



STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS
OFFICE OF ADMINISTRATIVE SERVICES
RULES, CONTRACTS, AND PUBLIC DISCLOSURE

P.O. Box 41114 • Olympia, Washington 98504-1114 • (360) 753-5770

August 1, 2001

Mr. Dennis W. Cooper, Code Reviser
Office of the Code Reviser
Post Office Box 40552
Olympia, Washington 98504-0552

Dear Mr. Cooper:

The enclosed Department of Corrections' rules create a new chapter 137-150 WAC, Access to Mental Health Records. These rules are submitted for publication in the Washington State Register and the Washington Administrative Code. Pertinent information follows:

1. Chapter 137-150 WAC, Access to Mental Health Records is adopted as of August 1, 2001.
2. The effective date of this rule shall be September 1, 2001.
3. I certify pursuant to RCW 34.05.030 that the rule as stated above is excluded from the Administrative Procedure Act.

Please contact me if you have any questions or concerns. Thank you for your assistance.

Sincerely,

Joseph D. Lehman
Secretary

JDL:slp
Enclosure

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"Working Together for SAFE Communities"

New Section

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]

New Section

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

New Section

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.

New Section

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 9A.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).