

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.]