Special Commitment Center, Attn: Chief Financial Officer, P.O. Box 88450, Steilacoom, WA 98388-0646.

(d) Evidence of need will be compiled and reviewed for reimbursement rate change consideration and budget proposal recommendations.

(3) A revised reimbursement schedule shall be presented for legislative review each biennial year as part of the budget proposal for the special commitment center.

(4) When the reimbursement schedule or the related budget is approved by the legislature:

(a) The reimbursement schedule rates found in WAC 388-885-035 will be updated;

(b) A notice of the revised reimbursement rates will be published by the department and sent to each county sheriff, superior court administrator, public defender and prosecutor's office; and

(c) The reimbursement schedule shall be included in any memorandum of understanding, contract, or other document related to reimbursements under this rule which may be communicated by the special commitment center, or entered into between the special commitment center and the counties.

(5) Included in the reimbursement schedule shall be rates for:

(a) Attorney fees;

(b) Legal assistant/paralegal;

(c) Evaluation by expert costs, reimbursable according to the nature of the work performed;

(d) Trial costs, to include the trial judge, court reporters, bailiff, court clerk, transcript preparation services, and compensation for nonexpert witnesses and jurors;

(e) Investigative services;

(f) Medical costs; and

(g) Jail costs.

(6) Travel costs and per diem shall be reimbursed for investigators, attorneys, judges, legal assistant/paralegal, expert evaluators, nonexpert witnesses, jurors, and transporting staff. Reimbursement rates shall be in accordance with applicable state law and state travel policy.

(7) With the submission of an itemized invoice, attorneys and expert evaluators and expert witnesses may also be reimbursed for reasonable time spent in travel.

[Statutory Authority: Chapter 71.09 RCW and RCW 72.01.090. WSR 08-19-042, § 388-885-020, filed 9/11/08, effective 10/12/08. WSR 99-21-002, recodified as § 388-885-020, filed 10/6/99, effective 10/6/99. Statutory Authority: RCW 71.09.050 and 43.20A.050. WSR 94-12-006 (Order 3736), § 275-156-020, filed 5/19/94, effective 6/19/94. Statutory Authority: Chapter 71.09 RCW. WSR 92-18-037 (Order 3447), § 275-156-020, filed 8/27/92, effective 9/27/92. Statutory Authority: RCW 43.20A.050. WSR 91-21-027 (Order 3263), § 275-156-020, filed 10/8/91, effective 11/8/91.]

**WAC 388-885-025 Billing procedure.** (1) When a county requests the department reimburse a county's costs, the county shall:

(a) Make a claim using the state of Washington invoice voucher, Form A 19 1-A;

(b) Attach to the claim necessary documentation, support, and justification materials;

(c) Comply with the department's required use of an auditable, itemized, detailed invoice billed in no more than a one-tenth of an hour increment. Records supporting the billed hours shall be maintained by attorneys, paralegals, investigators and experts for a period of five years after the service is rendered. Such documentation shall include what documents were created, if interviews were conducted, who was interviewed and how;

(d) In the event of a dispute over billed services, produce in camera the records supporting the billed hours to the court for determination of the applicability of any claims of privilege to the re-

cords and to decide the issue of payments if the claim of privilege is sustained; and

(e) Include in the invoice the name of the person by whom the costs were incurred and the cause number, when it exists, and identify at which state of the civil commitment process this service was rendered per WAC 388-885-010(2).

(2) The department may subject a county's claim documentation to periodic audit at the department's discretion.

(3) Only an authorized administrator, or the county administrator's designee, may submit to the department a request for a county's cost reimbursement.

(4) A county shall submit a reimbursement claim to the department within thirty days of receipt of itemized expenditures for services incurred to assure proper handling of the claim.

(5) When a county submits a reimbursement claim on a state invoice voucher (Form A-19 1-A) sent to the Special Commitment Center, Attn: Business Office, P.O. Box 88450, Steilacoom, WA 98388-0646.

(6) If the department's reimbursement appropriation becomes exhausted before the end of a biennium, a county may continue to make a claim for reimbursement. The department may use the reimbursement claim to justify a request for adequate department funding during future biennia.

(7) Claims for reimbursement of costs for all items as defined in WAC 388-885-010 or otherwise associated with the subject of this rule will not be accepted if the span of time between the time the services were rendered and the bill was submitted is greater than twelve months.

(8) When the reimbursement fee schedule in WAC 388-885-035 changes following legislative approval there is a transitional period where bills are being received for services rendered before the approved increase to the reimbursement schedule rates, such as, bills received for services rendered shall be paid based on the reimbursement schedule rate that existed at the time services were rendered, not the rate that exists at the time the bill is submitted to SCC.

(9) In submitting bills for reimbursement under this rule, the billing entity agrees to maintain records of their billed services and make those records available for auditing by the department, or other state auditing service, for a period of sixty months following the submission of the bill.

[Statutory Authority: Chapter 71.09 RCW, RCW 72.01.090, 2010 c 28, 2010 c 37, and Washington state supreme court decision No. 80570-9 re Detention of John L. Strand, filed October 8, 2009. WSR 11-10-086, § 388-885-025, filed 5/4/11, effective 6/4/11. Statutory Authority: Chapter 71.09 RCW and RCW 72.01.090. WSR 08-19-042, § 388-885-025, filed 9/11/08, effective 10/12/08. WSR 99-21-002, recodified as § 388-885-025, filed 10/6/99, effective 10/6/99. Statutory Authority: RCW 71.09.050 and 43.20A.050. WSR 94-12-006 (Order 3736), § 275-156-025, filed 5/19/94, effective 6/19/94. Statutory Authority: RCW 43.20A.050. WSR 91-21-027 (Order 3263), § 275-156-025, filed 10/8/91, effective 11/8/91.]

**WAC 388-885-030 Exceptions.** (1) The secretary may grant exceptions to the rules of this chapter. Exceptions the secretary grants may not include exceptions to the biennial reimbursement rate schedule which is set by legislative mandate.



(2) The secretary may allow exceptions on a case-by-case basis for:

(a) Unanticipated expenditures;

(b) Evaluation related cap relief, related to a single commitment proceeding deemed truly unique in nature; or

(c) For a new type or class of expenditure.

(3) Only a county administration or an entity of county government that has been independently elected, and not a sub-agency or contractor to a county may request an exception. A county seeking an exception from the secretary shall request the exception, in writing, to the secretary, through the chief financial officer of the special commitment center.

(4) The department shall deny a claim that does not follow the rules of this chapter unless the secretary or secretary's designee granted an exception before the claim was filed.

[Statutory Authority: Chapter 71.09 RCW, RCW 72.01.090, 2010 c 28, 2010 c 37, and Washington state supreme court decision No. 80570-9 re Detention of John L. Strand, filed October 8, 2009. WSR 11-10-086, § 388-885-030, filed 5/4/11, effective 6/4/11. Statutory Authority: Chapter 71.09 RCW and RCW 72.01.090. WSR 08-19-042, § 388-885-030, filed 9/11/08, effective 10/12/08. WSR 99-21-002, recodified as § 388-885-030, filed 10/6/99, effective 10/6/99. Statutory Authority: RCW 71.09.050 and 43.20A.050. WSR 94-12-006 (Order 3736), § 275-156-030, filed 5/19/94, effective 6/19/94. Statutory Authority: RCW 43.20A.050. WSR 91-21-027 (Order 3263), § 275-156-030, filed 10/8/91, effective 11/8/91.]

**WAC 388-885-035 Reimbursement rate schedule.** When a county submits a reimbursement claim according to this chapter, the claim shall be only for costs incurred as defined in this chapter and for the rates provided in this schedule. This schedule of reimbursement rates is effective as of July 1, 2007.

(1) Attorney per hour rate of eighty-five dollars and sixty-five cents (travel and per diem per state schedule).

(2) Legal assistant/paralegal per hour rate of forty-six dollars (travel and per diem per state schedule).

(3) Investigator per hour rate of forty-six dollars (travel and per diem per state schedule).

(4) Expert service:

(a) Evaluation by expert, the reimbursement for an evaluation, including professional fees, travel, per diem, and all other costs, is capped at ten thousand dollars; and shall be reimbursed at an hourly reimbursement rate of not more than two hundred dollars per hour for evaluation activities including client interviews, document review, report preparations, pretrial discovery activities (including additional document review, compelled interviews and declarations and consultation).

(b) Partial evaluations are capped at five thousand five hundred dollars and shall be reimbursed at an hourly reimbursement rate of not more than two hundred dollars per hour for evaluation activities including client interviews, document review, report preparations, pretrial discovery activities (including additional document review, compelled interviews and declarations and consultation).

(c) Court testimony or depositions by the opposing party, is capped at an hourly reimbursement rate of two hundred fifty dollars per hour or fraction thereof.

(d) Travel time related to court testimony or depositions by the opposing party, is capped at an hourly reimbursement rate of one hundred fifty dollars per hour or fraction thereof.

(e) Exclusive of testimony at trial or depositions, any expert services subsequent to or apart from the evaluation, in addition to the hourly rate caps, is capped at six thousand dollars.

(5) Judge per hour rate of forty-six dollars and five cents.

(6) Court clerk actual hourly salary.

(7) Bailiff actual hourly salary.

(8) Court reporter per hour rate of twenty dollars and seventy-one cents (transcript preparation per page rate of four dollars and thirteen cents).

(9) Expert witnesses' actual cost (travel and per diem per state schedule).

(10) Nonexpert witnesses' actual cost (travel and per diem per state schedule).

(11) Jurors actual compensation (travel and per diem per state schedule).

(12) Jail facilities' daily rate of thirty dollars.

(13) Incidentals - actual costs based on receipts.

[Statutory Authority: Chapter 71.09 RCW, RCW 72.01.090, 2010 c 28, 2010 c 37, and Washington state supreme court decision No. 80570-9 re Detention of John L. Strand, filed October 8, 2009. WSR 11-10-086, § 388-885-035, filed 5/4/11, effective 6/4/11. Statutory Authority: Chapter 71.09 RCW and RCW 72.01.090. WSR 08-19-042, § 388-885-035, filed 9/11/08, effective 10/12/08. WSR 99-21-002, recodified as § 388-885-035, filed 10/6/99, effective 10/6/99. Statutory Authority: RCW 43.20A.050. WSR 91-21-027 (Order 3263), § 275-156-035, filed 10/8/91, effective 11/8/91.]

**WAC 388-885-040 Audits.** The department may audit county reimbursement claims at the department's discretion.

[WSR 99-21-002, recodified as § 388-885-040, filed 10/6/99, effective 10/6/99. Statutory Authority: RCW 43.20A.050. WSR 91-21-027 (Order 3263), § 275-156-040, filed 10/8/91, effective 11/8/91.]