

Title 275 WAC

DEPARTMENT OF SOCIAL AND HEALTH SERVICES (INSTITUTIONS)

<p>Chapters</p> <p>275-14</p> <p>275-15</p> <p>275-16</p> <p>275-20</p> <p>275-25</p> <p>275-27</p> <p>275-32</p> <p>275-36</p> <p>275-40</p> <p>275-48</p> <p>275-52</p> <p>275-53</p> <p>275-55</p> <p>275-59</p> <p>275-76</p> <p>275-80</p> <p>275-82</p> <p>275-85</p> <p>275-87</p> <p>275-88</p> <p>275-91</p> <p>275-92</p> <p>275-93</p> <p>275-96</p>	<p>Certificate of approval to a drug treatment center.</p> <p>Facilities for treatment of alcoholism.</p> <p>Liability for costs of care and hospitalization of the mentally ill.</p> <p>Costs of care of mentally deficient persons residing in state institutions.</p> <p>County plan for mental health, drug abuse, developmental disabilities, alcoholism.</p> <p>Bureau of developmental disabilities services and home aid resources rules.</p> <p>Special supervision--County juvenile probation programs.</p> <p>Group homes for the mentally and physically handicapped.</p> <p>Annual inspection of all jails and detention facilities by the director of institutions or his designee.</p> <p>Payments to persons released from correctional institutions.</p> <p>Institutional industries commission hearings--Sale of products.</p> <p>Sale of items produced by vocational training students in correctional institutions.</p> <p>Voluntary admission--Involuntary commitment, treatment and/or evaluation of mentally ill persons.</p> <p>Criminally insane person committed to the care of the Department of Social and Health Services--Evaluation, placement, care and discharge.</p> <p>Adult correctional institutions--Detainer.</p> <p>Adult correctional institutions--Visits.</p> <p>Adult correctional institutions--Classification of residents--Administrative segregation.</p> <p>Resident of adult correctional institution escorted leave of absence.</p> <p>Adult correctional institutions--Residents' property.</p> <p>Adult correctional institutions--Discipline.</p> <p>Adult correctional institutions--Medical care--Health care.</p> <p>Adult correctional institutions--Release programs--Work-training.</p> <p>Adult correctional institutions--Release programs--Furlough.</p> <p>Adult correctional institutions--Correspondence and telephone usage.</p>	<p>275-102</p> <p>275-120</p> <p>275-216</p> <p>DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE</p> <p style="text-align: center;">Chapter 275-12</p> <p>IMPLEMENTATION OF THE COMMUNITY MENTAL HEALTH SERVICES ACT</p> <p>275-12-005</p> <p>275-12-010</p> <p>275-12-015</p> <p>275-12-020</p> <p>275-12-021</p> <p>275-12-025</p> <p>275-12-026</p> <p>275-12-030</p> <p>275-12-035</p> <p>275-12-040</p> <p>275-12-045</p>	<p>Adult probation and parole--Interstate compact.</p> <p>Washington soldiers' home and colony--Washington veterans' home.</p> <p>State institutions other than adult correctional institutions--Trial visit to community--Resident needing public assistance.</p> <p>Definitions. [Order 810, § 275-12-005, filed 7/6/73; Order 68-3, § 275-12-005, filed 3/5/68; Emergency Regulation, § 275-12-005, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75. Later Promulgation, see WAC 275-12-220.</p> <p>Annual allocation of funds. [Order 972, § 275-12-010, filed 9/26/74; Order 810, § 275-12-010, filed 7/6/73; Order 68-3, § 275-12-010, filed 3/5/68; Emergency Regulation, § 275-12-010, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75.</p> <p>Formula for allocation of available funds. [Order 810, § 275-12-015, filed 7/6/73; Order 68-3, § 275-12-015, filed 3/5/68; Emergency Regulation, § 275-12-015, filed 1/25/68.] Repealed by Order 972, filed 9/26/74.</p> <p>Submission of county plan. [Order 68-3, § 275-12-020, filed 3/5/68; Emergency Regulation, § 275-12-020, filed 1/25/68.] Repealed by Order 810, filed 7/6/73.</p> <p>Authorization of program. [Order 810, § 275-12-021, filed 7/6/73.] Repealed by Order 1072, filed 12/5/75. Later Promulgation, see WAC 275-12-230.</p> <p>Authorization of program by county commissioners. [Order 68-3, § 275-12-025, filed 3/5/68; Emergency Regulation, § 275-12-025, filed 1/25/68.] Repealed by Order 810, filed 7/6/73.</p> <p>Plan--Submission. [Order 810, § 275-12-026, filed 7/6/73.] Repealed by Order 1072, filed 12/5/75.</p> <p>Appointment of program administrative board. [Order 810, § 275-12-030, filed 7/6/73; Order 68-3, § 275-12-030, filed 3/5/68; Emergency Regulation, § 275-12-030, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75. Later Promulgation, see WAC 275-12-420.</p> <p>Responsibilities of county commissioners. [Order 810, § 275-12-035, filed 7/6/73; Order 68-3, § 275-12-035, filed 3/5/68; Emergency Regulation, § 275-12-035, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75.</p> <p>Evaluation by administrative board. [Order 810, § 275-12-040, filed 7/6/73; Order 68-3, § 275-12-040, filed 3/5/68; Emergency Regulation, § 275-12-040, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75.</p> <p>Administrative provisions. [Order 810, § 275-12-045, filed 7/6/73; Order 68-3, § 275-12-045, filed 3/5/68; Emergency Regulation, § 275-12-045, filed 1/25/68.]</p>
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Title 275 WAC

Title 275 WAC: DSHS (Institutions)

- Repealed by Order 1072, filed 12/5/75. Later Promulgation, see WAC 275-12-280.
- 275-12-050 Reports required by plan. [Order 68-3, § 275-12-050, filed 3/5/68; Emergency Regulation, § 275-12-050, filed 1/25/68.] Repealed by Order 810, filed 7/6/73.
- 275-12-055 Records—Accessibility. [Order 810, § 275-12-055, filed 7/6/73; Order 68-3, § 275-12-055, filed 3/5/68; Emergency Regulation, § 275-12-055, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75.
- 275-12-060 Medical records. [Order 810, § 275-12-060, filed 7/6/73; Order 68-3, § 275-12-060, filed 3/5/68; Emergency Regulation, § 275-12-060, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75.
- 275-12-065 Fiscal control and accounting procedures. [Order 810, § 275-12-065, filed 7/6/73; Order 68-3, § 275-12-065, filed 3/5/68; Emergency Regulation, § 275-12-065, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75.
- 275-12-070 Discrimination prohibited. [Order 810, § 275-12-070, filed 7/6/73; Order 68-3, § 275-12-070, filed 3/5/68; Emergency Regulation, § 275-12-070, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75. Later Promulgation, see WAC 275-12-450.
- 275-12-075 Uniformity in personnel practices. [Order 68-3, § 275-12-075, filed 3/5/68; Emergency Regulation, § 275-12-075, filed 1/25/68.] Repealed by Order 810, filed 7/6/73.
- 275-12-080 Scope and quality of services. [Order 810, § 275-12-080, filed 7/6/73; Order 68-3, § 275-12-080, filed 3/5/68; Emergency Regulation, § 275-12-080, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75.
- 275-12-085 Annual revision. [Order 810, § 275-12-085, filed 7/6/73; Order 68-3, § 275-12-085, filed 3/5/68; Emergency Regulation, § 275-12-085, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75.
- 275-12-090 Inter-county cooperation. [Order 810, § 275-12-090, filed 7/6/73; Order 68-3, § 275-12-090, filed 3/5/68; Emergency Regulation, § 275-12-090, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75. Later Promulgation, see WAC 275-12-460.
- 275-12-095 Supervisor of community mental health and drug abuse services. [Order 810, § 275-12-095, filed 7/6/73; Order 68-3, § 275-12-095, filed 3/5/68; Emergency Regulation, § 275-12-095, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75. Later Promulgation, see WAC 275-12-330.
- 275-12-100 Community mental health program coordinator or administrator. [Order 68-3, § 275-12-100, filed 3/5/68; Emergency Regulation, § 275-12-100, filed 1/25/68.] Repealed by Order 810, filed 7/6/73.
- 275-12-105 Contracts for services. [Order 810, § 275-12-105, filed 7/6/73; Order 68-3, § 275-12-105, filed 3/5/68; Emergency Regulation, § 275-12-105, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75. Later Promulgation, see WAC 275-12-320.
- 275-12-110 Statewide cooperation. [Order 810, § 275-12-110, filed 7/6/73; Order 68-3, § 275-12-110, filed 3/5/68; Emergency Regulation, § 275-12-110, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75.
- 275-12-112 Reports required by plan. [Order 810, § 275-12-112, filed 7/6/73.] Repealed by Order 1072, filed 12/5/75.
- 275-12-115 Expenditures and payments—State share. [Order 810, § 275-12-115, filed 7/6/73; Order 68-3, § 275-12-115, filed 3/5/68; Emergency Regulation, § 275-12-115, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75. Later Promulgation, see WAC 275-12-170.
- 275-12-120 Local share. [Order 810, § 275-12-120, filed 7/6/73; Order 68-3, § 275-12-120, filed 3/5/68; Emergency Regulation, § 275-12-120, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75. Later Promulgation, see WAC 275-12-260.
- 275-12-125 Eligible costs. [Order 810, § 275-12-125, filed 7/6/73; Order 68-3, § 275-12-125, filed 3/5/68; Emergency Regulation, § 275-12-125, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75. Later Promulgation, see WAC 275-12-170.
- 275-12-130 Expenditures and payments—Ineligible costs. [Order 68-3, § 275-12-130, filed 3/5/68; Emergency Regulation, § 275-12-130, filed 1/25/68.] Repealed by Order 810, filed 7/6/73.
- 275-12-135 Application review. [Order 810, § 275-12-135, filed 7/6/73; Order 68-3, § 275-12-135, filed 3/5/68; Emergency Regulation, § 275-12-135, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75.
- 275-12-136 Appeal procedure. [Order 810, § 275-12-136, filed 7/6/73; Order 68-3, § 275-12-136, filed 3/5/68; Emergency Regulation, § 275-12-136, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75. Later Promulgation, see WAC 275-12-310.
- 275-12-200 Appendix I—Mental health service areas. [Order 68-3 (Appendix I), filed 3/5/68.] Repealed by Order 1072, filed 12/5/75.
- 275-12-205 Appendix II—Mental health area priority rating schedule, Table VIII. [Order 68-3 (Appendix II), filed 3/5/68.] Repealed by Order 1072, filed 12/5/75.
- 275-12-210 Purpose. [Order 1072, § 275-12-210, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-220 Definitions. [Order 1072, § 275-12-220, filed 12/5/75. Formerly WAC 275-12-005.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-230 Authorization of program. [Order 1072, § 275-12-230, filed 12/5/75. Formerly WAC 275-12-021.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-240 Eligibility for grants to counties. [Order 1072, § 275-12-240, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-250 Annual allocation of funds. [Order 1072, § 275-12-250, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-260 Local share. [Order 1072, § 275-12-260, filed 12/5/75. Formerly WAC 275-12-120.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-270 Expenditures and payments—State share—Eligible costs. [Order 1072, § 275-12-270, filed 12/5/75. Formerly WAC 275-12-115 and 275-12-125.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-280 Administrative procedures. [Order 1072, § 275-12-280, filed 12/5/75. Formerly WAC 275-12-045.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-290 Review of plans. [Order 1072, § 275-12-290, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-310 Agency appeal procedure. [Order 1072, § 275-12-310, filed 12/5/75. Formerly WAC 275-12-136.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-320 Contracts for services. [Order 1072, § 275-12-320, filed 12/5/75. Formerly WAC 275-12-105.] Repealed by Order 1142, filed 8/12/75. Later Promulgation, see chapter 275-25 WAC.
- 275-12-330 Supervisor of community mental health and drug treatment services. [Order 1072, § 275-12-330, filed 12/5/75. Formerly WAC 275-12-095.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-340 Review of applications for federal funds. [Order 1072, § 275-12-340, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-350 Liability. [Order 1072, § 275-12-350, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-400 Biennial base plan. [Order 1072, § 275-12-400, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

- 275-12-410 Annual plan. [Order 1072, § 275-12-410, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-420 Plan—Appointment of program administrative board. [Order 1072, § 275-12-420, filed 12/5/75. Formerly WAC 275-12-026 and 275-12-030.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-440 Annual plan—Fiscal control and accounting. [Order 1072, § 275-12-440, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-450 Annual plan—Discrimination prohibited. [Order 1072, § 275-12-450, filed 12/5/75. Formerly WAC 275-12-070.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-460 Annual plan—Inter-county cooperation. [Order 1072, § 275-12-460, filed 12/5/75. Formerly WAC 275-12-090.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-470 Revision of plans. [Order 1072, § 275-12-470, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-500 Notification of rights. [Order 1072, § 275-12-500, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-510 Mental health services. [Order 1072, § 275-12-510, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-515 Drug treatment services. [Order 1072, § 275-12-515, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-520 Mental health outpatient service. [Order 1072, § 275-12-520, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-525 Drug treatment outpatient service. [Order 1072, § 275-12-525, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-530 Mental health inpatient service. [Order 1072, § 275-12-530, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-535 Drug treatment inpatient service. [Order 1072, § 275-12-535, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-540 Day treatment service. [Order 1072, § 275-12-540, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-550 Emergency service. [Order 1072, § 275-12-550, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-560 Mental health consultation/education service. [Order 1072, § 275-12-560, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-565 Drug consultation/education service. [Order 1072, § 275-12-565, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-575 Methadone maintenance/detoxification service. [Order 1072, § 275-12-575, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-600 Personnel. [Order 1072, § 275-12-600, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-610 Training. [Order 1072, § 275-12-610, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-620 Mental health physical facility standards. [Order 1072, § 275-12-620, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-625 Drug facility standards. [Order 1072, § 275-12-625, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-630 Client financial participation. [Order 1072, § 275-12-630, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-700 Records—Accessibility. [Order 1072, § 275-12-700, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-710 Medical records. [Order 1072, § 275-12-710, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-720 Mental health records—Content. [Order 1072, § 275-12-720, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-725 Drug treatment records—Content. [Order 1072, § 275-12-725, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-730 Records—Storage. [Order 1072, § 275-12-730, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-740 Records—Consultation/education services. [Order 1072, § 275-12-740, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-750 Records—Extraordinary occurrence. [Order 1072, § 275-12-750, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-800 Admissions—State hospitals. [Order 1072, § 275-12-800, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-12-810 Informing counties of discharge. [Order 1072, § 275-12-810, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

Chapter 275-13

**ALCOHOLISM PROGRAMS—OPERATIONAL PROCEDURES—
PROCEDURES FOR FINANCIAL ASSISTANCE TO COUNTIES**

- 275-13-010 Purpose. [Order 921, § 275-13-010, filed 4/8/74.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-13-020 Definitions. [Order 921, § 275-13-020, filed 4/8/74.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-13-030 Annual allocation of funds. [Order 921, § 275-13-030, filed 4/8/74.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-13-040 Authorization of program. [Order 921, § 275-13-040, filed 4/8/74.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-13-050 Submission of plan. [Order 921, § 275-13-050, filed 4/8/74.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-13-060 Appointment of county alcoholism administrative board. [Order 921, § 275-13-060, filed 4/8/74.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-13-070 Responsibilities of county commissioners. [Order 921, § 275-13-070, filed 4/8/74.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-13-080 Approval by administrative board. [Order 921, § 275-13-080, filed 4/8/74.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

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- 275-13-090 Administrative provisions. [Order 921, § 275-13-090, filed 4/8/74.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-13-100 Records—Accessibility. [Order 921, § 275-13-100, filed 4/8/74.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-13-110 Medical records. [Order 921, § 275-13-110, filed 4/8/74.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-13-120 Fiscal control and accounting procedures. [Order 921, § 275-13-120, filed 4/8/74.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-13-130 Discrimination prohibited. [Order 921, § 275-13-130, filed 4/8/74.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-13-140 Scope and quality of services. [Order 921, § 275-13-140, filed 4/8/74.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-13-150 Annual revision. [Order 921, § 275-13-150, filed 4/8/74.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-13-160 Inter-county cooperation. [Order 921, § 275-13-160, filed 4/8/74.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-13-170 Supervisor of alcoholism services. [Order 921, § 275-13-170, filed 4/8/74.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-13-180 Contracts for services. [Order 921, § 275-13-180, filed 4/8/74.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-13-190 Intergovernmental coordination for federal funds. [Order 921, § 275-13-190, filed 4/8/74.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-13-200 Reports required by plan. [Order 921, § 275-13-200, filed 4/8/74.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-13-210 Expenditures and payments—State share. [Order 921, § 275-13-210, filed 4/8/74.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-13-220 Local share. [Order 921, § 275-13-220, filed 4/8/74.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-13-230 Eligible costs. [Order 921, § 275-13-230, filed 4/8/74.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-13-240 Application review. [Order 921, § 275-13-240, filed 4/8/74.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-13-250 Appeal procedure. [Order 921, § 275-13-250, filed 4/8/74.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

Chapter 275-17**DRUG TREATMENT PROGRAMS**

- 275-17-010 Program established. [Order 1036, § 275-17-010, filed 7/10/75.] Repealed by Order 1212, filed 5/20/77.
- 275-17-020 Eligible persons. [Order 1036, § 275-17-020, filed 7/10/75.] Repealed by Order 1212, filed 5/20/77.
- 275-17-030 Priorities. [Order 1036, § 275-17-030, filed 7/10/75.] Repealed by Order 1212, filed 5/20/77.
- 275-17-040 Conditions of admission—Documentation required. [Order 1036, § 275-17-040, filed 7/10/75.] Repealed by Order 1212, filed 5/20/77.
- 275-17-050 Scope of program. [Order 1036, § 275-17-050, filed 7/10/75.] Repealed by Order 1212, filed 5/20/77.
- 275-17-060 Discharge from program. [Order 1036, § 275-17-060, filed 7/10/75.] Repealed by Order 1212, filed 5/20/77.
- 275-17-070 Notifications required. [Order 1036, § 275-17-070, filed 7/10/75.] Repealed by Order 1212, filed 5/20/77.

- 275-17-080 Liability for costs of care. [Order 1036, § 275-17-080, filed 7/10/75.] Repealed by Order 1212, filed 5/20/77.

Chapter 275-24**ADMINISTRATION AND DISTRIBUTION OF PROBATION
SUBSIDY FUNDS**

- 275-24-010 Definitions. [Order 5, § 275-24-010, filed 4/26/68; Emergency Regulation, Order 68-4, § 275-24-010, filed 3/12/68.] Repealed by Order 1225, filed 7/25/77.
- 275-24-020 Program established. [Order 5, § 275-24-020, filed 4/26/68; Emergency Regulation, Order 68-4, § 275-24-020, filed 3/12/68.] Repealed by Order 1225, filed 7/25/77.
- 275-24-030 Counties eligible. [Order 5, § 275-24-030, filed 4/26/68; Emergency Regulation, Order 68-4, § 275-24-030, filed 3/12/68.] Repealed by Order 1225, filed 7/25/77.
- 275-24-040 Unexpended funds. [Order 5, § 275-24-040, filed 4/26/68; Emergency Regulation, Order 68-4, § 275-24-040, filed 3/12/68.] Repealed by Order 1225, filed 7/25/77.
- 275-24-050 Priority of applications. [Order 5, § 275-24-050, filed 4/26/68; Emergency Regulation, Order 68-4, § 275-24-050, filed 3/12/68.] Repealed by Order 1225, filed 7/25/77.
- 275-24-060 Reimbursement to eligible counties. [Order 5, § 275-24-060, filed 4/26/68; Emergency Regulation, Order 68-4, § 275-24-060, filed 3/12/68.] Repealed by Order 1225, filed 7/25/77.
- 275-24-070 Form and contents of application for funds. [Order 5, § 275-24-070, filed 4/26/68; Emergency Regulation, Order 68-4, § 275-24-070, filed 3/12/68.] Repealed by Order 1225, filed 7/25/77.
- 275-24-080 Payment procedure. [Order 5, § 275-24-080, filed 4/26/68; Emergency Regulation, Order 68-4, § 275-24-080, filed 3/12/68.] Repealed by Order 1225, filed 7/25/77.
- 275-24-090 Appointment of advisory committee. [Order 5, § 275-24-090, filed 4/26/68; Emergency Regulation, Order 68-4, § 275-24-090, filed 3/12/68.] Repealed by Order 1225, filed 7/25/77.

Chapter 275-28**COMMUNITY MENTAL RETARDATION SERVICES ACT**

- 275-28-010 Definitions. [Order 6, § 275-28-010, filed 5/13/68; Emergency Regulation, § 275-28-010, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75. Later Promulgation, see WAC 275-29-020.
- 275-28-020 Annual allocation of funds. [Order 6, § 275-28-020, filed 5/13/68; Emergency Regulation, § 275-28-020, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75.
- 275-28-030 Allocation of funds. [Order 845, § 275-28-030, filed 8/9/73; Order 6, § 275-28-030, filed 5/13/68; Emergency Regulation, § 275-28-030, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75. Later Promulgation, see WAC 275-29-030.
- 275-28-040 Submission of county plan. [Order 6, § 275-28-040, filed 5/13/68; Emergency Regulation, § 275-28-040, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75.
- 275-28-050 Authorization of program by county commissioners. [Order 6, § 275-28-050, filed 5/13/68; Emergency Regulation, § 275-28-050, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75.
- 275-28-060 Appointment of community board. [Order 6, § 275-28-060, filed 5/13/68; Emergency Regulation, § 275-28-060, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75.
- 275-28-070 Responsibilities of county commissioners. [Order 6, § 275-28-070, filed 5/13/68; Emergency Regulation, § 275-28-070, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75.

Chapter 275-29

COMMUNITY DEVELOPMENTAL DISABILITIES AND MENTAL RETARDATION SERVICES ACT

- 275-28-080 Evaluation by community board. [Order 6, § 275-28-080, filed 5/13/68; Emergency Regulation, § 275-28-080, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75.
- 275-28-090 Administrative provisions of plans. [Order 6, § 275-28-090, filed 5/13/68; Emergency Regulation, § 275-28-090, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75. Later Promulgation, see WAC 275-29-210.
- 275-28-100 Reports required by plan. [Order 6, § 275-28-100, filed 5/13/68; Emergency Regulation, § 275-28-100, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75. Later Promulgation, see WAC 275-29-230.
- 275-28-110 Nature of records—Generally. [Order 6, § 275-28-110, filed 5/13/68; Emergency Regulation, § 275-28-110, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75. Later Promulgation, see WAC 275-29-150.
- 275-28-120 Information from medical and personal records—Confidential. [Order 6, § 275-28-120, filed 5/13/68; Emergency Regulation, § 275-28-120, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75. Later Promulgation, see WAC 275-29-160.
- 275-28-130 Fiscal control and accounting procedures. [Order 6, § 275-28-130, filed 5/13/68; Emergency Regulation, § 275-28-130, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75. Later Promulgation, see WAC 275-29-240.
- 275-28-140 Discrimination prohibited. [Order 6, § 275-28-140, filed 5/13/68; Emergency Regulation, § 275-28-140, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75. Later Promulgation, see WAC 275-29-250.
- 275-28-150 Uniformity in personnel practices. [Order 6, § 275-28-150, filed 5/13/68; Emergency Regulation, § 275-28-150, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75.
- 275-28-160 Scope and quality of services. [Order 6, § 275-28-160, filed 5/13/68; Emergency Regulation, § 275-28-160, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75.
- 275-28-170 Annual revision of county plan. [Order 6, § 275-28-170, filed 5/13/68; Emergency Regulation, § 275-28-170, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75.
- 275-28-180 Inter-county cooperation. [Order 6, § 275-28-180, filed 5/13/68; Emergency Regulation, § 275-28-180, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75. Later Promulgation, see WAC 275-29-260.
- 275-28-190 Community mental retardation program coordinator or administrator. [Order 6, § 275-28-190, filed 5/13/68; Emergency Regulation, § 275-28-190, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75.
- 275-28-200 Contracts for services. [Order 6, § 275-28-200, filed 5/13/68; Emergency Regulation, § 275-28-200, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75. Later Promulgation, see WAC 275-29-120.
- 275-28-210 State-wide cooperation. [Order 6, § 275-28-210, filed 5/13/68; Emergency Regulation, § 275-28-210, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75. Later Promulgation, see WAC 275-29-140.
- 275-28-220 Expenditures and payments—Eligible costs. [Order 6, § 275-28-220, filed 5/13/68; Emergency Regulation, § 275-28-220, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75. Later Promulgation, see WAC 275-29-050.
- 275-28-230 Expenditures and payments—Ineligible costs. [Order 6, § 275-28-230, filed 5/13/68; Emergency Regulation, § 275-28-230, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75.
- 275-28-240 Application review. [Order 6, § 275-28-240, filed 5/13/68; Emergency Regulation, § 275-28-240, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75.
- 275-28-250 Appeal procedure. [Order 6, § 275-28-250, filed 5/13/68; Emergency Regulation, § 275-28-250, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75. Later Promulgation, see WAC 275-29-100.
- 275-29-010 Purpose. [Order 1070, § 275-29-010, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-29-020 Definitions. [Order 1070, § 275-29-020, filed 11/21/75. Formerly WAC 275-28-010.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-29-030 Allocation of funds. [Order 1070, § 275-29-030, filed 11/21/75. Formerly WAC 275-28-030.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-29-040 Department determination of eligibility for state funding. [Order 1070, § 275-29-040, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-29-050 Expenditures and payments to counties—Eligible costs. [Order 1070, § 275-29-050, filed 11/21/75. Formerly WAC 275-28-220.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-060 Expenditures and payments to day training centers, group training homes, and to the parent or guardian of a retarded or developmentally disabled person. [Order 1070, § 275-29-060, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-29-070 Certification and licensing of developmental disabilities agencies. [Order 1070, § 275-29-070, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-080 Certification—Developmental centers and group training homes. [Order 1070, § 275-29-080, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-29-090 Sanctions. [Order 1070, § 275-29-090, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-29-100 Appeal procedure. [Order 1070, § 275-29-100, filed 11/21/75. Formerly WAC 275-28-250.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-29-110 Authorization of program by county commissioners. [Order 1070, § 275-29-110, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-29-120 Contracts for services. [Order 1070, § 275-29-120, filed 11/21/75. Formerly WAC 275-28-200 (part).] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-29-130 Community developmental disabilities and mental retardation program coordinators or administrators. [Order 1070, § 275-29-130, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-29-140 Statewide cooperation. [Order 1070, § 275-29-140, filed 11/21/75. Formerly WAC 275-28-210 (part).] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-29-150 Nature of records—Generally. [Order 1070, § 275-29-150, filed 11/21/75. Formerly WAC 275-28-110 (part).] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-29-160 Confidential and privileged information. [Order 1070, § 275-29-160, filed 11/21/75. Formerly WAC 275-28-120 (part).] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-29-170 Liability. [Order 1070, § 275-29-170, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.
- 275-29-200 Submission of county plan. [Order 1070, § 275-29-200, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

Title 275 WAC**Title 275 WAC: DSHS (Institutions)**

275-29-210 Administrative provisions of plans. [Order 1070, § 275-29-210, filed 11/21/75. Formerly WAC 275-28-090 (part).] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-220 Plan—Community board requirements. [Order 1070, § 275-29-220, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-230 Reports required by plan. [Order 1070, § 275-29-230, filed 11/21/75. Formerly WAC 275-28-100 (part).] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-240 Plan—Fiscal control and accounting procedures. [Order 1070, § 275-29-240, filed 11/21/75. Formerly WAC 275-28-130 (part).] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-250 Plan—Discrimination prohibited. [Order 1070, § 275-29-250, filed 11/21/75. Formerly WAC 275-28-140 (part).] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-260 Plan—Inter-county cooperation. [Order 1070, § 275-29-260, filed 11/21/75. Formerly WAC 275-28-180 (part).] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-270 Plan—Scope and quality of services. [Order 1070, § 275-29-270, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-280 Five-year plan. [Order 1070, § 275-29-280, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-290 Review of the annual county plan and its revisions by the community board. [Order 1070, § 275-29-290, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-300 Community organization. [Order 1070, § 275-29-300, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-310 Community program services. [Order 1070, § 275-29-310, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-320 Transportation services. [Order 1070, § 275-29-320, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-330 Information and referral services. [Order 1070, § 275-29-330, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-340 Treatment services. [Order 1070, § 275-29-340, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-350 Diagnostic and evaluation services. [Order 1070, § 275-29-350, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-360 Recreation service. [Order 1070, § 275-29-360, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-370 Family counseling services. [Order 1070, § 275-29-370, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-380 Vocational training and education programs. [Order 1070, § 275-29-380, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-390 Home training and care service. [Order 1070, § 275-29-390, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-400 Medical and dental service. [Order 1070, § 275-29-400, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-410 Consultant services. [Order 1070, § 275-29-410, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-420 Psychiatric services. [Order 1070, § 275-29-420, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-500 Agency administration. [Order 1070, § 275-29-500, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-510 Agency governing board. [Order 1070, § 275-29-510, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-520 Agency director. [Order 1070, § 275-29-520, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-530 Financial management. [Order 1070, § 275-29-530, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-540 Agency planning for program. [Order 1070, § 275-29-540, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-550 Individual support system. [Order 1070, § 275-29-550, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-560 Components of all services. [Order 1070, § 275-29-560, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-570 Staff. [Order 1070, § 275-29-570, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-580 Program measurement. [Order 1070, § 275-29-580, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-590 Population movement. [Order 1070, § 275-29-590, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-600 Facilities. [Order 1070, § 275-29-600, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

275-29-610 Program evaluation. [Order 1070, § 275-29-610, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later Promulgation, see chapter 275-25 WAC.

Chapter 275-44**FURLOUGHS FOR PERSONS CONFINED IN STATE CORRECTIONAL INSTITUTIONS**

275-44-005, 275-44-025, 275-44-030, 275-44-040, 275-44-050, 275-44-060, 275-44-070, 275-44-080, 275-44-090, 275-44-100, 275-44-110, 275-44-120, 275-44-125, 275-44-130. [Order 743, filed 11/30/72.] Repealed by Order 805, filed 5/31/73. Later Promulgation, see chapter 275-93 WAC.

275-44-010 Person confined in state correctional institution—Furlough. [Order 599, § 275-44-010, filed 9/8/71.] Repealed by Order 743, filed 11/30/72.

275-44-015 Person confined in state correctional institution—Application for furlough. [Order 599, § 275-44-015, filed 9/8/71.] Repealed by Order 743, filed 11/30/72.

275-44-020 Person confined in state correctional institution—Conditions imposed when granting furlough. [Order 599, § 275-44-020, filed 9/8/71.] Repealed by Order 743, filed 11/30/72. Later Promulgation, see chapter 275-93 WAC.

Chapter 275-14 WAC
CERTIFICATE OF APPROVAL TO A DRUG
TREATMENT CENTER

WAC

275-14-010	Purpose.
275-14-020	Definitions.
275-14-030	Certificate of approval.
275-14-035	Renewal of certificate of approval.
275-14-040	Issuance and renewal of certificate.
275-14-050	Revocation—Denial of certificate.
275-14-055	Provisional certificate.
275-14-060	Hearing.
275-14-070	Evaluation.
275-14-080	Director.
275-14-090	Staffing.
275-14-100	Staff training and qualifications.
275-14-120	Board of directors.
275-14-130	Explanation of program.
275-14-140	Medical.
275-14-150	Drugs.
275-14-160	Treatment of juveniles.
275-14-170	Nondiscrimination.
275-14-180	Nontransferability.
275-14-190	Public funds.
275-14-200	Compliance with laws.
275-14-210	Severability.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS
CHAPTER

275-14-110 Submission of applications. [Order 657, § 275-14-110, filed 2/17/72.] Repealed by Order 673, filed 4/27/72.

WAC 275-14-010 Purpose. These regulations are adopted pursuant to and in accordance with chapter 304 Laws of 1971 ex. sess. They are adopted to provide procedures for the issuance, denial, and/or revocation of certificates of approval to drug treatment centers and to set forth standards by which it can be reasonably determined if a drug treatment center is adequately providing care, treatment and rehabilitative services to those persons who submit themselves to the care of such a center.

Because of the various modes of treating the problem of drug abuse and the general lack of detailed knowledge and expertise in the field, applicants and approved drug treatment centers are encouraged to develop and use innovative ideas and approaches toward the goal of developing meaningful programs of care, treatment and rehabilitation of persons suffering from problems relating to dangerous or narcotic drugs. [Order 657, § 275-14-010, filed 2/17/72.]

WAC 275-14-020 Definitions. The following words and phrases shall have the following meaning when used in these regulations.

(1) "Secretary" shall mean the secretary of the department of social and health services, or his designee.

(2) "Department" shall mean the department of social and health services.

(3) "The Act" shall mean chapter 304, Laws of 1971 ex. sess., chapter 69.54 RCW, now or as hereafter amended.

(4) "Drug treatment center" shall mean any organization, institution, or corporation, public or private, engaged in the care, treatment, or rehabilitation of persons using narcotic or dangerous drugs.

(5) "Applicant" shall mean a drug treatment center applying for an initial certificate of approval or renewal thereof. [Order 856, § 275-14-020, filed 9/13/73; Order 673, § 275-14-020, filed 4/27/72; Order 657, § 275-14-020, filed 2/17/72.]

WAC 275-14-030 Certificate of approval. (1) Every drug treatment center shall apply to the department for a certificate of approval.

(2) Application for certificate of approval shall be made on forms provided by the department and shall contain the following information:

(a) The name and address of the applicant drug treatment center;

(b) The name and address of the director or head of such drug treatment center;

(c) The names and addresses of the members of the board of directors, sponsors, and/or advisory boards of such drug treatment centers;

(d) The names and addresses of all physicians, other professionally trained backup or consultative personnel, medical facilities, and other individuals or organizations with whom the drug treatment center has a direct referral agreement or is otherwise affiliated, if such referral agreements or other affiliations exist;

(e) A description of the nature of treatment and/or rehabilitation used by such drug treatment center, describing the program goals, a description of the service methodology, and a description of the staff organization in light of such goals and methodology;

(f) A general description of the qualifications of staff;

(g) The source of funds used to finance the activities of such treatment center and the approximate annual budget of such center;

(h) Description of proposed evaluation system;

(i) Description of in-service training program;

(j) Such other information as may be required by the secretary that would better enable the evaluation of a drug treatment center under these regulations and the act;

(k) Such other information or recommendations as the applicant may desire to submit. [Order 673, § 275-14-030, filed 4/27/72; Order 657, § 275-14-030, filed 2/17/72.]

WAC 275-14-035 Renewal of certificate of approval. Application for renewal of a certificate of approval shall be made on form provided by the department. Such application shall show any changes made from the information provided in the application of previous years. Program description section shall include material as required in the printed format of the application for renewal. [Order 856, § 275-14-035, filed 9/13/73.]

WAC 275-14-040 Issuance and renewal of certificate. (1) A certificate of approval shall be issued to an applicant upon compliance with these regulations and the requirements of the Act; *Provided*, That the secretary may waive portions of these regulations upon a showing by the applicant that the services of the drug treatment center involved will nevertheless adequately

provide for the care, treatment and rehabilitation of its clients.

(2) A certificate of approval shall be for a term of one year and expiration and renewal of a certificate of approval under these regulations shall be consistent with the provisions of chapter 34.04 RCW and particularly RCW 34.04.170(1) which provides:

"When a licensee has made timely and sufficient applications for the renewal of a license or a new license with reference to any activity of a continuing nature, an existing, full, temporary, or provisional license does not expire until the application has been finally determined by the agency, and, in case the application is denied or the terms of the new license limited, until the last day for seeking review by the agency or a later date fixed by order of the reviewing court."

[Order 657, § 275-14-040, filed 2/17/72.]

WAC 275-14-050 Revocation—Denial of certificate. (1) In the event an application for either an original certificate or renewal thereof is denied, an applicant may refile an amended application without prejudice. A second denial shall be with prejudice and the applicant shall be then barred from refileing for a period of six months from the date of the second denial. Nothing in these regulations shall be deemed to require an applicant to file an amended application upon denial of an original application, but upon such original denial an applicant may immediately request a hearing.

(2) The secretary shall promptly notify in writing a drug treatment center of a denial of an application or revocation of an existing certificate, setting forth in such denial the reasons therefor. [Order 657, § 275-14-050, filed 2/17/72.]

WAC 275-14-055 Provisional certificate. If a program fails to comply with the requirements of the act or of these rules and regulations, the secretary may, in his discretion, issue to an applicant a provisional certificate, containing such conditions as are necessary to insure compliance with the act and these regulations. Such provisional certificate may be for a period to be determined by the secretary, but shall not exceed twelve months. [Order 856, § 275-14-055, filed 9/13/73.]

WAC 275-14-060 Hearing. The denial or revocation of a certificate of approval shall not become final until thirty days from the date of the mailing of notice thereof to the applicant during which time he shall have the right to request a hearing. Said hearing shall be held pursuant to the requirements of chapter 34.04 RCW, and shall be held in the geographic area of the applicant drug treatment center. [Order 657, § 275-14-060, filed 2/17/72.]

WAC 275-14-070 Evaluation. (1) All drug treatment centers shall develop an evaluation system adequate to reflect the programs and fiscal functioning of the center. Such evaluation system shall be developed to

show the adequacy of the care, treatment and rehabilitation services provided by the drug treatment center in light of the goals and methodology of the center as described in the application. Every drug treatment center shall submit an evaluation report to the department with a license renewal application.

(2) The evaluation system adopted by the drug treatment center shall be subject to the mutual agreement of the center and the secretary. [Order 673, § 275-14-070, filed 4/27/72; Order 657, § 275-14-070, filed 2/17/72.]

WAC 275-14-080 Director. All drug treatment centers shall have a director at least eighteen years of age who shall be accountable for all agency programs and actions. [Order 657, § 275-14-080, filed 2/17/72.]

WAC 275-14-090 Staffing. (1) A person directly accountable to the director shall be present at the center during all hours of program operation.

(2) A staff member skilled in the area of nonmedical crisis intervention shall be immediately available during all hours of program operation. [Order 657, § 275-14-090, filed 2/17/72.]

WAC 275-14-100 Staff training and qualifications. (1) Staff personnel involved in direct service to clients shall demonstrate adequate skills in the area of human relations. Said skills may be demonstrated as a result of past experience in areas related to mental health and/or drug abuse treatment, educational experience and training, in-service training provided by the drug treatment center, or by any other means approved by the secretary. (2) The original application and all renewal applications shall generally describe the nature and extent of the training and qualifications of the staff and, if the drug treatment center is so structured, shall indicate the general staff organization.

(3) Each center shall maintain or arrange for training programs for the continuing development of staff skills and abilities. These will provide initial staff training as well as ongoing, in-service training for all staff members.

(4) All drug treatment centers using previously unskilled or untrained personnel on staff for direct service shall provide or arrange for adequate in-service training programs for all such individuals.

(5) All persons coming on the staff of a drug treatment center without previous experience in the area of drug treatment and counselling who are required to go through an in-service program shall be supervised closely in their work by experienced staff members until such time as the director deems them satisfactorily trained to be able to fill their duties without close supervision. [Order 657, § 275-14-100, filed 2/17/72.]

WAC 275-14-120 Board of directors. All drug treatment centers shall have a board of directors or advisory board. [Order 673, § 275-14-120, filed 4/27/72; Order 657, § 275-14-120, filed 2/17/72.]

WAC 275-14-130 Explanation of program. All drug treatment center programs will be fully explained to those applying or being considered for treatment. [Order 657, § 275-14-130, filed 2/17/72.]

WAC 275-14-140 Medical. All medical procedures shall be performed under the supervision of a properly qualified and licensed physician, consistent with all laws and regulations relating to the practice of medicine. [Order 657, § 275-14-140, filed 2/17/72.]

WAC 275-14-150 Drugs. The drug treatment center will observe all federal, state, county and city laws, regulations and ordinances regarding drugs and the handling, supervision, dispensing and control of drugs. [Order 657, § 275-14-150, filed 2/17/72.]

WAC 275-14-160 Treatment of juveniles. No person under the age of eighteen shall become a resident of the drug treatment center without the permission of his parent or guardian. For purposes of this regulation, "resident" means a person who remains in a drug treatment center over twenty-four hours. [Order 657, § 275-14-160, filed 2/17/72.]

WAC 275-14-170 Nondiscrimination. All drug treatment centers shall provide services without discrimination on the basis of race, creed, religion, national origin, sex or age. [Order 657, § 275-14-170, filed 2/17/72.]

WAC 275-14-180 Nontransferability. Any certificate of approval issued under these regulations is not transferable. [Order 657, § 275-14-180, filed 2/17/72.]

WAC 275-14-190 Public funds. Any drug treatment center receiving more than twenty-five percent of its operating fund from a public, governmental source shall provide its services on an ability to pay basis. Nothing herein shall prevent a drug treatment center from providing any or all of its services free of charge. [Order 657, § 275-14-190, filed 2/17/72.]

WAC 275-14-200 Compliance with laws. All drug treatment centers will comply with city, county, state and federal laws, ordinances and regulations that may apply to the operations, physical facilities, or qualifications of staff. [Order 657, § 275-14-200, filed 2/17/72.]

WAC 275-14-210 Severability. If any provision of these regulations, or their application to any drug treatment center or circumstances are held invalid, the remainder of the regulations, or the application of the provision to other drug treatment centers or circumstances is not affected. [Order 673, § 275-14-210, filed 4/27/72.]

Chapter 275-15 WAC

FACILITIES FOR TREATMENT OF ALCOHOLISM

WAC

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WAC 275-15-010 Purpose. (1) Rules and regulations relating to alcoholism facilities are hereby adopted

pursuant to chapter 70.96A RCW. The purpose is to provide standards and procedures for departmental approval and accreditation of public or private alcoholism treatment facilities to fix fees to be charged by the department for inspections of approved and accredited facilities or facilities seeking approval and accreditation, and to set forth rules for the acceptance of persons into approved and accredited public treatment programs.

(2) Alcoholism facilities may be approved and accredited by the department pursuant to these rules and regulations to provide the following services:

- (a) Residential facilities
 - (i) Alcohol detoxification services
 - (ii) Alcoholism intensive inpatient treatment services
 - (iii) Alcoholism recovery house services
 - (iv) Alcoholism long-term treatment services
- (b) Outpatient facilities
 - (i) Alcoholism outpatient treatment services
 - (ii) Alcohol information and referral services
 - (iii) Alcohol information school services

(c) A facility may be approved and accredited for more than one service where the facility complies with specific requirements for approval and accreditation as to each service provided.

(d) In the judgment of the secretary, these rules and regulations properly implement alcoholism programs of the department consistent with the welfare of those to be served, the legislative intent, and the public good. [Order 1193, § 275-15-010, filed 3/3/77; Order 986, § 275-15-010, filed 12/16/74.]

WAC 275-15-020 Facility services. (1) Alcohol detoxification services are those services required for the care and/or treatment of persons intoxicated or incapacitated by alcohol during the period in which the system is cleared of alcohol and the individual recovers from the transitory effects of intoxication. These include screening of intoxicated persons; detoxification of intoxicated person; counseling of alcoholics regarding their illness to stimulate motivation to obtain further treatment and referral of detoxicated alcoholics to other appropriate alcoholism treatment programs.

(2) Alcoholism intensive inpatient treatment services are those services provided to the detoxified alcoholic in a residential setting which include, as a minimum, limited medical evaluation and health supervision, alcoholism education, organized individual and group counseling, discharged referral to necessary supportive services, and a client follow-through program after discharge.

(3) Alcoholism recovery house services is the provision of alcohol-free residential setting which provides social and recreational activities for detoxicated alcoholics to aid their adjustment to normal patterns of living and their engagement in occupational training, gainful employment or other types of normal community activities.

(4) Alcoholism long-term treatment services is long-term (90 days or more) provision of a residential care setting with personal care services for alcoholics with impaired self-maintenance capabilities who need personal guidance and assistance to maintain sobriety and optimum health status.

(5) Alcoholism outpatient treatment services are a wide variety of diagnostic and primary alcoholism treatment services provided according to prescribed plan in a non-residential setting. Required services include assessment of client needs regarding specific alcohol-related problems, evaluation of required beneficial services, development of agreement for services to be provided, establishment of treatment goals, and providing referral and follow-through to concomitant services.

(6) Information and referral services provide a community based resource for information concerning alcohol, alcohol abuse, and alcoholism; assist the individual and/or family in designing a continuum of care; and coordinate services and assist other community agencies concerning services available within the community and elsewhere.

(7) Alcohol information school provides the individual as student with information in regard to the use and abuse of alcohol, and attempts to motivate the individual with a drinking problem to evaluate the problem and seek treatment. [Order 1193, § 275-15-020, filed 3/3/77; Order 986, § 275-15-020, filed 12/16/74.]

WAC 275-15-030 Definitions. For the purpose of these rules and regulations, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise:

(1) All adjectives and adverbs such as adequate, approved, competent, qualified, necessary reasonable, satisfactory, sufficiently, effectively, appropriately, or suitable used in these rules and regulations to qualify a person, a procedure, equipment, or building shall be as determined by the state department of social and health services.

(2) **Accredited** means having met the standards of the department contained in these rules and regulations and having been approved pursuant to 70.96A.090 RCW.

(3) **Administrator** — means the individual appointed as the chief executive officer by the governing body of a facility to act in its behalf in the overall management of the alcoholism treatment facility.

(4) **Alcoholic** — means a person with alcoholism.

(5) **Alcoholism** — means an illness characterized by habitual lack of self-control as to the consumption of alcoholic beverages or the consumption of alcoholic beverages to the extent that a person's health is substantially impaired or endangered or his social and economic function is substantially disrupted.

(6) **Alcoholism Counselor** — means a person who is knowledgeable about the nature and treatment of alcoholism, is knowledgeable about community resources which provide services alcoholics may need, knows and understands the principles and techniques of counseling and is skilled in the application of these principles and techniques.

(7) **Alcoholism Treatment Facility** — means a hospital, sanitarium, treatment center or other place which is operated primarily for the treatment of alcoholism.

(8) **Alcoholism Inpatient Treatment** — means specialized intensive alcoholism treatment in a residential setting which provides limited medical evaluation;

alcoholism education; individual and group counseling and spiritual and vocational counseling.

(9) **Approved and Accredited Public Treatment Facility** — means an approved and accredited treatment facility which is operated under the direction and control of the department; or an approved and accredited treatment facility which is providing treatment for the department either through contract with the department or through a county sub-contract.

(10) **Approved and Accredited Treatment Facility** — means an alcoholism treatment facility, either public or private, profit or non-profit which has been approved and accredited by the department pursuant to these rules and regulations and chapter 70.96A RCW as meeting the required standards of these rules and regulations and chapter 70.96A RCW.

(11) **Client** — means any person (inpatient or outpatient) receiving services for the treatment of an alcohol related problem.

(12) **Counseling, Individual** — means an interaction between an alcoholism counselor and a client for the purpose of helping the client gain a better understanding of himself and develop the ability to deal more effectively with the realities of his environment.

(13) **Counseling, Group (or group therapy)** — means an interaction between two or more clients and alcoholism counselor(s) for the purpose of helping the clients gain better understandings of themselves and develop abilities to deal more effectively with the realities of their environments.

(14) **Detoxification** — means care and treatment of an intoxicated person during a period in which his system is cleared of alcohol and he recovers from the transitory effects of intoxication.

(15) **Detoxified** — means withdrawn from the consumption of alcohol and recovered from the transitory effects of intoxication.

(16) **Department** — means the Washington State department of social and health services.

(17) **Distinct Part** — means a segregated, physical, and functional section of an alcoholism treatment facility which provides the facilities, staff and services required for a particular category of alcoholism treatment service.

(18) **Facilities** — means rooms or areas and/or equipment to serve a specific function.

(19) **General Health Supervision** — means inclusion of provision for the following services:

(a) Reminding a client to self-administer medically prescribed drugs and treatment;

(b) Encouraging a client to follow any modified diet and rest or activity regimen which has been medically prescribed for him;

(c) Reminding and assisting client to keep appointments for health care services, such as appointments with physicians, dentists, visiting nurse service or clinics;

(d) Encouraging a client to have a complete physical examination if he has not had such an examination within the past year or if he manifests signs and symptoms of an illness or abnormality for which medical diagnosis and treatment are indicated.

(20) **Governing Body** — means the individual or group which is legally responsible for the conduct of an alcoholism treatment facility.

(21) **Incapacitated by Alcohol** — means that a person, as a result of the use of alcohol, has his or her judgment so impaired that he or she is incapable of realizing and making a rational decision with respect to need for treatment and constitutes a danger to himself, and to any other person, or to property.

(22) **Inpatient** — means a client to whom the alcoholism treatment facility is providing board and room on a 24-hour basis.

(23) **Intoxication** — means acute alcohol poisoning or temporary impairment of a person's mental or physical functioning caused by alcohol in his system.

(24) **Intoxicated** — means in the state of intoxication.

(25) **Licensed Nurse** — means either a registered nurse or a licensed practical nurse.

(a) **Licensed Practical Nurse** — means a person duly licensed under the provisions of the Licensed Practical Nurse Act of the state of Washington, chapter 18.78 RCW.

(b) **Registered Nurse** — means a person duly licensed under the provisions of the law regulating the practice of registered nursing in the state of Washington, chapter 18.88 RCW.

(26) **May** — means permissive or at the discretion of the department.

(27) **Outpatient** — means a client to whom the alcoholism treatment facility does not provide board and room on a 24-hour a day basis.

(28) **Physicians** — means a doctor of medicine or a doctor of osteopathy duly licensed in the state of Washington.

(29) **Secretary** — means the secretary of the Washington State Department of Social and Health Services, or his designee.

(30) **Shall** — means compliance is mandatory.

(31) **Should** — means compliance is suggested or recommended, but is not required. [Order 1193, § 275-15-030, filed 3/3/77; Order 986, § 275-15-030, filed 12/16/74.]

WAC 275-15-040 Department approval and accrediting procedures. (1) Alcoholism treatment facilities seeking departmental approval and accreditation of one or more of the services listed in WAC 275-15-020 shall submit written application to the chief of the office on alcoholism of the department.

(2) Such application shall include detailed description of the facility, personnel and program to be provided.

(3) Copies of all written documents are required by these rules and regulations and not developed for the purpose of caring for or treating a particular client shall be submitted to the chief of the office on alcoholism for department review prior to inspection of the facility and subsequent department approval and accreditation.

(4) If written documents submitted to the department do not meet the requirements of these rules and regulations, the chief of the office on alcoholism will refuse to

grant approval and shall send written notification of deficiencies within 30 days of receipt by the office on alcoholism.

(5) If written documents submitted to the department do meet the requirements of these rules and regulations the chief of the office on alcoholism shall have the facility inspected to insure compliance with requirement of these rules and regulations and chapter 70.96A RCW. After inspection the chief shall either approve and accredit the facility to provide one or more of the services listed in WAC 275-15-020 or refuse to grant an approval or accreditation. The chief of the office on alcoholism shall send written notification of department approval of the facility as an "approved and accredited treatment facility" or shall send written notification of deficiencies which resulted in refusal to grant approval and accreditation.

(6) The department may grant interim approval of alcoholism treatment facilities prior to submission of required written documentation and inspection when such interim approval is deemed necessary to effectuate the requirements of chapter 70.96A RCW. Interim approval shall expire automatically after six months and such expiration shall not be considered a suspension, revocation or restriction pursuant to WAC 275-15-050. No facility shall receive interim approval more than twice.

(7)(a) The Secretary or his designee may, in his discretion, exempt an alcoholism treatment facility from compliance with parts of these regulations when it has been found after thorough investigation and consideration that such exemption may be made in an individual case without jeopardizing the safety or health of the clients in the particular alcoholism treatment facility.

(b) All exemptions granted pursuant to the foregoing provisions shall be reduced to writing and filed with the department of social and health services and the alcoholism treatment facility. [Order 1193, § 275-15-040, filed 3/3/77; Order 986, § 275-15-040, filed 12/16/74.]

WAC 275-15-050 Suspension, revocation, or restriction of approval and accreditation. (1) Each approved and accredited public or private treatment facility shall file with the department within 30 days of request, data statistics, schedules, and information the department reasonably requires.

(2) Failure to comply with any requirements of chapter 70.96A RCW or these rules and regulations shall constitute ground for suspension, revocation, or restriction of approval and accreditation.

(3) When the department intends to suspend, revoke or restrict its approval and accreditation, the chief of the office on alcoholism shall have served upon the approved and accredited treatment facility a notice of intent to suspend, revoke or restrict approval and accreditation. Such notice shall provide for administrative hearing and meet requirements of RCW 34.04.090. The subsequent hearing and judicial review shall follow administrative procedures as specified in chapter 34.04 RCW and the rules and regulations promulgated thereunder. [Order 1193, § 275-15-050, filed 3/3/77; Order 986, § 275-15-050, filed 12/16/74.]

WAC 275-15-060 Inspections. (1) Any approved public or private treatment facility and any facility seeking departmental approval shall be open to departmental inspection. Department inspection may be made during any time in which the facility is serving clients: Provided, that such inspection shall not unduly disrupt client activity. Inspections shall be reasonably calculated to check substantial compliance with these rules and regulations, and chapter 70.96A RCW.

(2) Approved public treatment facilities or public facilities shall not be charged an inspection fee. All other facilities shall be charged an annual inspection fee of \$25 for an inspection in any one calendar year. Only one such inspection fee shall be charged during any calendar year, regardless of the number of inspections which may be made. [Order 986, § 275-15-060, filed 12/16/74.]

WAC 275-15-070 Approved treatment facilities—Availability of services. (1) Approved public treatment facilities shall provide services to persons with alcohol and alcohol-related problems or to their families pursuant to the following:

(a) Without regard to legal residence.

(b) Without regard to source of referral including the patient's own application or court ordered commitment.

(c) Patients shall be initially assigned or transferred to outpatient or intermediate treatment, unless found to require inpatient treatment.

(d) Persons shall not be denied treatment solely because of prior withdrawal from treatment against medical advice or because of relapse after earlier treatment.

(e) Individualized treatment plans shall be prepared for each client.

(f) Provision shall be made for a continuum of coordinated treatment services.

(2) All approved facilities must provide services:

(a) With respect for the dignity of the individual,

(b) Without regard to race, religion, national origin, marital status, or sex.

(c) Without regard to physical or mental disability unless such disability makes treatment offered by the facility nonbeneficial or hazardous. [Order 986, § 275-15-070, filed 12/16/74.]

WAC 275-15-080 Court commitments. (1) Persons committed by court order to approved public treatment facilities pursuant to chapter 70.96A RCW shall be released:

(a) In the case of an alcoholic committed on grounds of likelihood of infliction of physical harm upon another, when the likelihood no longer exists, or when further treatment will not be likely to bring about significant improvement, or when treatment is no longer adequate or appropriate; or,

(b) In the case of an alcoholic committed on grounds of need for treatment and incapacity, when the incapacity no longer exists.

(2) Efforts shall be made, by persuasion or other nonforceful means, to keep a client who has been committed to a treatment facility until such time as he is discharged or transferred. In the event of client's unauthorized leaving or failing to attend a facility program,

that fact shall promptly be reported to the committing authority.

(3) In the event that any client demonstrates a continuing inability or unwillingness to properly participate in and benefit from treatment programs, after due consultation with the client and with the referral or committing source, the client may be referred or transferred to an alternative source of treatment, or be discharged as appropriate.

(4) Approved private treatment facilities may accept court ordered commitments on whatever conditions deemed appropriate by the facility.

(5) Involuntary clients may be transferred from one approved public treatment facility to another whenever transfer is determined to be medically advisable. [Order 986, § 275-15-080, filed 12/16/74.]

WAC 275-15-100 Purpose. Rules and regulations concerning residential facilities comprise sections WAC 275-15-100 through 275-15-599. The purpose of a residential facility is to provide care and treatment to clients in a residential setting. Specific requirements are set forth in the following sections:

200 — 299 — Detoxification service.

300 — 399 — Intensive alcoholism treatment service.

400 — 499 — Alcoholism domiciliary service.

500 — 599 — Alcoholism rehabilitative service.

[Order 986, § 275-15-100, filed 12/16/74.]

WAC 275-15-110 Governing body. (1) A facility providing residential service shall have an effective governing body which is legally responsible for the conduct of the alcoholism service or services provided.

(2) The governing body shall:

(a) Adopt by-laws which establish the mechanism for selection of officers and members of the governing body.

(b) Maintain a current job description for the position of administrator which delineates the qualifications for and the responsibilities of the position.

(c) Establish the philosophy and overall objectives for the alcoholism treatment facility and each distinct part thereof.

(d) Adopt administrative policies which establish the mechanism for delegation of responsibility and accountability for operation and maintenance of the alcoholism treatment facility.

(e) Adopt policies for the care of clients in the facility and every distinct part thereof. These policies shall govern the admission of clients, the length of stay, the type and scope of services provided to clients, and the transfer or discharge of clients and shall provide for a continuing evaluation of the alcoholism treatment program(s).

(f) Provide for the personnel, facilities, equipment, supplies and special services which are necessary to meet clients' needs for services and to maintain and operate the facility in accordance with applicable laws and regulations.

(3) The by-laws, job description for the administrator, philosophy and objectives, administrative policies and policies regarding the care of clients shall be: consistent with applicable federal and state laws and regulations; written, current, dated and signed by officers of

the governing body, and readily available to all members of the governing body and other persons in accordance with their responsibilities or involvement in implementation. [Order 986, § 275-15-110, filed 12/16/74.]

WAC 275-15-120 Administrator. (1) There shall be an administrator at least 21 years of age who manages the alcoholism treatment facility effectively.

(2) At any time the administrator is not on duty or on call, there shall be a person on duty or on call to whom the administrator has delegated the authority and responsibility to act in his stead. Any person to whom the administrator's authority and responsibility are delegated shall be a competent person at least 21 years of age who is not currently a client in the facility.

(3) The administrator shall establish and maintain a current written plan of organization which includes all positions and delineates the function, responsibilities, authority, and relationships of all positions within the alcoholism treatment facility.

(4) The administrator shall ensure that written policies and procedures are: developed, reviewed and revised as necessary to keep them current, dated and signed by persons having responsibility for approval of the policies and procedures; readily available to personnel, and following in the care and treatment of clients. [Order 986, § 275-15-120, filed 12/16/74.]

WAC 275-15-130 Personnel. (1) There shall be sufficient qualified personnel, who are not of the client population, to provide the services needed by clients and properly maintain the alcoholism treatment facility. This shall not preclude the assignment of work to a client when the assignment is part of the client's treatment program, the clients work assignment has therapeutic value, and the client works under the immediate supervision of the member of the staff.

(2) There shall be a written job description for each position classification within the facility.

(a) Each job description shall include: the job title, the definition of the position, the title of the immediate supervisor, a summary of the duties and responsibilities and the minimum qualifications.

(b) Qualifications listed in a job description shall include the education, training, experience, knowledge, and special abilities required for the position.

(c) The appropriate job description shall be explained to each employee, and shall be used thereafter as one of the means for evaluating his performance.

(d) Job descriptions shall be dated and shall be reviewed and revised so they are kept current.

(3) There shall be an education program which affords each employee opportunity to develop the competencies needed to perform the duties and responsibilities assigned to him.

(a) A planned, supervised, orientation shall be provided to each new employee to acquaint him with the organization of the facility, the physical plan layout, his particular duties and responsibilities, the policies, procedures, and equipment which are pertinent to his work and the disaster plan for the facility.

(b) A planned training program shall be provided to any employee who has not been prepared for his job responsibilities through completion of a recognized, formal educational program.

(c) Each employee shall be provided training for the performance of the specific functions, duties and procedures for which he is responsible, but lacks adequate training or experience.

(d) A record shall be maintained of the orientation, on-the-job training and continuing education provided for the employee. The data contained in this record shall be sufficient to allow determination of whether or not the employee has received the training or education necessary for performance of his functions and duties.

(4) Each employee shall have on employment and annually thereafter a tuberculin skin test by the Mantoux method, except that an employee who is known to be a positive reactor shall have a chest x-ray examination in lieu of a required tuberculin skin test. A positive test will consist of a ten mm. of induration read at 48-72 hours.

(5) Employees with a communicable disease in an infectious stage shall not be on duty.

(6) For each employee there shall be a current personnel record (or file) which includes the following:

(a) Application form, which includes or is supplemented by a resume of the employee's education or training and work experience.

(b) Verification of the employee's professional, technical, or vocational education or training.

(c) Written performance evaluations for the initial six (6) months of employment and for each year of employment thereafter.

(d) A record of verification of a valid, current license for any employee for whom licensure is required.

(e) Evidence of adequate health supervision including a record of tuberculin skin tests or chest x-rays, accidents occurring on duty, and illness occurring during the time of employment. [Order 986, § 275-15-130, filed 12/16/74.]

WAC 275-15-140 Student practice. If an alcoholism treatment facility provides a setting for student practice in a formal educational or training program there shall be a written agreement with the educational agency or institution concerned. This agreement shall define the nature and scope of student activities within the facility, and ensure supervision of student activities in the interest of clients' welfare. [Order 986, § 275-15-140, filed 12/16/74.]

WAC 275-15-150 Individualized treatment plan. For each client there shall be an individual treatment plan which is designed to help him understand and overcome his illness and which takes into account: his current health status; any medical treatment prescribed for him; and his physical, mental, emotional, social and religious needs. The client shall be encouraged to participate in developing his treatment plan to the extent that he is able. [Order 986, § 275-15-150, filed 12/16/74.]

WAC 275-15-160 Register and treatment records. (1) There shall be a permanent, current register of all

persons admitted for care or treatment. This shall include the following data for each person: date and time of admission, full name, date of birth, social security number and address; date and time of discharge or transfer; and the name and address of the place to which discharged or transferred. Data on clients shall be entered into the register in chronological order according to the date and time of admission. When an alcoholism treatment facility provides more than one category of alcoholism treatment service, there shall be a separate register for each distinct part of the facility.

(2) Record system. There shall be an organized record system which provides for:

(a) Maintenance of a current, complete treatment record for each client;

(b) A systematic method of identifying and filing clients' records so each record can be located readily;

(c) Maintenance of the confidentiality of clients' treatment records by storing and handling them under conditions which allow only authorized persons' access to them.

(3) Individual treatment records. Each client's treatment record shall include:

(a) Identifying and sociological data including the client's full name, sex, birthdate, social security number, marital status, home address and religion;

(b) Date of admission;

(c) The name, address, and telephone number of the client's next of kin or other responsible person;

(d) The name, address, and telephone number of the client's personal physician, if any;

(e) A record of the findings of each health screening;

(f) A record of the findings of any physical examination by a physician within the alcoholism treatment facility.

(g) A record of observations of the client's condition;

(h) Written orders for any drugs or medical treatment administered to a client by personnel (these orders shall be dated and signed by a physician);

(i) A physician's written order for any modified diet provided to the client;

(j) A record of any administration of a drug or treatment to a client by a physician or personnel (this shall include the time and date of administration and the signature of the person who administered the drug or treatment);

(k) A record of counseling and educational services;

(l) Progress notes on response to care and treatment;

(m) A record of a client's signed voluntary admission and consent to care and treatment or a commitment record;

(n) A record of discharge or transfer which shall include the date and time of discharge or transfer;

(o) Each entry in a client's record shall be dated and shall be authenticated by the signature and title of the person making the entry. [Order 986, § 275-15-160, filed 12/16/74.]

WAC 275-15-200 Detoxification service—Purpose. The purpose of WAC 275-15-200 through 275-15-299 is to provide program standards and procedures for residential facilities offering detoxification services to

individuals incapacitated and/or intoxicated by alcohol as that service is described in WAC 275-15-020. [Order 986, § 275-15-200, filed 12/16/74.]

WAC 275-15-205 Clients. Admission of clients to an alcoholism receiving and detoxification service shall be limited to persons who need detoxification services and do not manifest signs and symptoms of a condition which warrants acute care and treatment in a hospital. [Order 986, § 275-15-205, filed 12/16/74.]

WAC 275-15-210 Required services—General.

(1) There shall be an organized treatment program and staff which shall provide the following services:

(a) Medical screening of each person prior to admission to determine whether he manifests signs or symptoms of serious illness or severe trauma which warrants acute care and treatment in a hospital and whether he needs detoxification.

(b) Detoxification of intoxicated persons.

(c) Counseling of alcoholics regarding their illness.

(d) Referral of detoxified alcoholics to other appropriate alcoholism treatment programs.

(e) Adequate transportation to clients to meet the requirements of RCW 70.96A.110(4).

(2) Detoxification services shall be provided by approved public treatment facilities providing detoxification services to all incapacitated persons unless uncontrollable because of violent behavior. [Order 986, § 275-15-210, filed 12/16/74.]

WAC 275-15-215 Required services—Domiciliary and health care needs. Client physical and health care needs shall be met by practices that meet the standards set forth in the licensing standards, WAC 248-22-530. Detoxification services may provide juices, snack foods and other like foods capable of being ingested by a person undergoing detoxification in lieu of formal menus as specified in WAC 248-22-530. [Order 986, § 275-15-215, filed 12/16/74.]

WAC 275-15-220 Required services—Medical screening. There shall be policies and procedures governing the medical screening of persons prior to admission. These shall be designed to ensure that any medical screening is done by a person who is: knowledgeable about medical conditions, skilled in observation and in eliciting information pertinent to assessment of a health problem, and competent to recognize significant signs and symptoms of illness or trauma. [Order 986, § 275-15-220, filed 12/16/74.]

WAC 275-15-225 Required services—Emergency medical policies and orders. (1) There shall be a current, written medical policy and order to guide the action of personnel should a medical emergency arise when a physician is not present. These shall:

(a) Delineate the circumstances or signs and symptoms for which the particular policies and orders are to be followed:

(b) Provide for a physician to be called as rapidly as possible;

(c) Delineate the minimum qualifications or training of persons who may execute particular medical orders; and

(d) Be approved in writing by the administrator, the physician responsible for direction of the medical aspects of the treatment program and the registered nurse responsible for the direction and supervision of nursing services.

(2) Any order for the administration of drugs or treatments during a medical emergency shall include:

(a) The name of the drug or a description of the treatment which includes the name of any drug or other agent;

(b) The dosage of a drug of the concentration or intensity of another agent;

(c) The method of administration;

(d) Where pertinent, the time interval, frequency, or duration of administration;

(e) The date the order was written; and

(f) The signature of the physician. [Order 986, § 275-15-225, filed 12/16/74.]

WAC 275-15-230 Required services—Provisions for medical coverage. The alcoholism treatment facility shall make definite arrangements for a physician to be on-call at all times to advise regarding medical problems and to provide medical services if needed. A current schedule of the names and telephone numbers or the call services through which on-call physicians can be contacted rapidly shall be posted at the nurses' station in the alcoholism treatment facility. [Order 986, § 275-15-230, filed 12/16/74.]

WAC 275-15-235 Required services—Nursing.

(1) Nursing services shall be provided to each client in accordance with his needs.

(2) A registered nurse shall be responsible for planning and supervising the nursing services and for the selection and training of personnel who provide nursing observation and care. In an alcoholism treatment facility where there is not a need for the full-time services of a registered nurse, the facility may, through a written contract employ a registered nurse supervisor on a part-time basis, provided such a supervisor is on duty within the facility at least four hours per week and such additional time as may be needed to perform nursing supervisory functions.

(3) At least one staff member who is qualified to provide the nursing observation and care needed by persons undergoing detoxification shall be on duty at all times.

At any time a licensed nurse is not on duty there shall be on-call a registered nurse who will come to the alcoholism treatment facility when indicated and who is able to reach the alcoholism treatment facility within 15 minutes.

(4) Continuing observation of each client's condition shall be by persons competent to recognize and evaluate significant signs and symptoms and take appropriate action. The frequency of observation shall correspond with the degrees of acuity, severity, and instability of a client's condition.

(a) Observations of a client's condition shall include the client's vital signs, motor and sensory abilities, mental and emotional behavior, physical discomfort, response to care and treatment, and other signs and symptoms indicative of abnormality, adverse change, or favorable progress.

(b) Observation of significant signs and symptoms which are indicative of abnormality, adverse change or favorable progress shall be recorded in the client's record and signed by the person who made the observations.

(c) There shall be timely reporting to a physician about significant adverse signs and symptoms presented by a client in accordance with the nature and severity of the signs and symptoms and the indications for medical evaluation or intervention. [Order 986, § 275-15-235, filed 12/16/74.]

WAC 275-15-240 Required services—Counseling.

There shall be on staff at least one alcoholism counselor and such additional counselors as necessary to provide the alcoholism counseling services needed by clients. The alcoholism treatment facility may meet this requirement by having in effect a written agreement with a community alcoholism treatment agency or private practitioner who is an alcoholism counselor. Counseling services in a detoxification service shall consist of those counseling services that facilitate motivation of the person to accept referral into a continuum of care for his alcoholism. [Order 986, § 275-15-240, filed 12/16/74.]

WAC 275-15-245 Required services—Social and recreational activities. There shall be definite provision for social and recreational activities to promote and assist a client's engagement in normal activities in accordance with his interests needs and potential. Such service may be of a day-room or lounge nature in which persons can watch television, play cards, or other games and engage in like social and recreational activities. [Order 986, § 275-15-245, filed 12/16/74.]

WAC 275-15-250 Required services—Discharge and referral. Clients discharged should be referred to a diagnostic or referral resource whenever possible. The client should be assisted to these agencies or to his home after release from the facility where necessary. [Order 986, § 275-15-250, filed 12/16/74.]

WAC 275-15-255 Transfer agreement. The alcoholism treatment facility shall have in effect a written transfer agreement with one or more hospitals which provides assurance that a person can and will be transferred to a hospital when his condition necessitates acute care and treatment in a hospital. [Order 986, § 275-15-255, filed 12/16/74.]

WAC 275-15-300 Purpose. The purpose of WAC 275-15-300 through 275-15-399 is to provide specific operational program standards for facilities providing intensive inpatient alcoholism treatment services as defined in WAC 275-15-020. To be approved and accredited as an alcoholism treatment facility to provide

intensive inpatient alcoholism treatment service, the facility must comply with these rules and regulations, the general rules and regulations of this chapter, rules and regulations relating to private establishments (chapter 71.12 RCW) and chapter 70.96A RCW. [Order 1193, § 275-15-300, filed 3/3/77; Order 986, § 275-15-300, filed 12/16/74.]

WAC 275-15-305 Clients. (1) Category of clients. Persons needing detoxification shall not be admitted or retained but shall be referred or transferred to an alcoholism receiving or detoxification service unless they manifest signs and symptoms of a condition that warrants acute care and treatment in a hospital.

(2) An alcoholism intensive inpatient treatment facility shall establish rules concerning acceptance of clients into treatment that are consistent with chapter 70.96A RCW and rules of the department. [Order 1193, § 275-15-305, filed 3/3/77; Order 986, § 275-15-305, filed 12/16/74.]

WAC 275-15-310 Required services—General.

(1) There shall be an organized alcoholism intensive inpatient treatment program and staff which provide the following services:

(a) Education of clients regarding alcohol and alcoholism;

(b) Intensive individual and group counseling;

(c) Social and recreational activities;

(d) General health supervision;

(e) Discharge referral to necessary supportive organizations and agencies in the persons [person's] community of residence; and

(f) A client follow-through program that maintains periodic supportive and evaluative contact after discharge. [Order 1193, § 275-15-310, filed 3/3/77; Order 986, § 275-15-310, filed 12/16/74.]

WAC 275-15-315 Required services—Domiciliary and health care needs. (1) Client physical health care needs shall be met by practices that meet standards set forth in the Private Establishment Act, chapter 71.12 RCW, and the rules and regulations promulgated thereunder.

(2) Nursing care for ill or disabled persons shall consist of the following services: simple nursing care of a type ordinarily given in a private home by lay person, to a client with a mild temporary illness which does not exceed fourteen days in duration; administration of medicines and treatments of minimal complexity to clients who are unable to administer their own medicines and simple treatment properly; and periodic or occasional visiting nurse service from a community health agency. Any person who requires nursing care beyond services available at the facility shall not be admitted or retained as a client but shall be referred or transferred to another health care facility which regularly provides the nursing services he needs. [Order 986, § 275-15-315, filed 12/16/74.]

WAC 275-15-320 Required services—Education. The treatment program shall include instruction on the

nature and effects of alcohol and alcoholism. Written materials shall also be available for all clients. [Order 986, § 275-15-320, filed 12/16/74.]

WAC 275-15-325 Required services—Individual and group counseling. There shall be on staff at least one alcoholism counselor and such additional counselors as necessary to provide the alcoholism counseling services needed by clients. The alcoholism treatment facility may have in effect a written agreement with a community alcoholism treatment agency or private practitioner who is an alcoholism counselor. [Order 986, § 275-15-325, filed 12/16/74.]

WAC 275-15-330 Required services—Social and recreational activities. There shall be definite provision for social and recreational activities to promote and assist a client engagement in normal activities in accordance with his interests, needs and potential. [Order 986, § 275-15-330, filed 12/16/74.]

WAC 275-15-335 Required services—General health supervision. There shall be a physician who is responsible for the direction of the medical aspects of the alcoholism treatment program. This physician may be one whose services the alcoholism treatment facility has engaged on a regular basis, or where there is an organized medical staff, a representation of the medical staff. This physician's responsibility for medical guidance of the treatment program shall include approval of policies and procedures pertaining to: medical screening of clients; care of clients having minor treatment or first aid; and medical emergencies. Detailed provisions are specified in WAC 248-22-530(5). [Order 986, § 275-15-335, filed 12/16/74.]

WAC 275-15-340 Required services—Safety measures. There shall be written policies and procedures governing the action to be taken following any accident or incident which jeopardizes a client's health or life (see WAC 248-22-530(8)). [Order 986, § 275-15-340, filed 12/16/74.]

WAC 275-15-345 Required services—Notification regarding change in client's condition. A client's next of kin, legal guardian or other person or agency responsible for the client shall be notified as rapidly as possible should a serious change in the client's condition, transfer of the client to a hospital or death of the client occur. [Order 986, § 275-15-345, filed 12/16/74.]

WAC 275-15-350 Required services—Discharge or referral. Upon completion of the course of treatment the client should be counseled to establish contact with services or agencies that will assist him in maintaining his sobriety (A.A., outpatient services of an alcoholism service center, etc.). The client should be assisted in identifying and making contact with any social service agencies as may be necessary. [Order 986, § 275-15-350, filed 12/16/74.]

WAC 275-15-355 Required services—Follow-through on client after discharge or referral. (1) The

treatment agency shall establish a systematic follow-through on former clients. This service may be provided directly by qualified agency staff or indirectly through staff of other agencies.

(a) The follow-through shall assess the progress of the client and the need for further services. The client should be offered further services if needed.

(b) The agency will maintain records of client progress and systematically assess the effectiveness of the treatment regimen. [Order 986, § 275-15-355, filed 12/16/74.]

WAC 275-15-360 Written program statement. (1) There must be a written description of the treatment program to include:

(a) Provisions for medical evaluation and supervision.

(b) A specific and detailed treatment regimen.

(c) A description of the various therapeutic methods employed in the total treatment program, including such items as:

(i) individual counseling

(ii) group counseling

(iii) chemotherapy

(iv) physical training

(v) educational lectures

(vi) AA meetings, etc.

(d) A description of any follow-up treatment and evaluation.

(e) A concise statement of all costs charged for any service offered clients. [Order 986, § 275-15-360, filed 12/16/74.]

WAC 275-15-400 Alcoholism long-term treatment service. Facilities providing alcoholism long-term treatment service as described in WAC 275-15-020 shall be approved and accredited by the department when meeting specific requirements of WAC 275-15-010 through 275-15-199 and when meeting requirements of chapter 248-22 WAC. [Order 1193, § 275-15-400, filed 3/3/77; Order 986, § 275-15-400, filed 12/16/74.]

WAC 275-15-500 Alcoholism recovery house service. Facilities providing alcoholism recovery house service as described in WAC 275-15-020 shall be approved and accredited by the department when such facilities meet the specific requirements of WAC 275-15-010 through 275-15-199 and meet the requirements of chapter 248-22 WAC. [Order 1193, § 275-15-500, filed 3/3/77; Order 986, § 275-15-500, filed 12/16/74.]

WAC 275-15-600 Alcoholism outpatient treatment—Purpose. The purpose of WAC 275-15-600 through 275-15-699 is to provide specific program standards and objectives for approval of facilities providing alcoholism outpatient treatment services as described in WAC 275-15-020. [Order 986, § 275-15-600, filed 12/16/74.]

WAC 275-15-605 Required services. (1) Facilities providing alcoholism outpatient treatment as described

in WAC 275-15-020 provide the following types of alcoholism treatment services:

(a) Assessment of each client's needs regarding specific alcohol-related problems as perceived by the client, center staff and involved others.

(b) Immediate evaluation for applicants requiring services.

(c) Development in cooperation with the client, a mutual agreement for services, including those beyond the purview of the center designed to meet the client's needs in alleviating specific alcohol-related problems.

(d) Specific, individualized, time-linked treatment goals whose accomplishment can be objectively verified.

(e) Determination of services needed to accomplish treatment goals, including treatment modalities, with reference to the client's physical, mental, emotional, ethnic and socio-economic conditions, and the provisions of service beneficial to the client in a non-residential program on a scheduled basis pursuant to prescribed plans.

(f) Referral of clients for concomitant services as determined necessary and provide advocacy and/or follow along efforts to insure the efficacy of such referrals.

(g) Provide follow-through services for recovering alcoholics referred from inpatient treatment programs. [Order 986, § 275-15-605, filed 12/16/74.]

WAC 275-15-610 Facility standards. (1) All applicable state and county regulatory requirements shall be met.

(2) Room for group and sub-group activities will be provided.

(3) There shall be private space for personal consultation.

(4) Medications shall be secured in a lockable place. [Order 986, § 275-15-610, filed 12/16/74.]

WAC 275-15-615 Administration. (1) The administrative organization shall assure free-flow of clinical and managerial information and shall facilitate the delivery of services.

(2) Program services provided as generally described in WAC 275-15-605 shall be delineated and described in detail in writing by the administrative organization. Such descriptions shall include and outline in detail the service delivery system and shall be described in measurable terms.

(3) The lines of authority and responsibility shall be explicitly stated in writing and should delineate all staff positions, including volunteers.

(4) The administrative organization shall develop a plan for coordination of efforts and interfacing with other community agencies, public and private, comprising the county alcoholism services system and ancillary services.

(5) The administrative organization shall develop a fee schedule which shall be posted prominently. [Order 1193, § 275-15-615, filed 3/3/77; Order 986, § 275-15-615, filed 12/16/74.]

WAC 275-15-620 Program service objectives—Staff. (1) There shall be a chief administrator or director of the facility who is directly responsible for its operation.

(2) There shall be adequate clerical and other support staff as required to insure the attainment of program service objectives. All staff members who have contact with clients and the public shall have adequate training regarding alcoholism and alcohol abuse. [Order 986, § 275-15-620, filed 12/16/74.]

WAC 275-15-625 Records. (1) Accurate and complete records shall be maintained which:

(a) Are adequate to evaluate the efficiency and effectiveness of the program,

(b) Facilitate the treatment relationship,

(c) Assist in supervision and

(d) Include all required state and county data in reporting elements. These records will be maintained in a manner which will insure confidentiality of patient's case records and will meet pertinent federal, state, and local regulations governing such records.

(2) Individual case records shall include:

(a) Pertinent physical, social, psychological and legal information;

(b) Data necessary for personal identification; and

(c) An individualized treatment plan which includes:

(i) Objectives (what specifically is to be accomplished),

(ii) Estimated dates of accomplishment,

(iii) Services to be provided by the center,

(iv) Services to be arranged for by the center and provided by other sources. [Order 986, § 275-15-625, filed 12/16/74.]

WAC 275-15-630 Case management. (1) Each client's case shall have a manager who will be responsible for completeness of case records and documentation of progress toward an attainment of case objectives.

(2) An individualized treatment plan subject to revision if necessary shall be developed. Said plan shall be developed in cooperation with the client if possible and shall establish specific, time-linked treatment objectives leading toward responsible, independent life style and termination of services.

(3) The case manager should review each active case in his or her load regularly and shall review each case at least quarterly to insure that the treatment plan is valid or revised and that there is movement toward treatment goals.

(4) The treatment rationale will be designed to achieve total abstinence for all diagnosed alcoholics.

(5) Auxiliary services to help modify the client's life style might include but are not limited to the following

(a) Alcoholic Anonymous affiliation

(b) Special programs for specific ethnic or minority groups

(c) Occupational therapy

(d) Vocational rehabilitation

(e) Recreational therapy and vocational development

(f) Spiritual/philosophical counseling and guidance

(g) Activity/socialization programs

(6) Alternate treatment methods should be available according to the capabilities of the staff as well as through guided referrals.

(7) Medical backup procedures shall be available to provide:

(a) Hospital services to meet life threatening situations to clients.

(b) Consultation for non-medical staff.

(8) Any treatment plan that includes antabuse shall be supervised by a licensed physician as well as other treatment staff. [Order 986, § 275-15-630, filed 12/16/74.]

WAC 275-15-700 Information and referral service regulations—Purpose. The purpose of WAC 275-15-700 through 275-15-799 is to provide program standards for facilities providing information and referral services as described in WAC 275-15-020. [Order 986, § 275-15-700, filed 12/16/74.]

WAC 275-15-705 Required services. Approved facilities providing alcohol information and referral services shall provide for the following direct services to the clients and their families:

(a) Interview and assess client's involvement with alcohol.

(b) Assist the client in evaluating his or her problems with alcohol and determine which agency might best serve his or her needs.

(c) Assist the problem drinker and his or her family to seek and locate appropriate treatment and rehabilitation resources.

(d) Provide the family of the problem drinker or alcoholic with information and direction in dealing with the person in the family who is suffering from the alcohol problems.

(e) Interpret community services and resources available to meet the individual needs of the problem drinker, the alcoholic and their families.

(f) Provide information and referral services to the youth in the community. These services should be directed towards youth experiencing alcohol-related problems either directly or indirectly. [Order 986, § 275-15-705, filed 12/16/74.]

WAC 275-15-710 Community services. (1) Subject to restrictions in funding and man-years, facilities providing information and referral services shall attempt to provide the communities which they serve with information and education concerning alcoholism and alcohol related problems and serve as consultant to the community agencies.

(2) The facility shall develop a priority list of services to be provided in the community. The following listed services should be considered when developing community service priorities:

(a) Provide consultation services to school districts and their personnel.

(b) Assist in the development of school curriculum for schools.

(c) Provide speakers bureau for groups and organizations.

(d) Disseminate news releases and articles for media publication.

(e) Conduct workshops for professionals in social services and related fields.

(f) Provide educational programs on alcohol, alcohol abuse and alcoholism to the following groups;

(i) Alcoholics and their families

(ii) Problem drinkers and their families

(iii) Youth

(iv) General public

(v) Professional groups

(vi) Occupational groups

(vii) Educational groups

(viii) Other

Education programs may take the form of workshops, television and radio programs, newspapers publicity, lecture series movie presentations, etc.

(g) Provide assistance to industry for development of an industrial relations program.

(i) Prepare an industrial relations program to be made available to various companies.

(ii) Provide workshops to train supervisor personnel.

(h) Provide training for professional personnel and the lay public regarding effective techniques of assisting the problem drinker and the alcoholic with his illness.

(i) Serve as a consultant to community agencies concerning services available to the problem drinker, the alcoholic and their families.

(j) Develop working relationships with the probation department and the courts.

(i) Provide courts with recommendations on persons charged with alcohol-related offenses.

(ii) Provide court-involved clients with referral necessary for treatment and follow-up

(k) Develop working relationships with all social service and related agencies within the community. [Order 986, § 275-15-710, filed 12/16/74.]

WAC 275-15-715 Location. The alcohol information and referral service shall be conveniently located so that clients seeking service will have immediate access to assistance. [Order 986, § 275-15-715, filed 12/16/74.]

WAC 275-15-800 Alcohol information school regulations—Purpose. WAC 275-15-800 through 275-15-899 are adopted for the purpose of providing programs standards and requirements for facilities acting as alcohol information schools as described in WAC 275-15-020. [Order 986, § 275-15-800, filed 12/16/74.]

WAC 275-15-805 Functions. (1) The alcohol information school shall provide for the following:

(a) Adequate information regarding alcohol, alcohol abuse, and alcoholism as determined by the office on alcoholism pursuant to departmental standards and guidelines.

(b) Assistance to the student in evaluating his or her development with alcohol.

(c) A treatise to the traffic offender on the Traffic Offender Act.

(d) Pertinent information regarding alcohol and driving.

(e) Encouragement to the student to seek help at an early stage so that they may reduce the potential of serious consequences.

(f) Screening of students who are having drinking problems so that they may be encouraged to seek and be directed toward appropriate help. [Order 986, § 275-15-805, filed 12/16/74.]

WAC 275-15-810 Required instruction. The alcohol information school shall provide a school curriculum which includes at least 6 hours of class room instruction. [Order 986, § 275-15-810, filed 12/16/74.]

WAC 275-15-815 Fees. Fees shall be limited to not more than \$10 per hour of instruction to a maximum of \$100, per client for the entire curriculum. [Order 1193, § 275-15-815, filed 3/3/77; Order 986, § 275-15-815, filed 12/16/74.]

Chapter 275-16 WAC
LIABILITY FOR COSTS OF CARE AND
HOSPITALIZATION OF THE MENTALLY ILL

WAC

275-16-010	Definitions.
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WAC 275-16-010 Definitions. As used in these rules and regulations:

(1) "Director" shall mean the Director of the Department of Institutions of the State of Washington, or such officer of the department as he may designate to carry out in whole or in part the administration of the provisions of those rules and regulations, and chapter 127 of the Laws of 1967, Extraordinary Session [RCW 71.02-.230, 71.02.320, and 71.02.410-71.02.417].

(2) "Department" shall mean the Department of Institutions of the State of Washington.

(3) "Act" shall mean chapter 127 of the Laws of 1967, Extraordinary Session, [Chapter 71.02] the law relating to costs and liability for care and hospitalization of the mentally ill.

(4) "Hospitalization" includes treatment, transportation, examination, diagnosis, care, detention, training, pharmaceutical services, outpatient services and other services provided for patients needing mental health treatment. [Order 1, § 275-16-010, filed 2/23/68; Emergency Rules (part), filed 1/26/68, 10/24/67, and 8/2/67.]

WAC 275-16-020 Investigation and determination of liability. The Department of Institutions may investigate the financial condition of those persons and estates

potentially liable under the act for payment of hospitalization charges for the mentally ill, and may make determinations of the ability of each such person or estate to reimburse the department for the appropriate hospitalization charges, and, for such purposes, may judge the ability to pay, taking into consideration the economics, social, medical and other relevant factors involved in each patient's case. [Order 1, § 275-16-020, filed 2/23/68; Emergency Rules (part), filed 1/26/68, 10/24/67, 8/2/67, and 7/28/67.]

WAC 275-16-030 Schedule of charges. (1) Hospitalization charges shall be due and payable on or before the tenth day of each calendar month for services rendered during the preceding month, based upon the following schedule:

(1) COSTING AND BILLING RATES

	Western State Hospital	Child Study and Treat- ment Center	Eastern State Hospital
(a) INPATIENT SERVICES -			
Per diem			
Combined Psychiatric Care			
Hospital Costs	\$42.21	\$64.12	\$42.95
Physicians' Costs	1.11	1.27	1.00
Total	43.32	65.39	43.95
Medical-Surgical Costs			
Hospital Costs	60.65	—	54.54
Physicians' Costs	4.59	—	3.27
Total	65.24	—	57.81
(b) OUTPATIENT SERVICES			
Per diem			
Psychiatric Care			
Outpatient	—	36.48	—
Psychiatric Care			
Day Care	—	15.39	—
(c) Ancillary Services -			
Per Relative Value Unit ¹			
Radiology			
- Technical Component	2.53	2.53	2.54
- Professional Component	1.07	1.07	.11
Total - Radiology	3.60	3.60	2.65
Pathology			
- Technical Component	.28	.28	.17
- Professional Component	.10	.10	.02
	.38	.38	.19
Medical Clinics	.73	.73	1.51
Electroencephalogram	2.00	2.00	.50
Electrocardiogram	.73	.73	.06
Inhalation Therapy	.73	.73	.70
Physical Therapy	.31	.31	—
Occupational Therapy	.73	.73	13.93
Speech Therapy	.73	.73	1.10
Dental	.73	.73	1.51
Podiatry	.73	.73	1.51

¹California Medical Association. "Relative Value Studies". Fifth Edition. San Francisco: 693 Sutter Publication, Inc., 1969, 135 pp.

(2) Services required by the patient that cannot be provided by hospital staff are purchased from private sources and charged at actual cost. [Order 1190, § 275-16-030, filed 2/18/77; Order 1086, § 275-16-030, filed 1/15/76; Order 1002, § 275-16-030, filed 1/14/75; Order 947, § 275-16-030, filed 6/26/74; Order 812, § 275-16-030, filed 6/28/73; Order 14, § 275-16-030, filed 5/11/71; Order 6, § 275-16-030, filed 1/10/69; Order 1, § 275-16-030, filed 2/23/68; Emergency Rules (part), filed 1/26/68, 10/24/67, 8/2/67, and 7/28/67.]

WAC 275-16-040 Factors in determining ability to pay. Ability to pay will be determined on the following basis:

(1) * MONTHLY FAMILY INCOME RANGE	** RANGE OF MONTHLY PAYMENT DUE
\$ 0 — \$ 300	\$ 0 — \$ 200
\$ 301 — \$ 600	\$ 0 — \$ 500
\$ 601 — \$ 1000	\$ 0 — \$ 900
\$ 1001 — \$ 1500	\$ 0 — \$ 1400

*This family income range is also intended to enable payment to the state for situations in which support for a family is available from other sources during the period of hospitalization of the person who normally provides for the family income.

**Actual amount of payment due for each patient within each range to be determined by Department of Institutions in accordance with the provisions of these regulations.

(2) Nothing herein is to be construed as precluding the consideration of assets other than monthly income in making findings of financial responsibility. [Order 1, § 275-16-040, filed 2/23/68; Emergency Rules (part), filed 1/26/68, 10/24/67, 8/2/67, and 7/28/67.]

WAC 275-16-050 Notice of responsibility—Contents and service. In any case where determination is made that a person, or the estate of such person, is able to pay all, or any portion of the monthly charges for services, a notice of finding of responsibility shall be personally served on such person or persons and the legal representative of such person. The notice shall set forth the amount the department has determined that such person, or his or her estate, is able to pay per month for the monthly costs of hospital and related services. The payment to the department of institutions shall commence no later than thirty days after personal service of such notice and finding of responsibility which finding of responsibility shall cover the period from the date of admission of such mentally ill person to a state hospital, and for the costs of hospital and related services accruing thereafter. [Order 1, § 275-16-050, filed 2/23/68; Emergency Rules (part), filed 1/26/68, 10/24/67, and 7/28/67.]

WAC 275-16-060 Appeal procedure—Court review. (1) An appeal may be made to the director of institutions, or his designee within thirty days from the

date of posting of such notice and finding of responsibility upon the giving of written notice of appeal to the director of institutions by registered or certified mail, or by personal service. If no appeal is taken, the notice and finding of responsibility shall become final. If an appeal is taken, the execution of notice and finding of responsibility shall be stayed pending the decision of such appeal.

(2) Appeals may be heard in any county seat most convenient to the appellant. The hearing of appeal may be presided over by a hearing examiner appointed by the director, and the proceedings shall be recorded either manually or by a mechanical device. At the conclusion of such hearing, the hearing examiner shall make findings of fact and his conclusions and recommended determination of responsibility. Thereafter, the director, or his designee, may either affirm, reject or modify the findings, conclusions and determination of responsibility made by the hearing examiner.

(3) Judicial review of the director's determination of responsibility in the superior court and the supreme court may be taken in accordance with the provisions of the Administrative Procedure Act, chapter 34.04 RCW. [Order 1, § 275-16-060, filed 2/23/68; Emergency Rules (part), filed 1/26/68, 10/24/67, and 7/28/67.]

WAC 275-16-070 Judgment upon finding of responsibility. Whenever any notice and finding of responsibility, or appeal therefrom, shall have become final, as provided in the act, the superior court of the county wherein such person or persons reside or have property either real or personal, shall, upon application of the director of institutions enter a judgment in the amount of the accrued monthly charges for the costs of hospitalization, and/or the costs of outpatient services, and such judgment shall have and be given the same effect as if entered pursuant to civil action instituted in said court. [Order 1, § 275-16-070, filed 2/23/68; Emergency Rules (part), filed 1/26/68, 10/24/67, and 7/28/67.]

WAC 275-16-080 Modification or vacation of findings. The director, or his designee, upon application of the person responsible for payment or reimbursement to the state for the costs as determined herein, or of the legal representative of such person, and, after investigation, or after investigation without application, the director, or his designee, if satisfied of the financial ability or inability of such person to reimburse the state in accordance with the original finding of responsibility, may, modify or vacate such original finding of responsibility and enter a new finding of responsibility. The determination to modify or vacate findings of responsibility shall be served and be appealable in the same manner and in accordance with the same procedures for appeals of original findings of responsibility. [Order 1, § 275-16-080, filed 2/23/68; Emergency Rules (part), filed 1/26/68, 10/24/67, and 7/28/67.]

WAC 275-16-090 Subsequent enrichment—Recovery. The provisions contained herein shall not be construed as prohibiting or preventing the department of institutions from obtaining reimbursement from any

person or person's estate liable for the reimbursement of the state of the full amount of the accrued charges for the costs of hospital and related services, to the extent of the liability as determined herein, from any property acquired subsequent to and regardless of the initial findings of responsibility. [Order 1, § 275-16-090, filed 2/23/68; Emergency Rules (part), filed 1/26/68, 10/24/67, and 7/28/67.]

WAC 275-16-100 Payment under prior law. All persons liable for payment of charges under prior laws shall not be affected by the provisions herein, until a finding of responsibility shall have been made and become final in accordance with the provisions of these rules and regulations. [Order 1, § 275-16-100, filed 2/23/68; Emergency Rules (part), filed 1/26/68, 10/24/67, and 7/28/67.]

Chapter 275-20 WAC

COSTS OF CARE OF MENTALLY DEFICIENT PERSONS RESIDING IN STATE INSTITUTIONS

WAC

275-20-010	Definitions.
275-20-020	Financial responsibility established.
275-20-030	Schedule of per capita cost.
275-20-040	Date Payable—Reserve for personal and special needs—Clothing.
275-20-050	Superintendents to supply information.
275-20-060	Per capita cost—Determination of ability to pay.
275-20-070	Appeal procedure—Judicial review.

WAC 275-20-010 Definitions. For the purposes of these rules and regulations, unless the context requires otherwise: (1) "Mental deficiency" is a state of subnormal development of the human organism in consequence of which the individual affected is mentally incapable of assuming those responsibilities expected of the socially adequate person such as self-direction, self-support and social participation.

(2) "Physical deficiency" is a state of physical impairment of the human organism in consequence of which the individual affected is physically incapable of assuming those responsibilities expected of the socially adequate person such as self-direction, self-support and social participation.

(3) "Parent" is the person or persons having the legal right to custody of a child by reason of kinship by birth or adoption.

(4) "State school" shall mean any residential school of the department established, operated and maintained by the state of Washington for the education, guidance, care, treatment and rehabilitation of mentally and/or physically deficient persons as defined herein.

(5) "Resident of a state school" shall mean a person, whose mental and/or physical involvement requires the specialized care, treatment and educational instruction therein provided, and who has been admitted upon parental or guardian's application, or found in need of residential care by proper court and duly received.

(6) "Court" shall mean the superior court of the state of Washington.

(7) "Division" shall mean the division of children and youth services of the department of institutions or its successor.

(8) "Resident of the state of Washington" shall mean a person who has acquired his domicile in the state by continuously residing within the state for a period of not less than one year before application for admission is made: *Provided*, That the residence of an unemancipated minor shall be imputed from the residence of the father, if such minor is a legitimate child, otherwise from the residence of the mother, and if the parental rights and responsibilities regarding a minor have been transferred by the court, then the residence of such minor shall be imputed from the person to whom such have been awarded.

(9) "Superintendent" shall mean the superintendent of Lakeland Village, Rainier school and other like residential schools that may be hereafter established.

(10) "Custody" shall mean the right of immediate physical attendance, retention and supervision.

(11) "Placement" shall mean an extramural status for the resident's best interests granted by the superintendent after reasonable notice and consultation with the parents or guardian of such resident.

(12) "Discharge" shall mean the relinquishment by a state school of all rights and responsibilities it may have acquired by reason of the acceptance for admission of any resident. [Order 2, § 275-20-010, filed 2/23/68.]

WAC 275-20-020 Financial responsibility established. The department of institutions will determine the actual financial responsibility for the cost of care, support and treatment for each resident of the state residential schools in accordance with cost rates, established by these rules and regulations, and upon the basis of those residents who possess estates over and above the minimal amount required by law to be available to meet the resident's personal needs. [Order 2, § 275-20-020, filed 2/23/68.]

WAC 275-20-030 Schedule of per capita cost. Resident charges will be collected on the basis of the following:

	Per Capita Monthly Rate	Per Capita Daily Rate
Lakeland Village	\$ 917.98	\$ 30.18
Rainier School	898.21	29.53
Yakima Valley School	1,285.41	42.26
Fircrest School	1,604.48	52.75
Interlake School	1,197.20	39.36

[Order 1191, § 275-20-030, filed 2/18/77; Order 1071, § 275-20-030, filed 12/2/75; Order 982, § 275-20-030, filed 11/14/74, effective 1/1/75; Order 903, § 275-20-030, filed 1/29/74; Order 808, § 275-20-030, filed 6/15/73, effective 8/1/73; Order 15, § 275-20-030, filed 5/11/71; Order 2, § 275-20-030, filed 2/23/68.]

WAC 275-20-040 Date Payable—Reserve for personal and special needs—Clothing. (1) Resident charges shall be due and payable in advance on the first

day of each and every month to the department of institutions. The sum of \$1000 shall be retained by or on behalf of the estate of the resident for personal needs of the resident which may arise.

(2) No more than \$10.00 per month shall be disbursed by the superintendent for personal incidental needs of the resident; however, this is not intended to preclude use of monies from the retained amount to provide for special needs that may arise. Such special expenditure may be made by the superintendent when authorized in writing by the guardian of the resident's estate, or by the guardian when properly authorized by the superior court of competent jurisdiction.

(3) When not otherwise provided, the state school shall provide each resident with suitable clothing, the actual cost of which shall be a charge against the parents, guardian or estate of such resident; and, in the event that such person, guardian or estate is unable or is insufficient to provide or pay for such clothing, the same shall be provided by the state. [Order 2, § 275-20-040, filed 2/23/68.]

WAC 275-20-050 Superintendents to supply information. Superintendents of the state schools shall forward information with regard to each resident now residing in such institution and those hereafter admitted to the supervisor of collections setting forth the following information: (1) Name and age of each resident.

(2) Name and address of parents, or, if address is not known, the last known address, unless deceased.

(3) Names of guardian and address, if any, cause number and court where appointed, and copies of papers regarding the guardianship.

(4) The amount of funds on deposit in the personal account for each resident.

(5) Income of any nature and source and the eligibility if known, for state, federal or private benefits.

(6) Interest of resident in any property, real or personal. [Order 2, § 275-20-050, filed 2/23/68.]

WAC 275-20-060 Per capita cost—Determination of ability to pay. (1) The average per capita cost for each school will be computed by the department of institutions annually and adopted as the cost rate of the department for that year, in accordance with the provisions of chapter 42.32 RCW and of chapter 34.04 RCW. The department of institutions will make the appropriate collections of such charges in conjunction with the schools for retarded which collections may be enforced by civil action when necessary to be instituted by the attorney general, either within or without the state.

(2) The department of institutions will, through appropriately designated staff, investigate and determine the assets of the estate of each resident of every residential school and, thereupon, determine the ability of each estate to pay all or any portion of the average monthly charge; as provided by law.

(3) When any person, other than a resident or guardian of the estate, deposits funds so that the depositor and the resident become joint tenants with the right of survivorship, such funds shall not be considered part of the resident's estate so long as the resident is not the sole

survivor of such joint tenancy. [Order 2, § 275-20-060, filed 2/23/68.]

WAC 275-20-070 Appeal procedure—Judicial review. (1) Appeal from the determination of financial liability, as determined pursuant to the foregoing provisions, may be made by the guardian of the resident's estate or if no guardian has been appointed by his spouse or parents, to the Director of the Department of Institutions. Such appeal shall be made in writing within thirty (30) days of the receipt of the department's notice or billing of the amount due from the estate of the particular resident. The written notice of appeal shall be served upon the director by registered or certified mail. If no appeal is so received by the director within this thirty day period, the billing containing the findings of financial liability shall be considered final. If an appeal is made as prescribed the execution of the billing and finding of financial liability will be held in abeyance, pending a decision on the appeal.

(2) Appeal hearings will be held in any county seat most convenient to the appellant. The director, upon conclusion of the hearing and after any further investigation which he may find necessary, may affirm, modify or vacate the original finding of financial liability.

(3) The director's decision may be appealed to the courts in accordance with existing provisions of the administrative procedures act. [Order 2, § 275-20-070, filed 2/23/68.]

Chapter 275-25 WAC

COUNTY PLAN FOR MENTAL HEALTH, DRUG ABUSE, DEVELOPMENTAL DISABILITIES, ALCOHOLISM

WAC

275-25-010	Definitions.
275-25-020	Plan development and submission.
275-25-030	Program operation—General provisions.
275-25-040	Appeal procedure.
275-25-300	Alcoholism program—WAC section numbers.
275-25-310	Approved treatment facilities.
275-25-330	Service priority.
275-25-340	Funding formula—Alcoholism.
275-25-500	Developmental disabilities program—WAC section numbers.
275-25-510	Definition—Developmental disabilities.
275-25-520	Services—Developmental disabilities.
275-25-525	Program requirements.
275-25-530	Funding formula—Developmental disabilities.
275-25-700	Mental health and drug treatment programs—WAC section numbers.
275-25-710	Definitions—Mental health and drug treatment.
275-25-720	Priorities.
275-25-730	Services—Mental health and drugs.
275-25-740	Clinical requirements.
275-25-750	Staffing requirements.
275-25-755	Client rights—Notification of client.
275-25-760	State hospitals—Referral.
275-25-770	Funding formula—Mental health.

WAC 275-25-010 Definitions. (1) All terms used in this chapter which are not defined herein shall have the same meaning as indicated in the act.

(2) "Act" means:

(a) The Alcoholism Act (chapter 70.96 and 70.96A RCW) as now existing or hereafter amended, or

(b) The State and Local Services for Mentally Retarded and Developmentally Disabled Act (chapter 71.20 RCW) as now existing or hereafter amended, or

(c) The Community Mental Health Services Act (chapter 71.24 RCW) as now existing or hereafter amended.

(3) "County" means each county or two or more counties acting jointly.

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

(5) "Indian" shall mean any

(a) Person who is enrolled in or who is eligible for enrollment in a recognized Indian tribe; any person determined to be or eligible to be found to be an Indian by the secretary of the interior; and any Eskimo, Aleut or other Alaskan native.

(b) Canadian Indian person who is a member of a treaty tribe, Metis community or other nonstatus Indian community from Canada.

(c) Unenrolled Indian person who is considered to be an Indian by a federally or nonfederally recognized Indian tribe or the urban Indian/Alaska community.

(6) "Plan" means the application a county submitted to the secretary for review and approval under the act(s); or an annual revision of an existing plan.

(7) "Population" means the aggregate number of persons located in the designated county as computed by the United States census bureau in accordance with that agency's latest report, or of the office of program planning and fiscal management.

(8) "Secretary" means the secretary of the department or such employee or such unit of the department as the secretary may designate. [Order 1142, § 275-25-010, filed 8/12/76. Formerly chapter 275-12, 275-13 and 275-29 WAC.]

WAC 275-25-020 Plan development and submission. (1) All dates in this section refer to the year preceding the calendar year covered by the plan.

(2) The requirements of this section shall apply to the following program areas:

- (a) Mental health
- (b) Drug treatment
- (c) Developmental disabilities
- (d) Alcoholism

(3) The secretary shall announce the amount of funds available to each county for each program area no later than August 1.

(4) Each county shall submit a preliminary plan for each program area to the secretary no later than October 1, including the following data:

- (a) A statement of priorities;
- (b) A precise and definitive work statement, including a listing of all program components, anticipated services and subcontractors; their relationship to the priority statement, and the method(s) for integrating the various program components and services;
- (c) A forecast of all revenues and expenditures;
- (d) An evaluation of the current years plan.

(e) A county and/or agency client participation schedule based on client ability to pay: *Provided*, That, no client may be denied service because of inability to pay.

(5) The preliminary plan shall be accompanied by a letter of transmittal signed by the county governing body or county executive. Such transmittal shall not be construed as approval or adoption of the preliminary plan by the county governing body or county executive.

(6) The secretary shall make written comment to each county regarding the preliminary plan within thirty (30) days after receipt of the plan.

(7) Each county shall submit its final plan for each program area immediately after its adoption by the county governing body, but in no case later than December 15. The final plan shall include all of the data items in WAC 275-25-020(4) except that the forecast of revenues and expenditures shall be replaced by the adopted budget.

(8) The secretary may request such additional information and documentation, or changes in the plan, as are reasonably necessary prior to granting approval or denial.

(9) The secretary may grant provisional approval of an adopted plan, or portion of an adopted plan, and require the applicant to revise the adopted plan prior to granting approval.

(10) The secretary shall inform the county of the approval, provisional approval, or denial of an adopted plan within thirty (30) days after receipt of the plan.

(11) A county whose adopted plan has been approved by the secretary may submit a modified plan to the secretary for review and approval at any time.

(12) Preparation, submission, and processing of a county's plan shall not be delayed due to any appeal, administrative review, or proceedings pursuant to the Administrative Procedures Act. [Order 1142, § 275-25-020, filed 8/12/76.]

WAC 275-25-030 Program operation—General provisions. (1) The provisions of this section shall apply to all programs operated under authority of the act(s).

(2) The county and all contractors and subcontractors must comply with all applicable law or rule governing the department's approval of payment of funds for the program(s). Verification may be in the manner and to the extent requested by the secretary.

(3) No state funds will be paid to a county for costs of services provided by the county or other person or organization who or which was not licensed, certified, and/or approved as required by law or by rule whether or not the plan was approved by the secretary.

(4) The secretary may impose such reasonable fiscal and program reporting requirements as he or she deems necessary for effective program management.

(5) **Funding.** (a) A plan must be approved by the secretary prior to the granting of state funds for services to be provided under the plan.

(b) Payments to counties shall be made on the basis of monthly vouchers submitted to the department for costs incurred under an approved plan. The form and content of the vouchers shall be specified by the department.

(c) The secretary may make advance payments to counties, where such payments would facilitate sound program management.

(d) If the department receives evidence that a county or contractor performing under the plan is:

(i) Not in compliance with applicable state law or rule; or

(ii) not in substantial compliance with the plan; or

(iii) unable or unwilling to provide such records or data as the secretary may reasonably require, then the secretary may withhold all or part of subsequent monthly disbursement to the county until such time as satisfactory evidence of corrective action is forthcoming. Such withholding or denial of funds shall be subject to appeal pursuant to the Administrative Procedures Act (chapter 34.04 RCW).

(6) **Contracting.** A county may contract for the performance of any of the services specified in the approved plan. All contracts and subcontracts shall include:

(a) A precise and definitive work statement including a description of the services to be provided;

(b) Specific agreement by the contractor to abide by the act(s) and the rules;

(c) Specific authority for the secretary and the state auditor to inspect all records and other material which the secretary deems pertinent to the contract; and agreements by the contractor that such records will be made available for inspection;

(d) Specific authority for the secretary to make periodic inspection of the contractor's program or premises in order to evaluate performance under the contract.

(e) Specific agreement by the contractor to provide such program and fiscal data as the secretary may reasonably require.

(7) **Records: Maintenance.** Client records shall be maintained for every client for whom services are provided and shall document: Client demographic data; diagnosis or problem statement; treatment or service plan; treatment or services provided including medications prescribed.

(8) **Records: Confidentiality.** (a) Medical or treatment records and information regarding clients obtained pursuant to the administration of the acts and these rules shall be confidential. Such records shall not be published or open to public inspection, except that such records and information:

(i) Shall in their entirety be subject to the inspection of the secretary or of his or her authorized representatives for the purpose of program review, evaluation and research, comparative cost studies, and other responsible purposes.

(ii) Shall be released pursuant to WAC 275-55-260 except as otherwise provided by law.

(b) Under all circumstances current patient authorizations shall be sought in writing when any exchange of patient information is anticipated. Whether or not patient authorization is received, the patient must be informed that information may be released to other primary treatment agencies for purposes of providing services and to the department for purposes of program evaluation and research.

(c) Client records shall be maintained at all times on the site of the agency providing service except where information is exchanged pursuant to this section. Where such information is exchanged the agency providing the patient information shall retain the original records and shall provide the recipient agency with information in the form of legible and durable copy.

(d) A client shall have the right to review his/her treatment records with a staff member: *Provided*, That information confidential to other individuals shall not be reviewed by the client.

(9) **Liability.** Neither the promulgation of these rules nor anything contained in these rules shall be construed as affecting the relative status or civil rights or liabilities between the county and community agency, and/or any other person, partnership, corporation, association, or other organization performing services under a plan or required herein and their employees, persons receiving services, or the public generally; nor shall the use or implied use herein of the word "duty" or "responsibility" or both import or imply liability other than provided for by the statutes or general laws of the State of Washington, to any person for injuries due to negligence predicated upon failure to perform on the part of an applicant, or a board established under the act(s), or an agency, or its employees, or persons performing services on its behalf, but failure to comply with any compulsory rules shall be cause for the department to refuse to provide funds under the plan. [Order 1142, § 275-25-030, filed 8/12/76.]

WAC 275-25-040 Appeal procedure. (1) Any agency making application to participate in a county program operated under authority of the act(s), which is dissatisfied with the disposition of its application, or the community board(s) as defined in the act(s) or the community social services board, which is dissatisfied with any aspect of the plan, may appeal for a hearing before the county governing body. The county governing body shall review the appeal and notify the agency or board of its disposition within thirty (30) days after the appeal has been received.

(2) A county which is dissatisfied with the department's disposition of its plan may request an administrative review.

(3) All requests for administrative reviews shall:

(a) Be made in writing to the appropriate program office within the department;

(b) Specify the date of the decision being appealed;

(c) Specify clearly the issue to be resolved by the review;

(d) Be signed by, and include the address of the county or its representative;

(e) Be made within thirty (30) days of notification of the decision which is being appealed.

(4) An administrative review and redetermination shall be provided by the department within thirty (30) days of the submission of the request for review, with written confirmation of the findings and the reasons for the findings to be forwarded to the county as soon as possible.

(5) Any county dissatisfied with the finding of an administrative review or who chooses not to request an administrative review may initiate proceedings pursuant to the Administrative Procedures Act (chapter 34.04 RCW). [Order 1142, § 275-25-040, filed 8/12/76.]

WAC 275-25-300 Alcoholism program—WAC section numbers. WAC 275-25-300 through 275-25-499 shall apply to the alcoholism program(s). [Order 1142, § 275-25-300, filed 8/12/76. Formerly chapter 275-13 WAC.]

WAC 275-25-310 Approved treatment facilities. Any public or private alcoholism treatment facility seeking state and/or county funds for provision of alcoholism services shall receive approval from the department prior to the receipt of such funds. [Order 1142, § 275-25-310, filed 8/12/76.]

WAC 275-25-330 Service priority. The plan for the provision of county alcoholism services shall give priority to clients requiring detoxification services and shall insure that such needs are adequately met before state moneys are expended for other service needs. [Order 1142, § 275-25-330, filed 8/12/76.]

WAC 275-25-340 Funding formula—Alcoholism. (1) The department will establish and publish annually the allocation of funds available to the counties for alcoholism services.

(2) Funds appropriated by the legislature for such services shall be distributed according to the following:

(a) Not more than nine percent to the department for administration.

(b) Sufficient funds to continue the current level (Calendar Year 1976) of service of the state-wide intensive inpatient treatment programs for which the department currently contracts.

(c) Sufficient funds to continue at their current level of service the following special projects:

(i) The Washington state Indian commission on alcohol and drug abuse;

(ii) Alcoholism evaluation and improvement project;

(iii) State employees alcoholism program;

(iv) Corrections programs;

(v) Migratory farm labor projects;

(vi) State-wide education and prevention program;

(vii) Long-term alcoholism treatment programs for which the department currently contracts.

(3) The remainder is to be distributed to the counties, and each county is to receive a sum calculated according to the county's percentage of the total distribution to all counties. Such percentage is equal to the population of the county divided by the population of all counties as last determined by the office of program planning and fiscal management: *Provided*, That, each county shall receive at least fifteen thousand dollars. [Order 1142, § 275-25-340, filed 8/12/76.]

WAC 275-25-500 Developmental disabilities program—WAC section numbers. WAC 275-25-500

through 275-25-699 shall apply to developmental disabilities programs. [Order 1142, § 275-25-500, filed 8/12/76. Formerly chapter 275-29 WAC.]

WAC 275-25-510 Definition—Developmental disabilities. "Developmental Disabilities Agency" means any person, community board, association, corporation, or "day training center" as defined in RCW 72.33.800, or county agency eligible to receive state or federal funds to provide services to developmentally disabled persons. [Order 1142, § 275-25-510, filed 8/12/76.]

WAC 275-25-520 Services—Developmental disabilities. Developmental disabilities agencies may provide any or all of the services listed in RCW 71.20.060 or 71.20.070. However, only the following services are eligible for state funds whenever such services are provided to developmentally disabled persons who are determined eligible by the department's bureau of developmental disabilities, case services.

(1) **Transportation:** The movement of developmentally disabled persons to and from the places where they are receiving other services, when the person's disabilities and/or other circumstances prevent them from using public or family transportation.

(2) **Information and Referral:** A listing of all available resources for developmentally disabled persons for use by such persons, their families, professionals, and the general public.

(3) **Diagnostic:** Identification of the presence, cause, and complications of developmental disabilities.

(4) **Evaluation:** Assessment of the extent to which the disability limits the individual's daily living and work activities; the extent to which the disability can be removed or minimized by available services; and the type and extent of services needed, including service objectives and an individual program plan.

(5) **Treatment:** Services including but not limited to physical therapy, speech therapy, behavior modification, occupational therapy, etc., for the purpose of off-setting processes which cause or complicate developmental disabilities.

(6) **Recreation:** Planned and supervised activities of play, amusement, and relaxation designed to promote individual therapeutic needs, social interaction, constructive use of leisure time, and good health.

(7) **Family Counseling:** Professional advice to families with developmentally disabled members to aid them in understanding the developmentally disabled individual's capacities and limitations.

(8) **Education:** Provision of individual learning situations including practical academic subjects, basic skills, and skills for everyday living. Education services shall be provided only to developmentally disabled persons not eligible for public school services.

(9) **Vocational Training:** Activities involving occupational skill training, paid employment, and work adjustment.

(10) **Medical and Dental:** Medical services such as general medicine, pediatrics neurology, general surgery, orthopedics, and other specialties.

(11) **Psychiatric:** To be provided only when an existing community mental health center cannot meet the need. [Order 1142, § 275-25-520, filed 8/12/76.]

WAC 275-25-525 Program requirements. (1) Services provided to clients shall be consistent with the clients service plan.

(2) Developmental disabilities agencies shall complete, and update at least every six months, a Progress Assessment Chart for each client.

(3) Day training centers shall have a minimum of one staff member for every ten clients over age 21 and a minimum of one staff member for every six clients under age 21.

(4) Pre-school programs shall have a minimum of one teacher for the first six clients and a minimum of one teacher assistant for each additional six clients. [Order 1142, § 275-25-525, filed 8/12/76.]

WAC 275-25-530 Funding formula—Developmental disabilities. The annual allocation of funds to counties shall be based on the following criteria:

(1) The department may withhold up to ten percent of allocated funds to provide funding for new programs, for state-wide priority programs, and for emergency needs.

(2) Each county shall be guaranteed a minimum amount for basic developmental disabilities services subject to the availability of state and federal funds.

(3) The remainder of the funds shall be distributed either on a county per capita basis or on a rate per client basis, whichever will more equitably support developmental disabilities programs. [Order 1142, § 275-25-530, filed 8/12/76.]

WAC 275-25-700 Mental health and drug treatment programs—WAC section numbers. WAC 275-25-700 through 275-25-999 shall apply to mental health and drug treatment programs. [Order 1142, § 275-25-700, filed 8/12/76. Formerly chapter 275-12 WAC.]

WAC 275-25-710 Definitions—Mental health and drug treatment. (1) "Mental health specialist" means (a) a psychiatrist or psychologist, or (b) other person having an advanced degree in the social or behavioral sciences and who has had at least two years' experience in the direct treatment of mentally ill or emotionally disturbed patients under the supervision of a mental health specialist.

(2) "Community mental health specialist" means a mental health specialist who has had at least two years' experience in the direct treatment of mentally ill or emotionally disturbed persons in a community mental health agency or other community-based mental health practice. Community mental health specialist also means any other person who has had at least five years such experience.

(3) "Child mental health specialist" shall mean a mental health specialist who has completed a minimum of 100 hours of specialized training devoted to the study of child development and the treatment of children and has the equivalent of one year of full-time experience in

the treatment of children under the supervision of a child mental health specialist.

(4) "Drug treatment specialist" shall mean a person having at least a bachelor's degree in the social sciences and a minimum of one year's experience in the direct treatment of persons with drug abuse problems. Drug treatment specialist shall also mean any other person who has at least two years' such experience.

(5) "Geriatric mental health specialist" shall mean a mental health specialist who has completed a minimum of one hundred hours of specialized training devoted to the study of the problems and treatment of the elderly, and in addition, the equivalent of one year of full-time experience in the treatment of the elderly, under the supervision of a geriatric mental health specialist.

(6) "Psychiatrist" shall mean a person having a license as a physician or surgeon in this state, who has in addition completed three years of graduate training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association.

(7) "Psychologist" shall mean a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW.

(8) "Psychiatric nurse" shall mean a registered nurse who has a bachelor's degree from an accredited college or university, and who has had, in addition, at least one year's experience in the direct treatment of mentally ill or emotionally disturbed persons under the supervision of a mental health specialist. Psychiatric nurse shall also mean any other registered nurse who has had three years' such experience. [Order 1142, § 275-25-710, filed 8/12/76.]

WAC 275-25-720 Priorities. (1) The plan for the provision of county mental health services shall give priority to the seriously disturbed of all ages and shall also address children and their families, the elderly, the economically disadvantaged, Indians, minorities and high risk groups.

(2) The plan for the provision of drug treatment services shall give priority to serious drug abusers of all ages.

(3) The plan shall ensure that appropriate provisions are made to priority groups before state moneys are allocated to other service needs. [Order 1142, § 275-25-720, filed 8/12/76.]

WAC 275-25-730 Services—Mental health and drugs. The plan shall address service requirements in each of the following areas. Where direct provision of the service by the county is not appropriate, the plan shall so state and specify what other arrangements are available for county residents:

(1) Emergency.

(2) Inpatient.

(3) Outpatient.

(4) Day treatment.

(5) Consultation/education.

(6) Methadone maintenance/detoxification. [Order 1142, § 275-25-730, filed 8/12/76.]

WAC 275-25-740 Clinical requirements. (1) When the use of psychotropic medications is being considered as part of any client's treatment regimen, the treatment plan shall be reviewed by a professional who is a psychiatrist, physician, or psychiatric nurse, and who is trained in the administration of psychotropic medications.

(2) Medical consultation and/or referral shall be utilized in cases which involve physical complaints, suspected toxicity or confusional states which are indicative of organic brain syndrome (with indicators as listed in the APA diagnostic and statistical manual - (current edition)). Each agency shall provide training to all non-medical clinical staff which will enable them to identify the specific indicators which signal the need for medical consultation.

(3) In any case where there appears to be a substantial potential for suicide, there shall be consultation with at least one mental health specialist before disposition of the case is determined. Each agency shall provide training to all clinical staff which will enable them to identify the specific indicators of substantial suicide potential.

(4) A physician shall have chief clinical responsibility for all patients within mental health inpatient service. When treatment is directed by a nonpsychiatrist physician, regular case consultation shall be provided by a psychiatrist. [Order 1142, § 275-25-740, filed 8/12/76.]

WAC 275-25-750 Staffing requirements. Each agency providing any of the following services shall ensure that:

(a) Mental health service directed primarily to persons under age 18 is provided under the direction of a child mental health specialist;

(b) Mental health service directed primarily to persons ages 18 through 59 is provided under the direction of a community mental health specialist;

(c) Mental health service directed primarily to persons sixty years of age or over is provided under the direction of a geriatric mental health specialist;

(d) Clinical staff, who are not drug treatment or mental health specialists, receive regular supervision and/or consultation from a drug treatment or mental health specialist respectively;

(e) Of the staff providing direct drug treatment or mental health services at least one must be a drug treatment or mental health specialist respectively;

(f) Day treatment service has a minimum of one staff for every four clients under age 13, a minimum of one staff for every six clients ages 14 through 17, and a minimum of one staff for every eight clients age 18 or over. [Order 1142, § 275-25-750, filed 8/12/76.]

WAC 275-25-755 Client rights—Notification of client. (1) All agencies providing services under the act shall post a statement of client rights. Such statement shall inform the client of the client's right to:

(a) Be treated with dignity;

(b) Be protected from invasion of privacy;

(c) Have information about him/her treated confidentially;

(d) Actively participate in the development or modification of his/her treatment program;

(e) Be provided treatment in accordance with accepted quality-of-care standards and which is responsive to his/her best interests and particular needs;

(f) Review his/her treatment records with the therapist at least bimonthly: *Provided*, That information confidential to other individuals shall not be reviewed by the client;

(g) Be fully informed regarding fees to be charged and methods for payment.

(2) Clients shall be informed of their rights pursuant to WAC 275-55-170 upon admission to inpatient service. [Order 1142, § 275-25-755, filed 8/12/76.]

WAC 275-25-760 State hospitals—Referral. (1) State hospitals shall receive patients upon referral from community mental health agencies under chapter 71.24 RCW. The hospitals will notify, by telephone, the county designated mental health agency(ies) or mental health professional of:

(a) A patient's admission within twenty-four (24) hours of such admission (excluding Saturdays, Sundays, and holidays).

(b) A patient's discharge either prior to discharge or as soon as possible thereafter. Such notification shall include the patient's status, treatment recommendations, and discharge plan, and shall be followed with a written resume of this information.

(2) Nothing herein contained shall be construed so as to prevent the state hospital from refusing to admit or from discharging a patient when the hospital determines that its services are not appropriate.

(3) When a patient is admitted without a referral pursuant to subsection (1), the county of residence may, after investigation, request referral or transfer to a community mental health agency. The state hospital shall comply with such request unless referral is deemed inappropriate by the superintendent or his designee. When the state hospital and the county cannot agree about the appropriateness of such request, the matter may be submitted by either the superintendent of the state hospital or the county to the director of the bureau of mental health for determination.

(4) Each county shall designate either a county mental health agency(ies) or mental health professional to receive and act upon information from the state hospitals. [Order 1142, § 275-25-760, filed 8/12/76.]

WAC 275-25-770 Funding formula—Mental health. The annual allocation of funds to counties shall be based on the following criteria:

(1) The department may withhold up to ten percent of allocated funds to provide funding for new programs, for state-wide priority programs, and for emergency needs.

(2) Each county shall be guaranteed fifteen thousand dollars for basic mental health services, and five thousand dollars for basic drug treatment services, subject to the availability of state and federal funds.

(3) The remainder of the funds shall be distributed on a county per capita basis, provided that, no county will

receive less moneys than it received in calendar year 1976 subject to the availability of funds.

(4) Funds for the administration of the Involuntary Treatment Act shall be disbursed to the counties under a contract separate from the mental health/drug treatment general award. This requirement can be waived at the request of any county. [Order 1142, § 275-25-770, filed 8/12/76.]

Chapter 275-27 WAC

BUREAU OF DEVELOPMENTAL DISABILITIES SERVICES AND HOME AID RESOURCES RULES

WAC

275-27-020	Definitions.
275-27-030	Determination of eligibility.
275-27-040	Application for services.
275-27-050	Determination for necessary services.
275-27-060	Individual program plan.
275-27-210	Home aid resources.
275-27-230	Placement services.
275-27-240	Financial services.
275-27-250	Guardianship services.
275-27-400	Reasonable notice and consultation.
275-27-500	Appeals.

WAC 275-27-020 Definitions. (1) "Mental retardation" means significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior manifested before age 18 and exhibiting an intelligence quotient at or below 67 using Stanford-Binet, or at or below 69 using Wechsler, or a social quotient of 69 or below using Vineland Social Maturity Scale; provided that, other appropriate analogues scale(s) receives the prior approval of the secretary.

(2) "Department" means the department of social and health services of the state of Washington.

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

(4) "Bureau" means the bureau of developmental disabilities of the department of social and health services.

(5) "Director" means the director of the bureau of developmental disabilities.

(6) "Respite care" means temporary services provided to a developmentally disabled individual and/or his family on either an emergency or planned basis without which the individual may need residential placement.

(7) "Individual" means the person for whom bureau case services are requested.

(8) "Informed consent" means an agreement obtained from an individual or his authorized representative, for such individual's participation in an activity. The bureau must in every case, inform the individual of the following elements of informed consent prior to the individual's giving informed consent:

(a) an explanation of the procedures to be followed including an identification of those which are experimental;

(b) a description of the attendant discomforts and risks;

(c) a description of the benefits to be expected;

(d) a disclosure of appropriate alternative procedures which would be in the best interest of the individual;

(e) an offer to answer any inquiries concerning the procedures; and

(f) instruction that the individual is free to withdraw his consent and to discontinue participation in the project or activity at any time.

(9) "Residential facilities" means those facilities providing domiciliary care and other services, including, but not limited to, state residential facilities, group homes, skilled nursing facilities, intermediate care facilities, congregate care facilities, boarding homes, children's foster homes, adult family homes, and group training homes.

(10) "Nonresidential facilities" means facilities including, but not limited to, developmental centers and sheltered workshops.

(11) "Emergency" means a sudden, unexpected occurrence demanding immediate action.

(12) "Best interest" includes, but is not limited to, individual client program elements designed to:

(a) achieve or maintain economic self-support.

(b) achieve or maintain self-sufficiency.

(c) prevent or remedy neglect, abuse, or exploitation of individuals unable to protect their own interest, or preserve, rehabilitate or reunite families;

(d) prevent or reduce inappropriate institutional care by providing the least restrictive setting, such as community-based services, home-based services or other forms of less-intensive service, to meet the individual's medical and personal needs. [Order 1143, § 275-27-020, filed 8/11/76.]

WAC 275-27-030 Determination of eligibility. (1) An individual shall be eligible for services upon application pursuant to WAC 275-27-040, provided that the bureau has determined that the individual has a mental or physical deficiency as defined in RCW 72.33.020 and/or is developmentally disabled as defined in RCW 71.20.015. Eligibility criteria to determine such deficiency and/or developmental disability shall be:

(a) mental retardation; or

(b) cerebral palsy, epilepsy, autism, auditory impairment, or visual impairment having the following additional characteristics:

(i) originates before such person reaches age 18; and

(ii) has continued or can be expected to continue indefinitely; and

(iii) constitutes a substantial handicap to such individual's ability to function normally in society.

(2) The director may authorize exception to criteria specified above upon determination that there are no other services available and that enforcement of such criteria will be extremely detrimental to the health and welfare of the individual.

(3) Prior to determining whether an individual is eligible for bureau services, the bureau may require a supporting affidavit of a physician and/or clinical psychologist certifying that the individual has a mental and/or physical deficiency, or is developmentally disabled.

(4) If the applicant wishes the bureau to consider documents not on file with the department, then the applicant must sign departmental consent forms authorizing the bureau to acquire such documents.

(5) Within five working days of the receipt of the completed application and supporting documents, the bureau shall determine whether the individual is eligible for bureau services. [Order 1143, § 275-27-030, filed 8/11/76.]

WAC 275-27-040 Application for services. (1) All applications for bureau services shall be filed with one of the case services offices in the form and manner required by the secretary.

(2) An application may be made by an individual, or advocate for, or parent(s) or guardian of such an individual.

(3) All applications shall include written informed consent to bureau services requested by the individual, parent of an individual under age 18, or court authorized guardian. [Order 1143, § 275-27-040, filed 8/11/76.]

WAC 275-27-050 Determination for necessary services. (1) Within thirty days from the date of the bureau's decision that an individual is developmentally disabled, the appropriate case services regional office shall evaluate the individual's needs to determine which services, if any, are necessary to stabilize or ameliorate the disabling condition and are in the client's best interest.

(2) Upon completion of the evaluation, an individual program plan with determination of necessary services shall be prepared pursuant to WAC 275-27-070. [Order 1143, § 275-27-050, filed 8/11/76.]

WAC 275-27-060 Individual program plan. (1) The appropriate case services regional office shall develop a written individual program plan for each person who is determined eligible for case services within 30 days. Interim services may be provided if deemed necessary.

(2) The individual program plan shall include the services adjudged to be in the best interests of the client and shall include short and long term goals for the client's progress.

(3) The program plan shall be reviewed at least annually by the case services client program coordinator and those directly involved with the client.

(4) A client, his parent(s), or guardian may request review or modification of the program plan at any time.

(5) Development, review and significant modifications of the case services client program plan shall include, to the maximum extent possible, appropriate case services staff, the client, his parent(s) or guardian and personal representative(s) of the agency or facility which is, or will be, primarily responsible for the implementation of specific provisions of the plan. [Order 1143, § 275-27-060, filed 8/11/76.]

WAC 275-27-210 Home aid resources. (1) the secretary shall make payments for the provision of home aid resources as set forth in this section provided that no

local, private, federal, or other state resource is available for the individual's needs.

(2) Home aid resources shall be provided as follows:

(a) planned or emergency respite care as defined in WAC 275-27-020(6);

(b) transportation services where such transportation cannot be provided by the individual, the parent of an individual under age 18, or guardian;

(c) the purchase, rental, loan or refurbishment of specialized equipment; and

(d) specialized therapies.

(3) Transportation, equipment and therapies as set forth in WAC 275-27-210(2), (b), (c), and (d) shall be provided only upon receipt of information documenting that such service(s) will substantially reduce the need for residential placement and with approval of the director.

(4) Home aid resources shall be:

(a) specified in the client's program plan;

(b) specifically goal-oriented and time-limited

(c) agreed to by the client receiving services and/or the parent(s) or guardian entitled to custody, and the services provider.

(d) extension of any service beyond the time limits specified in the program plan shall be authorized by the director of the bureau. [Order 1143, § 275-27-210, filed 8/11/76.]

WAC 275-27-230 Placement services. (1) Unless an individual is placed pursuant to court order, the bureau's case services shall be responsible for placement services for all eligible bureau clients into and out of state schools, into and out of other residential facilities, and into and out of nonresidential programs.

(2) The placement determination shall include, to the maximum extent feasible, the client, his parent(s) or guardian and all other responsible parties.

(3) The emergency admission of any individual to a state school shall not exceed 30 days.

(4) A temporary admission of any individual to a state school for respite care shall not exceed 30 days. [Order 1143, § 275-27-230, filed 8/11/76.]

WAC 275-27-240 Financial services. The bureau's case services may include services to protect the financial interests of developmentally disabled individuals. [Order 1143, § 275-27-240, filed 8/11/76.]

WAC 275-27-250 Guardianship services. Whenever there is a bona fide doubt as to whether an adult person eligible to receive services pursuant to these rules and regulations is capable of giving informed consent for such services, the bureau's case services shall include assuring that a determination is made whether such person does or does not require a guardian; and if such person requires a guardian, assure initiation of and/or assist in guardianship proceedings. [Order 1143, § 275-27-250, filed 8/11/76.]

WAC 275-27-400 Reasonable notice and consultation. (1) A notification of department decision with respect to eligibility, proposed services, termination of

bureau services, placements and admission or readmission to, or discharge from state schools, shall be delivered by the responsible case services regional office to the client and the parent(s), guardian, or advocate of such individual by certified mail or in person. Termination of the bureau services shall not be implemented for a period of 30 days after notification of the department's decision to terminate services. Other decisions of the department may be acted upon by the department even though the 30 day period in which to appeal pursuant to WAC 275-27-500(1) has not expired provided that the client, or parent of a client under age 18, or guardian authorized to determine residential placements for the client may at any time, withdraw consent to any bureau service.

(2) The notice shall set forth a statement of the reasons for the decision, and information pertaining to such person(s) right to appeal pursuant to WAC 275-27-500.

(3) All parties affected by such department decision shall be consulted, whenever possible, during the decision process by the responsible case services regional office in person, and/or by telephone.

(4) The bureau shall notify the school district in which a school aged child is to be placed when a placement decision is reached. [Order 1143, § 275-27-400, filed 8/11/76.]

WAC 275-27-500 Appeals. (1) Upon receipt of notification by the responsible case services regional office of the department's decision concerning eligibility, development or modification of the program plan, termination of bureau services, proposed services, placements and admission or readmission to, or discharge from state schools, the person about whom the decision was made, and/or the parent(s) of a client under age 18 or court authorized guardian of such person shall have thirty days in which to appeal this decision to the secretary.

(a) If the department has not acted upon the decision, the written notice of appeal shall stay the decision pending the administrative hearing determination.

(2) The person(s) making such appeal shall indicate whether or not such person(s) is/are represented by legal counsel.

(3) If such hearing is requested, the director of the bureau shall schedule the matter for an administrative hearing within ten days after receipt of such request for a hearing unless the appellant(s) stipulates to a continuance.

(4) The administrative procedure used at such hearing shall be substantially in compliance with the Washington Administrative Procedure Act.

(5) The appellant(s) shall be permitted advance inspection of all affidavits, exhibits, or evidence available to the department's authorities.

(6) A tape recorded, or reliable verbatim record shall be made of the hearing by the director of the bureau.

(7) A copy of the director's decision, on behalf of the secretary, shall be sent by certified mail or delivered in person to the appellant(s), and a copy sent to the secretary. [Order 1143, § 275-27-500, filed 8/11/76.]

Chapter 275-32 WAC

SPECIAL SUPERVISION—COUNTY JUVENILE PROBATION PROGRAMS

WAC

275-32-005	Authority.
275-32-010	Definitions.
275-32-015	County's resolution of intention to participate.
275-32-025	Application for participation.
275-32-035	Announcement of program approval.
275-32-045	Modification of approved program plan.
275-32-060	Eligible probationers for special supervision programs.
275-32-065	Assignment of funds.
275-32-075	Restrictions on spending.
275-32-080	Workloads for special supervision program.
275-32-085	Fiscal accountability and departmental audit.
275-32-095	Program review and monitoring.
275-32-105	Exceptions to rules.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

275-32-020	Program established. [Order 795, § 275-32-020, filed 4/26/73; Order 7, § 275-32-020, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77.
275-32-030	Counties eligible. [Order 861, § 275-32-030, filed 10/11/73; Order 795, § 275-32-030, filed 4/26/73; Order 7, § 275-32-030, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77.
275-32-040	Reimbursement. [Order 861, § 275-32-040, filed 10/11/73; Order 795, § 275-32-040, filed 4/26/73; Order 7, § 275-32-040, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77.
275-32-050	Limitations on use of funds. [Order 795, § 275-32-050, filed 4/26/73; Order 7, § 275-32-050, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77. Later promulgation, see WAC 275-32-075.
275-32-070	Personnel standards for special supervision programs. [Order 795, § 275-32-070, filed 4/26/73; Order 7, § 275-32-070, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77.
275-32-090	Supporting services. [Order 795, § 275-32-090, filed 4/26/73; Order 7, § 275-32-090, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77.
275-32-100	Application for establishing special supervision programs. [Order 795, § 275-32-100, filed 4/26/73; Order 7, § 275-32-100, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77. Later promulgation, see WAC 275-32-025.
275-32-110	Resolution of intention. [Order 795, § 275-32-110, filed 4/26/73; Order 7, § 275-32-110, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77. Later promulgation, see WAC 275-32-015.
275-32-120	Application for funds. [Order 795, § 275-32-120, filed 4/26/73; Order 7, § 275-32-120, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77. Later promulgation, see WAC 275-32-065.
275-32-130	Notification of approval of plan. [Order 795, § 275-32-130, filed 4/26/73; Order 7, § 275-32-130, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77. Later promulgation, see WAC 275-32-035.
275-32-140	Procedures in applying for reimbursement. [Order 795, § 275-32-140, filed 4/26/73; Order 7, § 275-32-140, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77.
275-32-150	Alternate plans. [Order 861, § 275-32-150, filed 10/11/73; Order 795, § 275-32-150, filed 4/26/73; Order 7, § 275-32-150, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77.
275-32-160	Revision of plans. [Order 795, § 275-32-160, filed 4/26/73; Order 7, § 275-32-160, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77. Later promulgation, see WAC 275-32-045.
275-32-170	Salaries and wages. [Order 795, § 275-32-170, filed 4/26/73; Order 7, § 275-32-170, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77.

- 275-32-180 Operating expenses and equipment. [Order 795, § 275-32-180, filed 4/26/73; Order 7, § 275-32-180, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77.
- 275-32-190 Auditing of records. [Order 795, § 275-32-190, filed 4/26/73; Order 7, § 275-32-190, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77. Later promulgation, see WAC 275-32-085.
- 275-32-200 Inspections. [Order 795, § 275-32-200, filed 4/26/73; Order 7, § 275-32-200, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77. Later promulgation, see WAC 275-32-095.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

WAC 275-32-005 Authority. Rules and regulations relating to probation services, special supervision programs, county eligibility, and reimbursement of program expenses are hereby adopted pursuant to chapter 13.06 RCW. [Order 1209, § 275-32-050 (codified as WAC 275-32-005), filed 5/4/77.]

WAC 275-32-010 Definitions. As used in these rules and regulations:

(1) "Commitment" will have the same meaning as defined in RCW 13.04.095 and will be a child whose physical custody is accepted by staff members of the department whose responsibility is to receive such children and will be counted as of the date such physical custody is so accepted. In the event of unusual circumstances that make unclear

(a) whether a particular child should be counted as a commitment,

(b) in which year a particular child should be counted as a commitment, the secretary shall have the authority to make such determinations. A youth who has previously been committed to the department as provided in RCW 13.04.095 and has subsequently been discharged from the custody of the department will not be counted as a new commitment, should such a child be again committed within 30 calendar days of being discharged. If committed subsequent to 30 days after discharge, such child will be counted as a new commitment. In those cases wherein a youth is committed from a county other than that of legal residence, the youth will be counted as coming from the county of commitment.

(2) A commitment for diagnostic services as described in RCW 72.05.130(2) will be counted as a full commitment if during a calendar year the number of diagnostic commitments exceeds the base rate established by the department. No additional charge will be made if a regular commitment is effected within 45 days following the termination of the diagnostic service. For commitments for diagnostic services below the base rate, no charge will be made unless a regular commitment results within 45 days of the diagnostic period. In these cases one-half count will be charged.

(a) The base diagnostic commitment rate shall be determined by dividing the number of juveniles committed to the department for diagnosis pursuant to RCW 72.05.130(2) during calendar [year] 1974 and 1975 by county population figures for years 1974 and 1975. This ratio is to be expressed in a rate per hundred thousand population.

(b) A county may select as its base commitment number that ratio, as figured above, for that particular county or the average base diagnostic commitment rate for all counties state-wide. The county and state population shall be certified by OPP&FM pursuant to RCW 13.06.050.

(c) An expected annual diagnostic commitment number shall be calculated by the department at the end of each payment period for each participating county and for the state as a whole.

(d) "Expected annual diagnostic commitment number," means the product of the base diagnostic commitment rate and the annual county population figures for the period computed. Where semi-annual payment periods are selected by the county, the expected diagnostic commitment number will be adjusted accordingly.

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

(4) "Secretary" means the secretary of the department of social and health services, or such officer of the department as he/she may designate to administer these rules.

(5) "Juvenile court" will have the same meaning as defined in RCW 13.04.030.

(6) "Special supervision program" will have the same meaning as defined in RCW 13.06.030.

(7) "Supervisor" means an individual who is knowledgeable in such areas as human growth and development; generic casework techniques; dynamics of human behavior; psychological and psychiatric terms and concepts; juvenile and adult law and court procedures; community resources and allied agencies.

(8) "Supervision" means guidance, counseling, providing direction, caseload audit, consultation, caseload management, teaching, and evaluation of the on-the-job performance of the probation officer.

(9) "Foster family home" means a home licensed under WAC 388-75-153.

(10) "Group home" means a home licensed under WAC 388-75-503. [Order 1209, § 275-32-010, filed 5/4/77; Order 861, § 275-32-010, filed 10/11/73; Order 795, § 275-32-010, filed 4/26/73; Order 11, § 275-32-010, filed 3/31/70; Order 7, § 275-32-010, filed 9/12/69.]

WAC 275-32-015 County's resolution of intention to participate. The resolution of intention will consist of a resolution adopted by the board of county commissioners of the county making application indicating the intent of the county to establish or continue a special supervision program. The resolution of intention must accompany the formal application and be submitted to the secretary prior to September 1 and state that the program will begin on or about January 1. [Order 1209, § 275-32-015, filed 5/4/77. Formerly WAC 275-32-110.]

WAC 275-32-025 Application for participation. An application prepared by an appropriate county official(s)

designated by the county commissioners shall be submitted with the resolution of intention to the department. [Order 1209, § 275-32-025, filed 5/4/77. Formerly WAC 275-32-100.]

WAC 275-32-035 Announcement of program approval. The secretary will give each application individual consideration and will notify the county by November 1 of each year whether or not the plan as submitted is approved. If an application for participation is disapproved the secretary will submit in writing the reason(s) for disapproval. The county may at any time request a review and reconsideration of the application. [Order 1209, § 275-32-035, filed 5/4/77. Formerly WAC 275-32-130.]

WAC 275-32-045 Modification of approved program plan. Approved plans may be modified only with prior approval of the department. In the event it appears necessary to effect a modification in the program plan, the department shall be notified of this intention and a revised application should be submitted. No reimbursement may be claimed for expenses incurred for a modified plan prior to the date of the approval of the revised plan by the secretary. [Order 1209, § 275-32-045, filed 5/4/77. Formerly WAC 275-32-160.]

WAC 275-32-060 Eligible probationers for special supervision programs. Youth between the ages of 8 and 18 who meet any one of the following criteria and who have been granted probation by the juvenile court will be eligible for placement in special supervision programs:

(1) A child upon which there is credible evidence of record indicating facts concerning transactions in which the juvenile is involved which amount to delinquency, or dependency by virtue of incorrigibility as defined by law, and a competent admission has been made by the child and other requisites for "informal disposition" have been complied with as set forth as in chapter 13.04 RCW; and the court has reviewed the informal disposition as provided by RCW 13.04.056 and approved the disposition as a probationary assignment to the special supervision program; or

(2) A child who has been found delinquent, or dependent by virtue of incorrigibility, as provided by RCW 13.04.010(7) by a juvenile court hearing. [Order 1209, § 275-32-060, filed 5/4/77; Order 795, § 275-32-060, filed 4/26/73; Order 7, § 275-32-060, filed 9/12/69.]

WAC 275-32-065 Assignment of funds. (1) A county may claim funds available under chapter 13.06 RCW if: the county complies with reasonable fiscal and program reporting requirements established by the secretary; the funds were requested in an application which has been approved by the secretary; the expenditures were directly utilized for special supervision programs and were for:

(a) the salaries and benefits of supervisors, probation officers, and clerical and program support personnel, provided the supervisors and probation officers possess at a minimum an educational equivalent equal to graduation from an accredited college or university or have

prior to July 1, 1969 a combination of education and experience as a juvenile court probation officer equal to four years;

(b) operating expenses and equipment costs required to operate special supervision programs;

(c) training for special supervision program staff;

(d) alternative living arrangements defined in WAC 275-32-010(9) and (10);

(e) detention care when reasonably necessary to achieve rehabilitation which include a substantial element of special services and/or a program in addition to routine supervision and care;

(f) special services which may include psychiatric, psychological, social work, dental, medical, employment, vocation counseling and testing services, training for foster parents, and vocational training;

(2) Each proposal will require and will be given individual consideration based on specific relevant circumstances and background. [Order 1209, § 275-32-065, filed 5/4/77. Formerly WAC 275-32-120.]

WAC 275-32-075 Restrictions on spending. The special supervision program shall be a new and independent segment of a juvenile court probation department. A county may not claim reimbursement for:

(1) any juvenile probation program established prior to July 1, 1969;

(2) costs of construction of residential or office facilities;

(3) salaries or benefits of county administrative personnel above the level of supervisor. [Order 1209, § 275-32-075, filed 5/4/77. Formerly WAC 275-32-050.]

WAC 275-32-080 Workloads for special supervision program. (1) The maximum workloads for staff in special supervision programs are:

(a) The workload of a probation officer working in a special supervision program may not exceed 30 cases.

(b) Supervisors: the maximum number of probation officers supervised by a full-time supervisor working in a special supervision program shall not exceed five officers.

(c) Clerical: there shall be at least one stenographer-clerical position available for each two probation officers employed to work in a special supervision program. In addition, there shall be a full-time stenographer or secretary for each full-time supervisory position.

(d) In the event a county has fewer than five probation officers employed in a special supervision program, then the amount of supervisory time required will be at the rate of one-fifth of a supervisor's time for each probation officer. Clerical assistance will be prorated on the basis set forth in subsection (1)(c) of this section.

(2) Deleted. [Order 1209, § 275-32-080, filed 5/4/77; Order 795, § 275-32-080, filed 4/26/73; Order 7, § 275-32-080, filed 9/12/69.]

WAC 275-32-085 Fiscal accountability and departmental audit. The department reserves the right to audit the total accounting records of the counties pertaining to claims made for reimbursement for special supervision

programs. Any errors disclosed in post audits will be reimbursed to the department through deductions from future earnings made by counties and claimed as a reimbursement. [Order 1209, § 275-32-085, filed 5/4/77. Formerly WAC 275-32-190.]

WAC 275-32-095 Program review and monitoring.

(1) The inspection of special supervision programs will be made at least once a year by staff of the department and at such other times as the secretary may require. This inspection or inspections shall be made in cooperation with county officials responsible for the administration of special supervision programs. The purpose of these inspections will be to verify that the proposed plan or plans, previously approved by the secretary are in fact the programs provided by the counties; and further, that these programs are operated in compliance with the standards established pursuant to chapter 13.06 RCW, and serve to meet the intent of the law.

(2) The inspection program of the department shall consider all services provided for, or requirements placed on, juveniles in special supervision programs. [Order 1209, § 275-32-095, filed 5/4/77. Formerly WAC 275-32-200.]

WAC 275-32-105 Exceptions to rules. The secretary may at his/her discretion waive specific requirements of this chapter. Requests for a "waiver of compliance" shall be submitted in writing to the secretary and shall include an explanation of the circumstances that justify such action. The secretary will give each request individual consideration. The secretary will promptly advise the county in writing of his/her decision and explain the basis for the decision. Requirements prescribed by chapter 13.06 RCW and other legislation are not subject to waiver by the secretary. [Order 1209, § 275-32-105, filed 5/4/77.]

Chapter 275-36 WAC

GROUP HOMES FOR THE MENTALLY AND PHYSICALLY HANDICAPPED

WAC

275-36-010	Definitions.
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

275-36-060	Placement of residents in group homes. [Order 8, § 275-36-060, filed 9/25/69.] Repealed by Order 1070, filed 11/21/75.
275-36-070	Training. [Order 8, § 275-36-070, filed 9/25/69.] Repealed by Order 1070, filed 11/21/75. Later promulgation, see WAC 275-36-180.
275-36-080	Supervision. [Order 8, § 275-36-080, filed 9/25/69.] Repealed by Order 1070, filed 11/21/75. Later promulgation, see WAC 275-36-061.
275-36-090	Payment for service. [Order 8, § 275-36-090, filed 9/25/69.] Repealed by Order 1070, filed 11/21/75. Later promulgation, see WAC 275-36-071.
275-36-100	Resident remuneration. [Order 8, § 275-36-100, filed 9/25/69.] Repealed by Order 1070, filed 11/21/75. Later promulgation, see WAC 275-36-081.

WAC 275-36-010 Definitions. (1) "Secretary" means the secretary of the department or such officer of the department as he may designate to carry out in whole or in part the administration of the provisions of these rules and regulations, and chapter 72.33 RCW in relation to group homes.

(2) "Department" means the department of social and health services of the state of Washington.

(3) "Bureau" means the bureau of developmental disabilities of the department of social and health services.

(4) A "group home" means a residential facility capable of serving among others, a small number of mentally and/or physically handicapped individuals (maximum of 20) who are able to participate in a variety of jobs, sheltered workshops, day care centers, activity centers, educational facilities, and/or other community based programs that are meaningful for their training, rehabilitation, and/or general well-being.

(a) A group home is usually a single dwelling, a series of apartments or other buildings with sound structure which shall offer a pleasant and healthful environment for human life and welfare.

(b) The building for a group home may be an owned or leased house, apartment or apartments, or a segment of a larger facility.

(c) Group homes must be located within reasonable proximity to those community resources that are necessary adjuncts to a training or education and/or rehabilitation program.

(d) Living quarters shall emulate a home-like atmosphere and the residents will take part, insofar as they are capable, in their own personal care and in the care of their quarters.

(e) A group home may be an extension of programs of existing residential facilities serving mentally and physically handicapped individuals and will be viewed as an element in a comprehensive plan for mental retardation services in a region.

(5) "Mental deficiency" means a state of subnormal development of the human organism in consequence of which the individual affected is mentally incapable of assuming those responsibilities expected of the socially adequate person such as self-direction, self-support, and social participation. [RCW 72.33.020(1)]

(6) "Physical deficiency" means a state of physical impairment of the human organism in consequence of which the individual affected is physically incapable of

assuming those responsibilities expected of the socially adequate person such as self-direction, self-support, and social participation. [RCW 72.33.020(2)]

(7) "Parent" means the person or persons having the legal rights to the custody of a child by reason of kinship by birth or adoption. [RCW 72.33.020(3)]

(8) "Court" means the superior court of the state of Washington. [RCW 72.33.020(6)]

(9) "Guardian" means a person or an appropriate agency appointed by the superior court of the state of Washington to supervise and administer all or a portion of the affairs of a person and/or his estate.

(10) "Placement" means an extramural status for the resident's best interests granted by the secretary after reasonable notice and consultation with the parents or guardian of such resident. [RCW 72.33.020(11)]

(11) "County mental retardation board" means the board established by the authority of the community mental retardation services act, chapter 110, Laws of 1967 ex. sess.

(12) "Living space" means living rooms, indoor recreation areas, and dining areas. [Order 1070, § 275-36-010, filed 11/21/75; Order 8, § 275-36-010, filed 9/25/69.]

WAC 275-36-020 Approval and certification of group homes. In order for a group home to be approved and to maintain an approved status pursuant to chapter 72.33 RCW and these rules and regulations, it shall:

(1) Comply with all relevant state and local laws and ordinances applicable to group homes, institutions, and boarding homes for aged and infirm, and comply with standards of care, training and maintenance, established by the bureau of developmental disabilities.

(2) Establish or utilize an existing citizen's board or advisory committee composed of a representative group of people interested and knowledgeable in mental retardation and who are not employed by a group home, do not have a beneficial interest in a group home and who are not relatives by blood or marriage of a group home operator, administrator, or employee.

(a) The said committee shall have a membership of at least five persons, plus a representative of the bureau of developmental disabilities. The representative shall be a non-voting member of the board or the committee.

(b) The citizen board or advisory committee shall meet at least quarterly, keep minutes of its meetings, and send copies of such minutes to the county mental retardation board and appropriate department of social and health services employees as designated by the bureau of developmental disabilities.

(c) The role of the advisory board shall be to:

(i) Visit the group home periodically and observe the program in operation.

(ii) Keep abreast of all developments affecting the lives of residents in the group home.

(iii) Be aware and advise the group home administrator regarding the policies, rules, practices and procedures in the group home which directly affect the residents.

(iv) Become an advocate for all the residents regarding their legal rights, social environment, and training programs.

(v) Review and advise the group home administrator regarding the group home's budget and administrator's monthly report.

(vi) Work in conjunction with, and in support of, the administrator, lending professional experience to the group home.

(vii) Give advice to the group home operator/administrator as necessary to insure quality care and program.

(viii) Discuss recommendations with appropriate group home staff and forward them in writing to the bureau.

(3) Submit budgets, staffing patterns, plans for in-service training programs, plans for health care and a statement of its operating policies and procedures to the bureau and the local county mental retardation board. These documents shall be submitted annually or at other times as required.

(4) Permit the county mental retardation board to inspect the group home and report to the department any deficiencies in its programs.

(5) Utilize all appropriate community resources to enhance the physical, social, and mental well-being of its residents.

(6) File with the bureau a statement of assurance which shall provide, in substance, that in operation and administration of the group home no person shall be refused admission to, or employment in the group home, or otherwise denied participation in the activities of the group home on the grounds of race, color, creed or national origin. [Order 1070, § 275-36-020, filed 11/21/75; Order 8, § 275-36-020, filed 9/25/69.]

WAC 275-36-030 Certification of group homes. Upon determination by the department of satisfactory compliance with the rules and regulations prescribed herein, through inspection pursuant to WAC 275-36-061, the bureau may certify a group home as approved for the placement of residents under the provisions of chapter 72.33 RCW. This certification is required annually. Initial application for certification shall be reviewed by the county and recommendations shall be forwarded by the county to the bureau. The county may submit recommendations to the bureau pursuant to WAC 275-36-020(4) prior to annual certification by the department. [Order 1070, § 275-36-030, filed 11/21/75; Order 8, § 275-36-030, filed 9/25/69.]

WAC 275-36-040 Temporary initial certification or interim renewal certification. Temporary initial certification or temporary interim renewal certification may be granted after appropriate licensure has been obtained, the group home has been inspected pursuant to WAC 275-36-061, and upon assurance that the group homes will comply with these rules and regulations within a specified period of time acceptable to the secretary. [Order 1070, § 275-36-040, filed 11/21/75; Order 8, § 275-36-040, filed 9/25/69.]

WAC 275-36-050 Eligibility for placement in group home. Any person who would benefit from a group home placement, and is eligible for such placement pursuant to rules and regulations adopted pursuant to chapter 72.33 RCW relating to admission, placement, and discharge may be placed in a group home by the department. [Order 1070, § 275-36-050, filed 11/21/75; Order 8, § 275-36-050, filed 9/25/69.]

WAC 275-36-061 Supervision. (1) The secretary or his designee shall at least annually inspect and evaluate the operation of the group home to insure that proper standards of operation are maintained.

(2) The secretary or his designee shall periodically but at least semi-annually evaluate the individual placements to make certain that the interests, needs and welfare of the resident continue to be effectively served in the group home.

(3) The secretary or his designee shall be informed by the group home administrator if a resident of a group home is in need of exceptional services, such as intensive medical care; that cannot be provided by private or local resources. [Order 1070, § 275-36-061, filed 11/21/75. Formerly WAC 275-36-080.]

WAC 275-36-071 Payment for service. (1) The department shall make payment to group homes upon the submission of itemized state vouchers for the care, the supervision, and the training rendered to residents placed in such group homes, such vouchers to be prepared in such form as may be prescribed by the department or shall make payment directly to the resident for such costs where necessary to maximize benefits under federal programs.

(2) All payments from the department pursuant to this chapter shall be supplemental to all other financial resources of the resident.

(3) Insofar as reasonably possible the resident will pay from his own earnings or other financial resources the charges for his care. Resident payments will be made directly to the group home operator and payment so made shall be reported by the group home operator to the secretary or his designee: *Provided*, That the first \$65.00 of earned income and one-half the remainder shall be exempt from payment each month: *Provided further*, That an estate valued at \$1,500.00 or less shall be exempt, and all unearned income shall not be exempt. Where a guardian controls the income and/or estate of an individual in a group home, such guardian will reimburse the group home pursuant to the above criteria. [Order 1070, § 275-36-071, filed 11/21/75. Formerly WAC 275-36-090.]

WAC 275-36-081 Resident remuneration. Whenever appropriate or required by law, individual residents who perform work for the group home shall be given remuneration in accordance with the minimum wage law unless exemption has been granted to the minimum wage under applicable laws of federal department of labor and state department of labor and industries. [Order 1070, § 275-36-081, filed 11/21/75. Formerly WAC 275-36-100.]

WAC 275-36-091 Group home administration. (1) The group home shall have written statements to include the following:

- (a) Its philosophy, objectives and goals;
- (b) A description of the facility, admission criteria and programs;
- (c) Its policies and procedures that protect the financial interests of residents and provide accountability of resident funds;
- (d) Its policy explaining how the staff shall respond to behavior problems of the residents.

(2) The group home administrator shall sign and file with the bureau group home document administrative policy #1 prohibiting mistreatment, neglect, or abuse of residents. All group home staff shall sign a similar document compiled by and kept on file at the group home.

(3) Written statements shall be approved by the bureau. [Order 1070, § 275-36-091, filed 11/21/75.]

WAC 275-36-101 Personnel. (1) The facility shall maintain current personnel policies and practices in writing and these shall be made available to all employees.

(2) All personnel may be initially screened by the group home advisory board to determine if they are capable of fulfilling specific job requirements.

(3) The performance of each employee shall be evaluated in writing regularly at least annually by the group home administrator.

(4) Residents shall not be routinely involved in the care (feeding, clothing, bathing, etc.) training or supervision of other residents. [Order 1070, § 275-36-101, filed 11/21/75.]

WAC 275-36-110 Staffing. (1) Administrative staff:

(a) The group home shall designate staff to be responsible for administration of the group home and group home programs as outlined in these standards, and to perform other duties as required.

(b) The administrator(s) shall have administrative ability, leadership ability, and general knowledge of mental retardation.

(c) The administrator(s) shall designate another staff member or members to be responsible for the administration and supervision of the group home in his absence.

(2) Resident care and training staff services:

(a) There shall be sufficient, appropriately qualified, and adequately trained personnel to conduct the resident training and care program in accordance with the standards as specified herein.

(b) Resident care and training staff services shall include the care, maintenance and training of residents, dietary services, household maintenance services, clerical services, record-keeping services, and implementation of the resident's program plans in accordance with the standards as specified herein.

(c) The proportion of direct resident care staff services to non-direct resident care staff services for each group home shall be approved by the bureau of developmental disabilities. [Order 1070, § 275-36-110, filed 11/21/75.]

WAC 275-36-120 Staff ratios. (1) Administration:

(a) A group home licensed to serve 12 or less residents shall have a minimum of one paid half-time (20 hours per week) administrator.

(b) A group home licensed to serve 13 or more residents shall have a minimum of one paid full-time administrator.

(c) Notwithstanding subdivisions (a) and (b), organizations or corporations operating more than one group home shall utilize a single full-time administrator for two or more such homes, at the discretion of the bureau.

(2) Resident care and training staff services:

(a) Children group homes.

(i) A minimum of one resident care and training staff member shall be on duty at all times to serve in the capacity of facilitating the group home's program.

(ii) The group home shall normally have two resident care and training staff members on duty during waking hours whenever between six and twelve children are on the premises, and shall normally have three resident care and training staff members on duty during waking hours whenever between thirteen and twenty children are in the home.

(iii) Whenever only one resident care and training staff member is on duty, there shall be provisions for a second person to be on call in case of emergency.

(iv) Group homes serving children with special needs requiring additional training and supervision should have a minimum of one additional resident care and training staff member during waking hours whenever children are on the premises.

(v) Reduced staff coverage is permissible when the group home is complying with approved vacation or sick-leave plans: *Provided*, That at least one staff member shall be on duty at all times.

(b) Adult group homes.

(i) A minimum of one resident care and training staff member shall be on duty at all times to serve in the capacity of facilitating the group home's program.

(ii) A minimum of two resident care and training staff members shall normally be on duty during the waking hours whenever between nine and fifteen residents are on the premises.

(iii) A minimum of three resident care and training staff members shall normally be on duty between waking hours whenever sixteen or more residents are on the premises.

(iv) Whenever only one resident care and training staff member is on duty, there shall be provisions for a second person to be on call in case of emergency.

(v) Reduced staff coverage is permissible when the group home is complying with approved vacation or sick-leave plans: *Provided*, That at least one staff member shall be on duty at all times.

(vi) Group homes serving adults with special needs requiring additional training and supervision should have a minimum of one additional resident care and training staff member during waking hours whenever adult residents are on the premises.

(c) The secretary or his designee may grant exemption of up to six months from specific resident care and

training staff minimum ratio requirements to any group home. [Order 1070, § 275-36-120, filed 11/21/75.]

WAC 275-36-130 In-service staff training. (1) The group home shall have an orientation for all new employees to acquaint them with the philosophy, organization, program, practices, and goals of the group home.

(2) The group home, in cooperation with the bureau shall provide on-the-job training for each employee and participate in programs relating to the developmentally disabled so that skills in working with the residents are increased. [Order 1070, § 275-36-130, filed 11/21/75.]

WAC 275-36-140 Resident records. (1) The group home shall maintain and keep current a record for each resident that will serve as a basis for review, study, and evaluation of the overall programs provided by the group home for its residents.

(2) All information contained in a resident's record shall be considered privileged and confidential, shall be used in the best interest of the resident, and shall be made available to all training and care staff, and to the department and the community mental retardation and developmental disabilities board in accordance with chapter 71.20 RCW and rules and regulations promulgated thereunder.

(3) Any transfer or inspection of records, except pursuant to subsection (2), shall be authorized by a release of information form, signed by the resident of legal age or a parent of residents under 18, or a legal guardian. [Order 1070, § 275-36-140, filed 11/21/75.]

WAC 275-36-150 Personal care and hygiene. (1) The group home shall have a means and procedure for providing and ensuring personal care and hygiene services, health services and dental services for each resident.

(2) Written policies and procedures that govern the safe supervision and handling of all drugs shall be developed by the group home in conjunction with a qualified pharmacist, nurse or physician.

(3) There shall be a written policy governing the self-administration of drugs whether prescribed or not.

(4) Food consumed in the group home shall generally be prepared on the group home grounds. [Order 1070, § 275-36-150, filed 11/21/75.]

WAC 275-36-160 Transportation. (1) The group home shall arrange and aid the residents' utilization of transportation to:

- (a) Religious activities;
- (b) Recreational activities;
- (c) Appointments with doctors, dentists, psychologists, etc.;
- (d) Return from school/work because of illness, injury, etc.;
- (e) Field trips;
- (f) Daily commuting between developmental centers, sheltered workshops and independent employment when public transportation is not available or appropriate;
- (g) The residents' family.

(2) The group home shall have a licensed, well-functioning vehicle, properly maintained in accordance with motor vehicle safety laws and standards. [Order 1070, § 275-36-160, filed 11/21/75.]

WAC 275-36-170 Program plan. The group home shall develop in cooperation with the bureau of developmental disabilities' case service staff a detailed written plan for each resident, encompassing the areas of physical and mental health, education and functional and social competence. The plan shall be developed so that program is the least restrictive alternative commensurate with his abilities and potential. Said plan shall be kept current and evaluated and reviewed at least annually by the bureau. [Order 1070, § 275-36-170, filed 11/21/75.]

WAC 275-36-180 Training. The group home shall, as specified in the program plan, provide each resident an on-going training program in:

- (1) Self-help skills;
- (2) Community skills;
- (3) Development of interpersonal and social relationships;
- (4) Recreation skills and participation. [Order 1070, § 275-36-180, filed 11/21/75. Formerly WAC 275-36-070.]

WAC 275-36-190 Educational and vocational training. (1) Educational services facilitating the intellectual, sensorimotor, and affective development of the individual shall be available to all children.

(a) Residents who are over eighteen years of age shall be offered participation in appropriate community colleges or adult basic education or continuing education programs when they are available.

(b) Residents eighteen years of age and under shall attend a public school program.

(2) Residents eighteen years and older not attending a public school program shall be provided a community-based vocational program as described in their program plan.

(3) The group home staff shall consult with educators regarding:

- (a) Specific programs of residents;
- (b) Coordination and reinforcement of school and group home program goals.

(4) The group home staff shall consult with workshop and developmental center staff to coordinate and reinforce vocational and group home program goals. [Order 1070, § 275-36-190, filed 11/21/75.]

WAC 275-36-200 Family involvement. The group home shall actively involve the resident's family, guardian, or representative in planning and decision making which affect the individual resident. [Order 1070, § 275-36-200, filed 11/21/75.]

WAC 275-36-210 Facility requirements. (1) The group home shall have eighty square feet of living space per resident.

(2) The secretary or his designee may grant exemption from specific living space requirements to existing group home: *Provided*, That it is shown to the satisfaction of the department that space provided is reasonably adequate to meet the needs of the residents, or that the home is making a reasonable attempt to comply with living space requirements under a specific time deadline.

(3) If one central dining room is utilized, it must be equipped and of adequate size so that the total resident population and staff may eat meals at one time.

(4) Residents shall be provided with a bedroom which shall not be used for other purposes by the group home, and which shall be furnished in a manner consistent with general community norms for bedrooms. [Order 1070, § 275-36-210, filed 11/21/75.]

Chapter 275-40 WAC

ANNUAL INSPECTION OF ALL JAILS AND DETENTION FACILITIES BY THE DIRECTOR OF INSTITUTIONS OR HIS DESIGNEE

WAC

275-40-010	Annual inspection.
275-40-020	Reports.
275-40-030	Special subjects of inspection and reports.
275-40-040	Inspection results and ratings.
275-40-050	Training programs.
275-40-060	Annual report to legislature.
275-40-070	Review and revision.

WAC 275-40-010 Annual inspection. There shall be an annual inspection of all jails and places of detention in the State of Washington by an officer of the department of institutions designated by the director. [Order 9, § 275-40-010, filed 12/5/69.]

WAC 275-40-020 Reports. An individual inspection report on prescribed forms shall be prepared following each inspection. Copies of such inspection reports shall be provided, in the case of city jails, to the chief of police, or town marshal, or other police officer responsible for the administration and maintenance of the jail, and to the appropriate responsible town or city administrative official; and, in the case of county jails, to the superior court judges of the county, and to the sheriff, or other chief law enforcement officer of the county. [Order 9, § 275-40-020, filed 12/5/69.]

WAC 275-40-030 Special subjects of inspection and reports. The inspection report shall include: (1) The examination of physical facilities, procedures and programs.

(2) The security of the facility.

(3) Compliance with state laws governing the operation of jails, and with health and fire safety regulations.

(4) The frequency of health and fire safety inspections.

(5) The suitability of facilities for the separation of various categories of prisoners.

(6) Identification procedures, record systems.

(7) Protection of prisoners' personal property.

(8) The provision of recreational, work and educational opportunities.

(9) Medical services and mess facilities.

(10) The preservation of the prisoners' legal and civil rights.

(11) The protection of religious freedom.

(12) The relevancy and adequacy of the individual jail's rules and regulations and disciplinary procedures. [Order 9, § 275-40-030, filed 12/5/69.]

WAC 275-40-040 Inspection results and ratings.

The jails shall be rated in accordance with their degree of conformity with minimum jail standards prepared by the director and distributed to the responsible jail administrators and others concerned with the conditions of the jails of the state of Washington. [Order 9, § 275-40-040, filed 12/5/69.]

WAC 275-40-050 Training programs.

The training program for jail personnel shall be reviewed and, where indicated, appropriate recommendations for improvement in such programs will be made. The director, or designated officer of the department of institutions will actively cooperate with all law enforcement training organizations to stimulate programs to train jail personnel. Opportunities for training will be made known to local jail administrators. The department of institutions will cooperate, on request, in consultation with local officials on jail procedures and programs and review plan for remodeling and/or construction of jail facilities. The director or designated officer of the department of institutions will be available for consultation with architects and engineers planning jail improvements. The department of institutions will collect and make available current information on jail equipment, supplies and materials. [Order 9, § 275-40-050, filed 12/5/69.]

WAC 275-40-060 Annual report to legislature.

An annual report to the legislature shall be prepared summarizing the findings, observations, and recommendations resulting from the inspections, and the report shall be distributed to members of the legislature and other appropriate local and state officials. [Order 9, § 275-40-060, filed 12/5/69.]

WAC 275-40-070 Review and revision.

These rules and regulations and the recommended minimum standards for jail operations are subject to review and revision by the director of the department of institutions. [Order 9, § 275-40-070, filed 12/5/69.]

Chapter 275-48 WAC

**PAYMENTS TO PERSONS RELEASED FROM
CORRECTIONAL INSTITUTIONS**

WAC

275-48-010	Purpose.
275-48-015	Definitions.
275-48-020	Release payment.
275-48-025	Weekly payment.
275-48-030	Eligibility.
275-48-035	Amount—Duration—Disbursement by institution and parole officer.
275-48-040	Termination.
275-48-045	Reinstatement—Reapplication.

275-48-050 Appeal.

WAC 275-48-010 Purpose. (1) The purpose in making temporary financial assistance available to persons released from correctional institutions is to support the parolees' chances for a successful return to responsible citizenship.

(2) The legal authority for making the payments authorized by this chapter is found in RCW 72.02.040, 72.02.100, and 72.02.110. [Order 684, § 275-48-010, filed 5/25/72.]

WAC 275-48-015 Definitions. (1) Secretary—the secretary of department of social and health services or his designee.

(2) Institution—a state correctional institution or an approved work or training release facility.

(3) Releasee—any person serving a sentence for a term of confinement in a state correctional facility for convicted felons who has been released from custody by discharge, parole, court order, or expiration of the term of confinement.

(4) Weekly payment—a cash benefit paid to a releasee in lieu of the release payment.

(5) Employment—substantial gainful work which nets the releasee at least \$55 per week.

(6) Income—cash available for maintenance including earnings from a work release or a manpower development and training program which includes a subsistence allowance, pension or support from the veterans' administration, social security administration, vocational rehabilitation or other source, but excluding earning accumulated during confinement. Regular net earnings of less than \$55 per week are considered income. [Order 684, § 275-48-015, filed 5/25/72.]

WAC 275-48-020 Release payment. (1) A releasee who does not qualify for weekly payments and does not have income sufficient to meet his immediate needs shall upon release be provided with

(a) suitable clothing,

(b) transportation by the least expensive method of public transportation not to exceed \$100 to his place of residence, the place designated in his parole plan, or to the place from which committed if such person is being discharged on expiration of sentence, or discharged from custody by a court of appropriate jurisdiction.

(c) \$40 for subsistence.

(2) In accordance with an approved parole plan, the releasee may be paid by the institution an additional sum not to exceed \$60 for necessary personal and living expenses. [Order 684, § 275-48-020, filed 5/25/72.]

WAC 275-48-025 Weekly payment. The secretary in his discretion and to the extent that funds are available may approve an alternate subsistence plan which will provide an eligible releasee with suitable clothing, transportation as described in WAC 275-48-020(1)(b), and a weekly maintenance payment. [Order 684, § 275-48-025, filed 5/25/72.]

WAC 275-48-030 Eligibility. (1) To be eligible for weekly payments the releasee must

(a) lack income sufficient to meet his or her needs.

(b) lack other sources of support from assistance or rehabilitation agencies or other organizations,

(c) be actively seeking employment. When the releasee believes it is not feasible for him to seek employment immediately upon release because of the need for medical attention, urgent family obligations, etc., he may submit a specific alternate plan requesting a waiver of the requirement for a maximum of six weeks following release. He may also submit an alternate plan providing for his engagement in training activities which will be expected to lead to employment. Any alternate plan must be approved by the secretary or his designee.

(2) No payment shall be made if it will result in a deduction from other income available or payable to the releasee or his family.

(3) Eligibility is determined by the institution superintendent for the initial six weeks period. Eligibility after the initial six weeks is determined by the parole officer for a maximum of twenty additional weeks.

(4) The parole officer, on the basis of new or additional information available after release, may redetermine the releasee's eligibility.

(5) A person released to a deportation detainer may be eligible based on the person's individual need, as determined by the superintendent at the time of release to the detainer, or subsequently by the interstate unit of the state central office.

(6) Releasees going out of state are eligible if they meet the requirements in subsections (1), (2), (3) and (4). The supervisor of the interstate unit for parolees will function as the parole officer for such releasees. [Order 684, § 275-48-030, filed 5/25/72.]

WAC 275-48-035 Amount—Duration—Disbursement by institution and parole officer. (1) Payment shall be in an amount which when added to net income shall not exceed \$55 per week.

(2) Payments may continue for a maximum of 26 weeks.

(3) Payments are made in advance. The initial payment is made by the releasing institution at the time of release. Subsequent payments are made at the office of the parole officer. An eligible releasee on conditional discharge status, freed by court order, or whose sentence has expired shall be assigned to a parole officer for the purpose of receiving weekly payments. [Order 684, § 275-48-035, filed 5/25/72.]

WAC 275-48-040 Termination. (1) Benefits under this program may be terminated

(a) when funds are not available, or

(b) when the releasee has been employed for two weeks or has received this first full paycheck, whichever is earlier,

(c) when the parole officer has reason to believe the releasee is not actively seeking employment or is not abiding by an approved alternate plan.

(2) The parole officer shall notify the releasee in writing of the date the weekly payments terminate and of the reasons therefor. [Order 684, § 275-48-040, filed 5/25/72.]

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WAC 275-48-045 Reinstatement—Reapplication.

(1) A releasee whose payments have been terminated and who becomes unemployed may be reinstated if

(a) he meets initial eligibility requirements, and

(b) not more than 52 weeks have elapsed since date of release, and

(c) funds are available.

(2) A releasee not eligible for weekly payments at the time of release may reapply during the ensuing 52 weeks, and if found eligible he may receive weekly payments.

(3) Payments may be made to a releasee who has re-applied or has been reinstated for a period which when added to any prior payment period shall not exceed the maximum specified in WAC 275-48-035(2). [Order 955, § 275-48-045, filed 7/26/74; Order 684, § 275-48-045, filed 5/25/72.]

WAC 275-48-050 Appeal. (1) A releasee paid less than the maximum benefit or whose benefit has been terminated may file within 15 days of notification a written appeal to the district supervisor of the probation and parole officer to whom the releasee is assigned.

(2) The district supervisor shall impartially review the circumstances and take appropriate action.

(3) A written report of the review shall be forwarded by the district supervisor to the department's state office. [Order 684, § 275-48-050, filed 5/25/72.]

Chapter 275-52 WAC

**INSTITUTIONAL INDUSTRIES COMMISSION
HEARINGS—SALE OF PRODUCTS**

WAC

275-52-010	Hearings.
275-52-015	Subject of hearings.
275-52-020	Sale of produce.

WAC 275-52-010 Hearings. The institutional industries commission shall hold public hearings in order to afford the general public an opportunity to register opinions concerning the establishment and regulation of industrial or agricultural enterprises operated within Washington state institutions. Notice of such hearings will be given in accordance with the provisions of chapter 34.04 RCW (the Administrative Procedures Act). [Order 756, § 275-52-010, filed 12/14/72.]

WAC 275-52-015 Subject of hearings. A public hearing shall be held when either of the following actions is being considered by the commission:

(1) the establishment of an enterprise involving a gross annual production of more than \$25,000, or

(2) setting or increasing the yearly limit to the dollar value of the production of an enterprise. [Order 756, § 275-52-015, filed 12/14/72.]

WAC 275-52-020 Sale of produce. (1) In order to avoid waste or spoilage and consequent loss to the state, the secretary may sell at private sale by-products and

surplus of agricultural and animal husbandry enterprises. Such sales shall be made according to subsections (2) and (3).

(2) Sales of surplus dairy products shall be made, at the prices established by the Regional Milk Marketing Administration of the U.S. Department of Agriculture, to established processors of fluid milk.

(3) Sales of dairy animals shall be made at public auction. [Order 740, § 275-52-020, filed 11/22/72.]

Chapter 275-53 WAC

SALE OF ITEMS PRODUCED BY VOCATIONAL TRAINING STUDENTS IN CORRECTIONAL INSTITUTIONS

WAC

275-53-050	Sale of items produced by vocational training students.
275-53-055	Requirements of sale and notice.
275-53-060	Display.
275-53-065	Proceeds of sale.

WAC 275-53-050 Sale of items produced by vocational training students. (1) The superintendent of a correctional institution may sell items which have been produced or restored in connection with vocational training activities. Such items may be sold at auction at which bidders are present or by a call for sealed bids.

(2) A minimum price shall be established for each item sufficient to offset the cost of its production. [Order 769, § 275-53-050, filed 1/26/73.]

WAC 275-53-055 Requirements of sale and notice.

(1) Notice of proposed sale shall be given to the public at least fifteen days in advance by such methods as the superintendent determines are appropriate.

(2) A bid winner shall have a maximum of five days to complete his purchase and a maximum of thirty days to remove his purchase from the premises, under penalty of forfeiture of the purchase price, and the notice thereof shall so advise.

(3) If sealed bids are invited the bid must be accompanied by a certified check or money order equal to ten percent of the amount of the bid, and the notice thereof shall so advise. [Order 769, § 275-53-055, filed 1/26/73.]

WAC 275-53-060 Display. Items to be auctioned shall be displayed in advance of the sale to permit inspection by potential buyers. Each item shall have the minimum price physically attached to it. [Order 769, § 275-53-060, filed 1/26/73.]

WAC 275-53-065 Proceeds of sale. Proceeds of the sale shall be used exclusively for vocational training purposes. [Order 769, § 275-53-065, filed 1/26/73.]

Chapter 275-55 WAC

VOLUNTARY ADMISSION—INVOLUNTARY COMMITMENT, TREATMENT AND/OR EVALUATION OF MENTALLY ILL PERSONS

WAC

275-55-010	Purpose.
275-55-020	Definitions.
275-55-030	Private institutions which may admit voluntary patients.
275-55-040	Voluntary admission to public or private institution—Adult patient—No conservator or guardian.
275-55-041	Voluntary adult patient—Detention.
275-55-050	Voluntary admission—Minor.
275-55-060	Voluntary admission to public institutions, hospitals, sanitariums or facilities—Minor.
275-55-061	Voluntary admission—Adult—Conservator.
275-55-070	Forwarding information to department.
275-55-080	Alternatives to admittance to inpatient treatment.
275-55-090	Voluntary patients—Limitation on length of stay—Readmission.
275-55-100	Mental health professional, psychologist, social worker, psychiatric nurse.
275-55-110	Release of voluntary and involuntary patient.
275-55-120	Conditional release of patient.
275-55-130	Voluntary minor—Release.
275-55-140	Involuntary commitment and detention of minor.
275-55-150	Voluntary patient—Periodic review.
275-55-160	Available physician or other professional person.
275-55-170	Advising patient of rights.
275-55-180	Involuntary patient—Evaluation and examination.
275-55-190	Involuntary patients—Treatment prior to hearings.
275-55-200	Protection of patients' property.
275-55-210	Voluntary treatment of involuntary patient.
275-55-220	Professional persons in charge.
275-55-230	Revocation of conditional release.
275-55-240	Release of indigent patients.
275-55-250	Research.
275-55-260	Release of information.
275-55-270	Patient's rights.
275-55-280	Standards for certification of evaluation and treatment facilities.
275-55-282	Outpatient component.
275-55-284	Emergency component.
275-55-286	Inpatient component.
275-55-288	Standards for evaluation and treatment facilities serving minors.
275-55-290	Financial assistance to counties.

WAC 275-55-010 Purpose. These regulations are adopted pursuant to and in accordance with chapter 142, Laws of 1973, 1st ex. sess. They are adopted to provide operational procedures for the voluntary admission, involuntary commitment, treatment, and/or evaluation of mentally ill persons; to provide standards for certification of evaluation and treatment facilities; and to provide procedures for financial assistance to counties. [Order 900, § 275-55-010, filed 1/25/74.]

WAC 275-55-020 Definitions. (1) "Department" means the department of social and health services of the state of Washington.

(2) "Secretary" means the secretary of the department of social and health services or his designee.

(3) "Director" means the director of the bureau of mental health of the department of social and health services.

(4) "Facility" means an evaluation and/or treatment facility certified as such by the department.

(5) "Chapter" means chapter 142, Laws of 1973 1st ex. sess., or as thereafter amended.

(6) "Rule" means a rule within these rules and regulations.

(7) "Section" means a section of chapter 142, Laws of 1973 1st ex. sess., or as thereafter amended.

(8) "Seventy-two hour period" shall be computed by including Saturdays, but excluding Sundays and holidays as specified in RCW 1.16.050.

(9) "Designated mental health professional" means a person who has been appointed by the county commissioners to perform the duties specified in the act, and

(a) Who meets the educational and/or experience requirements as specified in WAC 275-55-100(1)(a)(b)(c) of these rules and regulations, or

(b) Where exception has been granted by the director of the bureau of mental health pursuant to WAC 275-55-100(1)(d).

(10) "Mental health professional" means a person who meets the educational and/or experience requirements as specified in WAC 275-55-100 of these rules and regulations and who is primarily involved in evaluation and treatment. The duties and responsibilities of "mental health professionals" and "designated mental health professionals" shall be as defined in chapter 71.05 RCW.

(11) "Professional person in charge" as used in the chapter and these rules, unless otherwise defined, shall mean the professional person having chief clinical responsibilities for mental health evaluation and treatment within the institution, hospital, sanitarium or facility involved, or his designee. [Order 1122, § 275-55-020, filed 6/2/76; Order 955, § 275-55-020, filed 7/26/74; Order 900, § 275-55-020, filed 1/25/74.]

WAC 275-55-030 Private institutions which may admit voluntary patients. Any private institution, hospital, or sanitarium which includes a department or ward conducted for the care and treatment of persons who are mentally ill or deranged may receive therein as a voluntary patient any person suffering from mental illness or derangement for the treatment for said illness.

(1) "Mental illness or derangement" as here used shall mean mental disorder which presents likelihood of serious harm to others or self or which causes a person to be gravely disabled.

(2) "Department or ward" as here used shall mean facilities programmed and staffed appropriately to provide adequate care to the mentally ill or deranged. [Order 900, § 275-55-030, filed 1/25/74.]

WAC 275-55-040 Voluntary admission to public or private institution—Adult patient—No conservator or guardian. Any institution, hospital, or sanitarium receiving a voluntary patient 18 years or older pursuant to WAC 275-55-030 above and any public institution, hospital, or sanitarium receiving such patient shall require written application signed by the voluntary patient stating that such application is a voluntary action by the patient, the application form to state rights retained by such voluntary patient under WAC 275-55-270(1) and (2), with a copy to be retained by the patient personally.

[Order 955, § 275-55-040, filed 7/26/74; Order 900, § 275-55-040, filed 1/25/74.]

WAC 275-55-041 Voluntary adult patient—Detention. If the staff of any public or private agency regards a voluntarily admitted patient seeking release as presenting, as a result of mental disorder, an imminent likelihood of serious harm to himself or others, or as gravely disabled, they may detain such a person for sufficient time in order to enable the designated county mental health professional to authorize appropriate action. [Order 1122, § 275-55-041, filed 6/2/76; Order 955, § 275-55-041, filed 7/26/74.]

WAC 275-55-050 Voluntary admission—Minor. A person under 18 years of age, or others on his behalf, may make application for and authorize treatment pursuant to the following:

(1) All voluntary applications for admissions of persons under the age of 13 shall be made by the parent(s), conservator, guardian, or other person entitled to custody.

(2) All applications on behalf of minors more than 13 years of age shall be accompanied by a written consent of the minor.

(3) A person under the age of 18 but over the age of 13 may make application for and receive mental health care upon his own application without consent of his parent, parents, guardian, or other person entitled to custody unless such treatment involves inpatient care. [Order 1122, § 275-55-050, filed 6/2/76; Order 955, § 275-55-050, filed 7/26/74; Order 900, § 275-55-050, filed 1/25/74.]

WAC 275-55-060 Voluntary admission to public institutions, hospitals, sanitariums or facilities—Minor. Upon receipt of any application for admission of a minor to a public agency as defined in RCW 71.05.020(6), such agency shall notify the designated county mental health professional of the county of the patient's residence, who shall submit a written report and evaluation with recommendations as to whether treatment is necessary and proper on a voluntary basis, and stating reasons for voluntary commitment. After receipt of such recommendations, the professional person in charge or his designee shall make final determination as to the admission of the minor. Before receipt of such recommendations, a patient may be temporarily admitted if the professional person or his designee determines temporary admission to be in the best interest of that patient. [Order 1122, § 275-55-060, filed 6/2/76; Order 955, § 275-55-060, filed 7/26/74; Order 900, § 275-55-060, filed 1/25/75.]

WAC 275-55-061 Voluntary admission—Adult—Conservator. Application for admission of an adult patient having a conservator or guardian shall be made by said conservator or guardian pursuant to authorization by a proper court order in the conservatorship or guardianship proceedings. Any patient admitted pursuant to this rule shall be considered as a voluntary patient and shall be released upon the request of the

conservator, guardian, or patient unless the involuntary proceedings are invoked. An existing court order authorizing payment to an institution for the ward's current care shall be considered such a proper court order. [Order 955, § 275-55-061, filed 7/26/74.]

WAC 275-55-070 Forwarding information to department. After six months of continuous inpatient treatment pursuant to this chapter and these rules and regulations, the public or private institution, hospital, sanitarium or facility shall forward to the director the following information concerning such voluntary patient:

(1) Name, residence, age, sex, place of birth, occupation, marital status, and date of admission to the facility.

(2) A copy of the voluntary admission form signed by the patient and/or his parent, parents, guardian, conservator, or other person entitled to his custody. [Order 1122, § 275-55-070, filed 6/2/76; Order 955, § 275-55-070, filed 7/26/74; Order 900, § 275-55-070, filed 1/25/74.]

WAC 275-55-080 Alternatives to admittance to inpatient treatment. In considering all applications for admittance or involuntary commitments to inpatient treatment as to whether the patient is suitable for care and treatment, the professional person in charge or his designee shall explore less restrictive alternatives including possible outpatient treatment and consider possible better, or equal treatment elsewhere. [Order 1122, § 275-55-080, filed 6/2/76; Order 955, § 275-55-080, filed 7/26/74; Order 900, § 275-55-080, filed 1/25/74.]

WAC 275-55-090 Voluntary patients—Limitation on length of stay—Readmission. No person shall be carried continuously as a voluntary patient for a period of more than one year. A patient may be readmitted pursuant to admission procedures at the end of any one-year period. [Order 900, § 275-55-090, filed 1/25/74.]

WAC 275-55-100 Mental health professional, psychologist, social worker, psychiatric nurse. (1) "Mental health professional" means:

(a) A psychiatrist, psychologist, psychiatric nurse, or social worker, and also

(b) Those persons with a master's degree or further advanced degree from an accredited college or university in counseling or in one of the social sciences. Such persons shall have, in addition, at least three years of experience in direct treatment of mentally ill or emotionally disturbed persons under the supervision of a mental health professional, and

(c) A licensed physician permitted to practice as a physician in the state of Washington.

(d) Persons who are otherwise qualified to perform the duties of a mental health professional but do not meet the educational requirements specified in RCW 71.05.020(11), where an exception to such requirements has been granted by the director upon submission of a written request by the county involved considering the following factors:

(i) The extent to which the county has made an effort to provide and has the capability of providing a mental health professional as defined in RCW 71.05.020(11);

(ii) The amount and type of employment experience which the applicant possesses. Such an applicant shall have had at least two years' experience in the direct treatment of emotionally disturbed or mentally ill persons under the supervision of a mental health professional;

(iii) The overall needs of the mental health program in the particular county involved;

(iv) Such factors as shall be brought to the attention of the director by the counties involved.

(2) "Psychologist" means:

(a) Those persons defined as such in RCW 71.05.020(14).

(3) "Social worker" means:

(a) Those persons defined as such in RCW 71.05.020(15).

(4) "Psychiatric nurse" shall mean a registered nurse who has a bachelor's degree from an accredited college or university, and who has had, in addition, at least one year's experience in the direct treatment of mentally ill or emotionally disturbed persons under the supervision of a mental health specialist. Psychiatric nurse shall also mean any other registered nurse who has had three years' such experience. "Psychiatric Nurse Clinician" shall mean a registered nurse who has a master's or further advanced degree from an accredited college or university and whose graduate specialization was in psychiatric nursing. [Order 1122, § 275-55-100, filed 6/2/76; Order 955, § 275-55-100, filed 7/26/74; Order 900, § 275-55-100, filed 1/25/74.]

WAC 275-55-110 Release of voluntary and involuntary patient. (1) Nothing in these rules and regulations shall be construed so as to prohibit the professional person in charge of a facility in which a person is being treated from releasing that person at any time when, in the opinion of said professional person, further commitment would no longer be in the best interests of the patient. Upon release, every patient voluntarily or involuntarily admitted or committed pursuant to this chapter shall be advised both orally and in writing of the following: No person is presumed incompetent nor does any person lose any civil rights as a consequence of receiving evaluation and/or treatment for mental disorder, whether voluntary or involuntary, pursuant to Washington law dealing with mental illness.

(2) Any public or private institution, hospital, sanitarium or facility which receives a voluntary patient pursuant to this chapter shall forward notice of release of such patient to the director within 72 hours of such release if such patient has been receiving inpatient treatment on a continuous basis for over six months.

(3) Upon release, the public or private institution, hospital, sanitarium or evaluation and treatment facility shall seek patient permission for release of a clinical summary concerning the patient's condition to the physician, psychiatrist or therapist of his choice, local treatment facility or mental health treatment program. The patient refusing such release shall be notified that a

clinical summary concerning his condition and the fact of his release will be forwarded to the designated county mental health treatment agency or professional of the county of the patient's residence and shall remain confidential. All records will be available for use of the person to whom such summary is sent, and he will be so advised.

(4) Whenever any person involuntarily committed or detained pursuant to this chapter is released prior to expiration of court-ordered commitment, the court ordering such commitment shall be notified either orally or in writing prior to such release of the date of release and release plans through the office of the court clerk. If the court was notified orally and not in writing prior to release, then the facility shall send written confirmation of release by letter addressed to the clerk of court within 24 hours after such release. The county designated mental health professional shall be sent a copy of any written court notification.

(5) If the person is not approved for admission by a facility providing 72-hour evaluation and treatment and the person has not been arrested, the facility shall furnish transportation for the person to his place of residence or other appropriate place. If the person to be released has been arrested, he will be placed in the custody of the arresting agency. [Order 1122, § 275-55-110, filed 6/2/76; Order 955, § 275-55-110, filed 7/26/74; Order 900, § 275-55-110, filed 1/25/74.]

WAC 275-55-120 Conditional release of patient.

(1) Any person conditionally released pursuant to the chapter shall be notified orally and in writing of the terms and conditions of the release and shall be notified in writing of any subsequent modifications of such terms and conditions.

(2) The superintendent or professional person in charge of the facility from which the person is conditionally released or his designee shall, if possible, obtain written acknowledgement of receipt of the terms and conditions of release and modifications thereof from the person released. In addition he will notify in writing the court of original commitment and the designated county mental health professional of the county in which the patient will receive outpatient care of any conditional release or of any modifications to such a release. [Order 955, § 275-55-120, filed 7/26/74; Order 900, § 275-55-120, filed 1/25/74.]

WAC 275-55-130 Voluntary minor—Release. (1)

A voluntarily admitted minor more than 13 years of age (after the 13th birthday) shall have the right to release on the next judicial day from the date of request unless a petition is filed in juvenile court setting forth grounds for involuntary commitment of the minor. Minors 13 years of age or under (on or before the 13th birthday) shall not be released at the request of the minor but shall be released immediately upon the request of such minor's parent, parents, conservator, guardian, or other person entitled to custody unless the professional person in charge of the facility or his designee objects immediately in writing to the juvenile court specifying grounds sufficient for involuntary commitment of the minor. Where

the parent, parents, conservator, guardian, or other person entitled to custody requests the release of a minor more than 13 years of age, the facility shall immediately release such minor patient unless the professional person in charge of the facility or his designee objects immediately in writing to the juvenile court on grounds sufficient to allow involuntary commitment.

(2) When the facility objects immediately in writing to the juvenile court on grounds sufficient to allow involuntary commitment, and serves a copy of such objection to the parent, parents, conservator, guardian or other person entitled to custody, the facility may detain the minor patient until the next judicial day at which time a petition for involuntary treatment must be filed. When a petition is filed, the minor may be held for a further reasonable period of time, not to exceed five days, in order for the juvenile court to hear such petition.

(3) The immediate objection in writing to the juvenile court as required by this rule shall be the same as a petition for initial involuntary detention of the minor, and shall be filed with the juvenile court on the next judicial day. [Order 955, § 275-55-130, filed 7/26/74; Order 900, § 275-55-130, filed 1/25/74.]

WAC 275-55-140 Involuntary commitment and detention of minor. No minor shall be involuntarily committed for care and treatment for mental disorder or for observation as to the existence of mental disorder except according to the following requirements:

(1) The facility accepting the involuntary minor patient must:

(a) Be certified by the department of social and health services to provide evaluation and treatment to persons under 18 years of age suffering from mental disorders, or

(b) Be a part of or operated by the department of social and health services or any federal agency and be designated to provide services to minors by the department.

(2) The involuntary commitment is pursuant to a juvenile court order: *Provided*, That a designated county mental health professional may detain a minor for up to 72 hours in a certified facility pending petition to the juvenile court for further commitment if it is the opinion of the designated county mental health professional that the minor presents an imminent likelihood of serious harm to himself or others. [Order 955, § 275-55-140, filed 7/26/74; Order 900, § 275-55-140, filed 1/25/74.]

WAC 275-55-150 Voluntary patient—Periodic review. When the condition and status of a voluntary patient are reviewed at least each 180 days, such patient shall be again advised orally of his right to release and in writing of his rights as set forth under WAC 275-55-270(1) and (2). The patient's review shall include but not be limited to an evaluation of the patient's individual treatment program and progress, recommendations for future treatment, and consideration of possibly less restrictive treatment. Such review shall be undertaken under the supervision and direction of the professional

person having chief clinical responsibility within the facility. Written documentation of such review shall be maintained within the patient's records. [Order 955, § 275-55-150, filed 7/26/74; Order 900, § 275-55-150, filed 1/25/74.]

WAC 275-55-160 Available physician or other professional person. "Available physician or other professional person" as used in section 14 as amended means such qualified person working within, or contracting to provide such services for, the facility, unless the patient provides payment for any other qualified professional. [Order 900, § 275-55-160, filed 1/25/74.]

WAC 275-55-170 Advising patient of rights. (1) Every voluntarily admitted patient shall be advised orally of his or her right to release and shall be further advised in writing of all rights secured to him or her pursuant to WAC 275-55-270(1), (2).

(2) All involuntary patients upon admission to the facility shall be advised by the facility either orally or in writing of their rights as involuntary patients as specified in WAC 275-55-270(1), (3). In addition, if possible, a responsible member of the immediate family, guardian, and conservator, if any, and such other person as designated by the patient shall receive notification in writing of the patient's confinement and his rights retained as an involuntary patient.

(3) All involuntary patients shall be advised orally and in writing that within 24 hours they will receive an examination and evaluation to determine whether their continued confinement within the facility is necessary, and further, if they are not released within 72 hours, they will be entitled to a judicial hearing before a superior court to decide whether their continued confinement within the facility is necessary. [Order 955, § 275-55-170, filed 7/26/74; Order 900, § 275-55-170, filed 1/25/74.]

WAC 275-55-180 Involuntary patient—Evaluation and examination. Persons doing the 24-hour evaluation and treatment pursuant to RCW 71.05.210 shall not include the designated county mental health professional responsible for the detention, unless no other mental health professional is reasonably available and specific exemption has been granted by the director. [Order 1122, § 275-55-180, filed 6/2/76; Order 955, § 275-55-180, filed 7/26/74; Order 900, § 275-55-180, filed 1/25/74.]

WAC 275-55-190 Involuntary patients—Treatment prior to hearings. Medication, the effect of which extend entirely through the 24-hour period before a hearing and which is likely to substantially affect the patient's behavior shall not be used except for emergency lifesaving treatment, without written permission of the patient. Any patient may refuse all but emergency lifesaving treatment beginning 24 hours prior to any hearing. On acceptance to the facility such patient shall be informed of his right to refuse all treatment except life saving treatment during such 24-hour period and

shall again be so informed within one hour prior to the 24-hour period before court hearing. The patient shall be asked if he wishes to decline treatment during such 24-hour period, and the answer shall be by signed writing where possible. This rule does not preclude facilities' reasonable use of physical restraints to protect against injury to the patient or others. The person filing a petition has the further responsibility of notifying the facility of the time of hearing at least 25 hours in advance of the hearing. [Order 900, § 275-55-190, filed 1/25/74.]

WAC 275-55-200 Protection of patients' property. (1) Articles brought to the facility shall be inventoried and those not kept by the patient shall be housed by the facility giving due regard to reasonable precautions necessary to safeguard such property.

(2) The officer or mental health professional escorting the patient to the facility shall take reasonable precautions to safeguard the property of the patient which is in the immediate vicinity of the point of apprehension.

(3) Reasonable precautions shall be taken to safeguard belongings not in the immediate vicinity of the patient by the public officer and/or facility when notice of possible danger thereto is received. [Order 900, § 275-55-200, filed 1/25/74.]

WAC 275-55-210 Voluntary treatment of involuntary patient. Patients committed by court order to involuntary treatment shall have all rights of voluntary patients where the facility has converted the patient to voluntary status and the patient has signed an application to receive voluntary treatment. [Order 955, § 275-55-210, filed 7/26/74; Order 900, § 275-55-210, filed 1/25/74.]

WAC 275-55-220 Professional persons in charge. "Professional persons in charge" as used in this chapter, unless otherwise defined, shall mean the professional person having chief clinical responsibilities for mental health evaluation and treatment within the institution, hospital, sanitarium or facility involved. [Order 900, § 275-55-220, filed 1/25/74.]

WAC 275-55-230 Revocation of conditional release. (1) The secretary's designee for purposes of revocation of conditional release under RCW 71.05.340 shall be the superintendent of the state hospital or his specified designee from which the patient was conditionally released or the director of the bureau of mental health or his specified designee.

(2) The secretary's designee or the designated county mental health professional may order a revocation of a conditional release after which the conditionally released patient may be detained for a period not to exceed five days so that a court hearing may be held to consider revocation of his conditional release. The court ordering original commitment shall be notified within two judicial days of the person's detention. [Order 1122, § 275-55-230, filed 6/2/76; Order 955, § 275-55-230, filed 7/26/74; Order 900, § 275-55-230, filed 1/25/74.]

WAC 275-55-240 Release of indigent patients. No indigent patient shall be discharged or conditionally released during or at the expiration of any 14-day or longer involuntary confinement period without suitable clothing and funds of at least the minimum specified under RCW 72.02.100. If such patient has funds of less than such minimum amount, the patient shall be paid an amount necessary to reach such minimum. If the indigent patient has no funds, the total minimal amount shall be paid. Request for suitable clothing or funding therefor and funds shall be made by the person in charge of the facility or his designee to the superintendent of the nearest state hospital or his designee. Such request shall be made at least 72 hours ahead of expected release. For the purposes of this rule, the superintendent may designate a staff member of community services within the department to handle funding and clothing requests.

If funding is available, the superintendent may provide in addition to the minimum funding required by RCW 72.02.100, an additional amount of up to the optional amount specified in RCW 72.02.100 to any indigent patient who applies therefor if such extra funding is necessary for personal and/or living expenses of such patient.

As funds are available, the secretary or his designee may provide in the alternative to the funding set out above to the conditionally released patient, a weekly payment of an amount specified in RCW 72.02.110 for a period of up to the total time of conditional release.

No patient regardless of the length of commitment shall be released without transportation to his place of residence or other suitable place. If the patient has no suitable means of transportation and is also indigent, then the facility shall provide for transportation by the least expensive method of public transportation not to exceed a cost of \$100, or, in the alternative, the facility itself may provide such transportation.

If the person making request for suitable clothing or funding from the superintendent of the nearest state hospital has reasonable cause to believe that the patient to be released has ample funds to assume expenses of clothing, transportation, or other payments made herein, or any one or more of such expenses, the person released shall be required to assume such expenses and the superintendent of the nearest state hospital shall be so advised.

Indigent patient for the purposes of this rule means "inability to pay" as determined by standards of WAC 275-55-290(6).

Where funding is available, the secretary or the superintendent may at his discretion provide funds or clothing pursuant to this rule and the laws of the state of Washington to *voluntary* patients. [Order 900, § 275-55-240, filed 1/25/74.]

WAC 275-55-250 Research. All research concerning mentally ill patients voluntarily admitted or involuntarily committed under this chapter shall be undertaken in accordance with department policy document 118-T,

which is entitled, "Protection of Human Subjects in Research, Development, Demonstration, and Other Projects." Furthermore, any person involved in evaluation or research concerning persons under this chapter shall be required to sign a statement as provided for in RCW 71.05.390. Such statement will be filed with the director. [Order 1122, § 275-55-250, filed 6/2/76; Order 900, § 275-55-250, filed 1/25/74.]

WAC 275-55-260 Release of information. The fact of admission and all information and records compiled, obtained or maintained in the course of providing services to either voluntary or involuntary patients is confidential and shall not be released except pursuant to the following:

(1) The following information shall be released to a patient's next of kin, attorney, guardian or conservator, if any.

(a) That the person is presently a patient in the facility;

(b) That the person is seriously physically ill;

(c) That the patient has died.

(2) The following information shall be released to a patient's next of kin, attorney, guardian or conservator, if any, when requested by any such person:

(a) A statement evaluating the mental and physical condition of the patient;

(b) A statement of the probable duration of the patient's confinement;

(c) Such other information as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator.

(3) The fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services may be disclosed:

(a) In communication between qualified professional persons to meet requirements of the chapter, in provision of services or appropriate referrals, or in the course of guardianship, provided that, the professional not employed by the facility has the medical responsibility for the patient's care, is a designated county mental professional, or is involved in providing services under the community mental health services act, chapter 71.24 RCW.

(b) When the person receiving services, or his guardian designates persons to whom information and records may be released, or if the patient is a minor, when his parents make such designation.

(c) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he may be entitled.

(d) For program evaluation and research pursuant to WAC 275-55-250.

(e) To the courts as necessary to the administration of this chapter.

(f) To the attorney of the detained person.

(4) Fact and date of admission, fact and date of discharge, and last known address shall be disclosed upon request to law enforcement officers or public health officers subject to the following limitations:

(a) The information is necessary to carry out responsibilities of their office, and

(b) They shall be obligated to keep such information confidential in accordance with this chapter.

(c) Additional information shall be disclosed to law enforcement officers or public health officers only after giving notice to said person and his counsel and upon a showing of clear, cogent and convincing evidence that such information is necessary and that appropriate safeguards for strict confidentiality are and will be maintained: *Provided however*, That in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence. [Order 1122, § 275-55-260, filed 6/2/76; Order 955, § 275-55-260, filed 7/26/74; Order 900, § 275-55-260, filed 1/25/74.]

WAC 275-55-270 Patient's rights. Any institution, hospital, sanitarium or facility providing services to the mentally ill, as defined in this chapter, shall not withhold from any patient the following rights, and a list of such rights shall be prominently posted within the department or ward in which such person is housed. In addition, the institution, hospital, sanitarium or facility shall insure, unless an imminent danger to the individual or others would result, that each patient shall have the rights listed below in subdivisions (1)(a)(i), (1)(k), (2)(a), (2)(b), (3)(a), (3)(c), (3)(d), (3)(f), and (3)(g).

(1) Rights of all patients:

(a) No patient shall be restrained from sending written communications of the fact of his detention; any such communication will be mailed to the person to whom addressed by the physician in charge of the patient and/or person in charge of the facility.

(b) All patients shall have the right to adequate care and individualized treatment.

(c) All patients have the right to wear their own clothes and to keep and use their own personal possessions, except when deprivation of same is essential to the protection and safety of the resident or other persons.

(d) All patients have the right to keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and for small purchases.

(e) All patients have the right of access to individual storage space for his or her private use.

(f) All patients have the right to have visitors at reasonable times.

(g) All patients have the right to have reasonable access to a telephone both to make and receive confidential calls.

(h) All patients have the right to have ready access to letter writing material, including stamps and to send and receive uncensored correspondence through the mails.

(i) All patients have the right not to consent to the performance of shock treatment or surgery, except emergency life-saving surgery, upon him, and not to have shock treatment or nonemergency surgery in such circumstances unless ordered by a court pursuant to a judicial hearing in which he is present and represented

by counsel, and the court shall appoint a psychiatrist, psychologist, or physician designated by such person or his counsel to testify on behalf of such person.

(j) All patients have the right to dispose of property and sign contracts unless they have been adjudicated an incompetent in a court proceeding directed to that particular issue.

(k) All patients have the right to not have psycho-surgery performed under any circumstances.

(l) All patients have the right to object to detention or request release through writ of habeas corpus.

(m) No person shall be presumed incompetent or lose any civil rights as a consequence of receiving evaluation or treatment for mental disorder.

(n) All patients have the right of access to attorneys, courts, and other legal redress.

(2) Rights of voluntary patients:

(a) All voluntary patients have the right to release unless involuntary commitment proceedings are initiated. Specific patients' rights to release are as follows:

(i) Adult patient—No guardian—Release at request of patient.

(ii) Adult admitted by guardian—Release at request of guardian or patient.

(iii) Minor—13 years or under—Release at request of parent, guardian, or other person entitled to custody.

(iv) Minor—More than 13 years of age—Released on request of parent or guardian on next judicial day at request of minor.

(b) All voluntary patients have the right to a review of condition and status at least each 180 days.

(3) Rights of involuntary patients:

(a) Unless released within 72 hours, all involuntary adult patients have a right to a judicial hearing not more than 72 hours after initial detention to determine whether probable cause exists to detain such person after 72 hours for a further period up to 14 days.

(b) All involuntary patients have the right to communicate immediately with an attorney, and if indigent, they have the right to have an attorney appointed to represent them before and at such hearing and a right to be told the name and address of the attorney who has been designated.

(c) All involuntary patients have the right to remain silent.

(d) All involuntary patients have the right to be told that statements they make may be used against them.

(e) All involuntary patients have the right to present evidence and to cross-examine the witnesses who testify against them at the probable cause hearing.

(f) All involuntary patients have the right to refuse medication beginning 24 hours prior to any court proceeding wherein the patient has a right to attend and which bears upon the continued commitment of the patient.

(g) When taken into custody by a public officer and then placed in a facility without authorization by the county designated mental health professional, the involuntary patient shall be released within 12 hours unless the county designated mental health professional files a

supplemental petition for initial detention and the detained person receives a copy. [Order 1122, § 275-55-270, filed 6/2/76; Order 955, § 275-55-270, filed 7/26/74; Order 900, § 275-55-270, filed 1/25/74.]

WAC 275-55-280 Standards for certification of evaluation and treatment facilities. (1) An evaluation and treatment facility provides a spectrum of services directly or by contractual arrangement with other approved public or private agencies, which includes one or more of the following services: Emergency evaluation and treatment, outpatient care and inpatient care to persons suffering from a mental disorder.

(2) The following standards shall apply to all agencies providing involuntary treatment as specified in the chapter:

(a) All facilities must maintain adequate accounting records.

(b) All facilities must maintain, for each patient, a clinical record which contains sufficient information to justify the diagnosis, delineate the individual treatment plan and chart the course of treatment. It is the responsibility of the facility to safeguard the record against loss, defacement, tampering or use by unauthorized persons. Information from the record shall be released only upon the written authorization of the patient or his guardian, or as provided in the chapter.

(c) All facilities must have a treatment plan which includes discharge planning to assist the patient to make suitable plans for his future beginning upon admission into a facility. These discharge plans will be entered into the patient's record and updated as appropriate.

(d) All facilities shall prepare and submit such reports as are required by the department.

(e) All facilities shall have access to necessary non-lective treatment throughout the period of treatment pursuant to this chapter.

(f) All facilities shall care for patients in a therapeutic environment in which appropriate therapeutic activities are available which may include drug and somatic therapies, occupational therapy, and recreational and diversionary activities.

(g) All facilities must maintain written procedures for managing assaultive and/or self-destructive behavior.

(h) All facilities shall have access to supportive services appropriate to treatment such as:

(i) Casework services.

(ii) Vocational rehabilitation.

(iii) Legal services.

(i) All facilities shall have access to emergency life-sustaining treatment and medication support services.

(j) All facilities shall provide treatment of each patient under the supervision of a mental health professional.

(k) All facilities shall develop and implement in-service training by each service which shall include consideration of less restrictive alternatives, appropriate patient care and other content areas which will enhance the care of persons treated pursuant to this chapter. Documentation of the training program shall be made available as part of the certification process.

(l) All facilities shall maintain written agreements for coordinating, integrating, and ensuring continuity of care within and among inpatient, emergency and outpatient services.

(m) All facilities shall maintain a written statement describing the organizational structure, objectives and the philosophy of the therapeutic environment.

(n) All facilities must be recognized elements of the county's annual mental health services plan.

(o) All facilities must consider the use of the least restrictive treatment alternative among and within each program service and must document such consideration in the patient's record.

(p) The use of chemical and physical restraints and seclusion shall be in keeping with a therapeutic regimen, and when less restrictive alternatives are preferable for patient care, these shall be utilized.

(i) The factors necessitating the use of restraint/isolation procedures shall be recorded in the patient's chart over the signature of the authorizing physician.

(ii) In the event of an emergency use of restraint/isolation, a mental health professional must be immediately notified and provide written justification for the restraint/isolation.

(iii) No patient may be restrained/isolated for a period in excess of four hours without having been examined by a mental health professional and having such restraint/isolation so ordered by a physician.

(iv) Restraint/isolation procedures in excess of 24 hours must be authorized by a licensed physician. The facts determined by their examination and any resultant decision to continue restraint/isolation procedures shall be recorded in the patient's record. This procedure must be repeated for each subsequent 24-hour period of restraint/isolation.

(3) Evaluation and treatment facilities may be certified to provide one or more of the following services:

(a) Outpatient evaluation and treatment as set forth in WAC 275-12-520.

(b) Emergency service for involuntary clients, defined as the provision of immediate therapeutic intervention in cases involving involuntary clients. The term "emergency" refers to a set of circumstances (physiological, psychological, and/or social) which poses an imminent threat to the safety and/or well-being of the client or of others. In addition to the general standards stated in WAC 275-55-280, the following shall apply to all emergency services for involuntary clients:

(i) Such service shall have the ability to respond immediately to clients, and to admit clients on a 24-hour per day, seven-day per week basis;

(ii) Such service shall have immediately available at all times, as needed, professional personnel and services including, but not limited to licensed physician, mental health professional skilled in crisis intervention, appropriate life support systems and the staff necessary to provide them, designated mental health professional for the purpose of evaluating the need for emergency detention, professional person, as defined in the chapter, for the provision of consultation and communication with the client and the staff of the service;

(iii) Such service shall have the capability to detain individuals who are a danger to self or others, and shall provide at least one seclusion room which meets the requirements of WAC 248-18-530 (5)(a) now or as hereafter amended;

(iv) Within 24 hours of admission to the service, the following evaluations shall be conducted in order to determine the nature of the disorder and the treatment(s) required: Medical evaluation by a licensed physician, and psycho-social evaluation by a mental health professional.

(c) Inpatient evaluation and treatment as set forth in WAC 275-12-530, for one or more of the following:

(i) Patients gravely disabled under initial detention,

(ii) Patients dangerous to self or others and under initial detention,

(iii) Patients gravely disabled under court commitment, and/or

(iv) Patients dangerous to self or others and under court commitment.

(v) Provided any inpatient component certified to evaluate and treat patients who are considered dangerous to self or a danger to self or others and must have access to at least one seclusion room which meets the requirements of WAC 248-18-530 (5)(a) now or as hereafter amended.

(d) One or more of the services enumerated in subdivisions (a), (b), and (c) may be provided to minors, so long as the facility is in compliance with the provisions of WAC 275-55-288. [Order 1122, § 275-55-280, filed 6/2/76; Order 1029, § 275-55-280, filed 5/29/75; Order 955, § 275-55-280, filed 7/26/74; Order 900, § 275-55-280, filed 1/25/74.]

WAC 275-55-282 Outpatient component. (1) The outpatient component is defined as a setting in which an array of treatment services are provided on a regular basis to patients not in residence in the facility. These services are intended to stabilize, sustain and encourage growth of the individual within his environment. In addition to the general standards stated in WAC 275-55-280, the following standards shall apply to all outpatient components:

(a) Such component must have access to consultation by a psychiatrist or a physician with at least one year's experience in the direct treatment of mentally ill or emotionally disturbed persons, such access to be a minimum of one hour per week for each 40 hours of direct services or non-medical staff time.

(b) Such component shall include medical consultation with the patient to assess and prescribe psychotropic medication to meet the needs of the patient, said consultation to occur at least weekly during the 14-day period, every other week during the 90-day period, and monthly during the 180-day period of involuntary treatment.

(c) Such component must provide a therapeutic program which includes generally accepted treatment modalities such as:

(i) Individual,

(ii) Group,

(iii) Family/marital,

(iv) Chemotherapy.

(d) Each outpatient client must be seen at least weekly by assigned staff during the period of involuntary treatment. A mental health professional must review each outpatient case at least weekly to ensure updating of the treatment plan and this must be recorded in the patient's record.

(e) Such component shall have available a training package for employees that fully informs them of related services, the provisions and requirements of the chapter, these rules and regulations, and standards and guidelines promulgated by the department. Related services include but are not limited to: transportation, law enforcement, courts, prosecutors, caseworkers, and hospitals.

(f) Such component must have available outpatient services to persons discharged from the involuntary treatment system.

(g) Whenever possible, medication should be available to the client at a reduced rate through a state medication purchase contract, or through the state hospital pharmacy. [Order 1029, § 275-55-282, filed 5/29/75.]

WAC 275-55-284 Emergency component. (1) The emergency component is defined as a setting in which immediate therapeutic intervention occurs. The term "emergency" refers to a set of circumstances (physiological, psychological, and/or social) which pose an imminent threat to the safety and/or well-being of the patient or others. In addition to the general standards stated in WAC 275-55-280, the following standards shall apply to all emergency components:

(a) Such component must have the ability to respond immediately to and admit patients on a 24-hour/day, seven-day/week basis.

(b) Such component shall have access to a professional person as defined in the chapter for consultation and communication with the patient and the program component on a 24-hour/day, seven-day/week basis.

(c) Such component shall have access to a licensed physician for the purpose of medical psycho-social evaluation and a mental health professional for psycho-social evaluation within 24 hours of admission.

(d) Such component shall have immediate availability of professional personnel and services including but not limited to:

(i) Licensed physician,

(ii) Mental health professional skilled in crisis intervention,

(iii) Life support systems and personnel,

(iv) Designated mental health professional for purpose of emergency detention if necessary.

(e) The emergency component shall have the capability to detain individuals who are a danger to self or others and must have access to at least one seclusion room which meets the requirements of WAC 248-18-535 now or as hereafter amended.

(f) Medical and psycho-social evaluations must be conducted within 24 hours of admission. These evaluations must be used to determine the nature of the disorder and treatment(s) required. [Order 1029, § 275-55-284, filed 5/29/75.]

WAC 275-55-286 Inpatient component. (1) The inpatient component is a setting in which an array of treatment services is provided on a 24-hour/day basis to patients in residence. In addition to the general standards stated in WAC 275-55-280, the following standards shall apply to all inpatient components:

(a) The inpatient component shall meet the structural standards required for state licensing either as a psychiatric hospital, general medical and surgical hospital, skilled nursing facility or community mental health center which includes an inpatient program.

(b) The inpatient component shall have access to a professional person as defined in the chapter for consultation and communication with the patient and the program component on a 24-hour/day, seven-day/week basis.

(c) The inpatient component shall have access to a licensed physician for the purpose of medical psycho-social evaluation and a mental health professional for psycho-social evaluation within 24 hours of admission.

(d) The inpatient component must provide a therapeutic program which includes generally accepted treatment modalities such as:

- (i) Individual,
- (ii) Group,
- (iii) Family/marital,
- (iv) Chemotherapy.

(e) A mental health professional must have contact with each involuntary patient daily for the purpose of observation, evaluation and the provision of continuity of treatment.

(f) Medical and psycho-social evaluations must be conducted within 24 hours of admission. These evaluations must be used to determine the nature of the disorder and treatment(s) required.

(g) Any inpatient component certified to evaluate and treat patients during initial 72-hour involuntary evaluation and treatment shall have the capability to admit the patient on a 24-hour/day, seven-day/week basis.

(h) Any inpatient component certified to evaluate and treat patients who are considered dangerous to self or others shall have the capability to detain individuals who are a danger to self or others and must have access to at least one seclusion room which meets the requirements of WAC 248-18-535 now or as hereafter amended. [Order 1029, § 275-55-286, filed 5/29/75.]

WAC 275-55-288 Standards for evaluation and treatment facilities serving minors. (1) The standards for certification of evaluation and treatment facilities accepting minors shall include general standards and applicable service standards of these rules and regulations and the following:

(a) The evaluation process shall include assessment of factors contributing to the emotional dysfunctioning such as family dynamics, environmental influences, or interactions with other significant persons. These evaluations must be used to determine the nature of the disorder and the treatment(s) required.

(b) The treatment plan shall include therapeutic activities designed to ameliorate, modify, or reverse contributing conditions.

(i) Family therapy must be available as an integral part of the treatment plan;

(ii) Treatment plans should provide for support/advocacy services on the community level (for example, educational and law enforcement systems) whenever such intervention is deemed necessary to the well-being of the minor.

(c) Any joint use by adults and minors of any given program service must be documented to indicate professional judgement/rationale for this decision and indications of special program planning must be contained within the client's record.

(d) Treatment and evaluation must be provided or supervised by a mental health professional with at least one year's experience in the direct treatment of disturbed minors, or by a mental health professional in consultation with a mental health professional with such experience (during the evaluation phase and at least once per week during the inpatient treatment phase). [Order 1122, § 275-55-288, filed 6/2/76; Order 1029, § 275-55-288, filed 5/29/75.]

WAC 275-55-290 Financial assistance to counties. To enable counties to meet the increased costs, resulting from the implementation of this chapter, unless otherwise authorized by the secretary, the department shall reimburse the counties upon submission of vouchers in a manner and form as set forth by the department for expenditures incurred to carry out the provisions of the chapter and these rules pursuant to the following:

(1) The department shall award an amount to the counties to be used to pay for all administrative costs incurred to implement this chapter pursuant to provisions of chapter 275-12 WAC and chapter 71.24 RCW. Mental health "administrative costs" are for those services not listed under the Title XIX modality schedule. Administrative costs include all travel and transportation expenses, whether for staff or patients, all investigative costs not otherwise recoverable as a Title XIX listed service, expenses for hearings, testimony, legal, courts and prosecutors, county mental health administrator and mental health agency administrative staff. Where indicated in the award contract, certain of these services may be required to be identified as Title XX eligible. Where this is required, the county and its agencies are to follow the Title XX billing instructions set forth by the department.

(2) For the period of 72-hour detention for each and every person involuntarily detained for mental disorder where specific statutory ground of detention is set forth, the department shall reimburse the counties in the amount of actual expenditures not to exceed the payment schedule established for recipients under Title XIX of the social security act and no additional reimbursement will be allowed for any costs already reimbursed at a Title XIX payment schedule rate.

(3) For the 14-day period of detention and treatment, or any part thereof, for each and every person involuntarily detained for mental disorder where specific statutory ground for detention is set forth or for any less restrictive form of treatment recommended by the staff

of the evaluation and treatment facility for the remainder of that period, the department shall reimburse the counties in the amount of actual expenditures not to exceed the payment schedule established for recipients under Title XIX of the social security act and no additional reimbursement will be allowed for costs already reimbursed at a Title XIX payment schedule rate.

(4) If a patient is conditionally released pursuant to the provisions of the chapter, reimbursement to the counties shall be actual costs up to the payment schedule established for recipients under Title XIX of the social security act and no additional reimbursement will be allowed for costs already reimbursed at a Title XIX payment schedule rate.

(5) The department will reimburse for inpatient medical and hospital expenses for patients who are detained involuntary but who then convert to a voluntary basis. Such coverage will be for the initial 17-day detention period regardless of the day within that period that the patient converts to a voluntary status. Reimbursement is not to exceed the payment schedule established for recipients under Title XIX of the social security act.

(6) Any person, or his estate, or his spouse, or the parents of a minor person who is involuntarily detained pursuant to this chapter shall be responsible for the cost of such care and treatment. The counties shall be responsible to recover the costs of evaluation, treatment and detention from the patient or his responsible relative who has the ability to pay. The basic Title XIX-FAMCO income and resources standards as found in chapter 388-83 and/or 388-92 WAC shall be used to define and determine "inability to pay" and "substantial hardship". The counties must demonstrate that a reasonable effort has been made to recover these costs of care from the patient, or his responsible relative, and from any public or private third party payment system. Each patient billing submitted to the department for reimbursement must include a statement certifying that the following process has been completed:

(a) All appropriate patient and patient family resources have been utilized and other potential third party payors have been investigated.

(b) Where possible any medical coupons have been obtained.

(c) A "category determination" has been made and the local department of social and health services office has been notified of any patients who appear to be categorically eligible.

(d) Third party collections are shown and deducted from the billing and any future such collections will be reported and adjusted into the payment cycle. [Order 1122, § 275-55-290, filed 6/2/76; Order 955, § 275-55-290, filed 7/26/74; Order 900, § 275-55-290, filed 1/25/74.]

Chapter 275-59 WAC

CRIMINALLY INSANE PERSON COMMITTED TO THE CARE OF THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—EVALUATION, PLACEMENT, CARE AND DISCHARGE

WAC

275-59-010	Purpose.
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WAC 275-59-010 Purpose. These regulations are adopted pursuant to and in accordance with chapter 117, Laws of 1973, 1st ex. sess. They are adopted to provide procedures for the evaluation, placement, care and discharge of persons committed to the care of the department of social and health services, under the aforementioned Act, relating to the criminally insane. [Order 846, § 275-59-010, filed 8/9/73.]

WAC 275-59-020 Definitions. (1) "Secretary" means the secretary of the department of social and health services or his designee.

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

(3) "Office of mental health" means the office of mental health, social services division, department of social and health services.

(4) "Treatment facility" means any facility operated or approved by the department of social and health services for the treatment of the criminally insane. Such definition shall not include any state correctional institution or facility.

(5) "Superintendent" means the person responsible for the functioning of a treatment facility.

(6) "Treatment" means any currently standardized medical or mental health procedure including medication.

(7) "Evaluation" means the initial procedure when a court requests the department to determine if a person charged with a crime is competent to stand trial or, if indicated and appropriate, if the person was suffering under a mental disease or defect excluding responsibility at the time of the commission of the crime.

(8) "Criminally insane" means any person who has been acquitted of a crime charged by reason of mental disease or defect excluding responsibility, and thereupon found to be a substantial danger to himself or other persons and therefore committed to the secretary for treatment.

(9) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to himself or his family.

(10) "Mental health professional" means:

(a) A *psychiatrist*. This is defined as a person having a license as a physician and surgeon in this state, who

has in addition, completed three years of graduate training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association.

(b) A *psychologist*. This is defined as a person with a doctoral degree in clinical psychology from an accredited college or university, or who has been licensed as a psychologist pursuant to chapter 18.83 RCW.

(c) A *social worker*. This is defined as a person with a master's or further advanced degree from an accredited school of social work, and who has had a minimum of two years of experience in the direct treatment of mentally ill or emotionally disturbed persons under the supervision of a mental health professional.

(d) A *psychiatric nurse*. This is defined as a registered nurse who has a master's or further advanced degree in psychiatric nursing from an accredited college or university, and who has had a minimum of two years of experience in the direct treatment of mentally ill or emotionally disturbed persons under the supervision of a mental health professional. [Order 846, § 275-59-020, filed 8/9/73.]

WAC 275-59-030 Office of mental health. The secretary designates to the office of mental health the responsibility for:

(1) Assisting any person committed to the secretary for evaluation or treatment, under chapter 117, Laws of 1973, 1st ex. sess., or the court in obtaining non-departmental mental health professionals to participate in the evaluation or a hearing on behalf of the person so committed;

(2) Supervising the procedure whereby such professionals will be compensated, according to a fee schedule to be maintained by the office of mental health, if the person being evaluated or treated is an indigent;

(3) Assuring that any non-departmental mental health professional requesting compensation has maintained adequate evaluation and treatment records which justify compensation. [Order 846, § 275-59-030, filed 8/9/73.]

WAC 275-59-040 Court commitment. (1) Whenever a court commits an individual to the department for evaluation or as criminally insane, the secretary shall determine what treatment center shall have custody of the person so committed.

(2) The superintendent of the treatment facility, or if there is no superintendent, then the secretary, shall insure that counsel and independent mental health professionals assisting the person so committed will have reasonable access to their client. [Order 846, § 275-59-040, filed 8/9/73.]

WAC 275-59-050 Time limitations and requirements. (1) Whenever a court, prior to trial, commits a person to the department for evaluation of the person's competency to stand trial, the superintendent, or secretary if no superintendent, shall cause a report to be made to the court within fifteen (15) days after receiving the person. Such report shall contain:

(a) A description of the nature of the examination;

(b) A diagnosis of the mental condition of the person;

(c) If the person suffers from a mental disease or defect, an opinion as to his capacity to understand the proceedings against him and to assist in his own defense;

(d) If the court has indicated to the department that the person intends to rely on the defense of irresponsibility, an opinion as to the extent the person lacks capacity either:

(i) To know and appreciate the nature and consequences of such conduct, or

(ii) To know or appreciate the criminality of such conduct;

(e) If the court requires, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

(f) An opinion as to whether the defendant is a substantial danger to himself or others and is in need of control by the court or other persons or institutions.

(2) Whenever a court finds a person to be incompetent to stand trial and commits the person to the department for evaluation and treatment the department shall treat the person until competency is regained or for ninety days, whichever occurs first. If, by the ninetieth day, it appears that the person will not regain his competency, the superintendent, or the secretary if no superintendent, shall inform the court of the person's failure to regain competency and whether the person's progress during the first ninety days indicates that a ninety-day extension by the court is desirable because the person's progress has demonstrated there is a likelihood, with an extension, that the person would regain competency. Then, if the court so orders, the person may continue treatment for an additional ninety days or until he regains competency, whichever occurs first. The court, not the department, can provide an additional ninety-day continuance, which shall authorize the secretary to maintain custody for an additional ninety days.

(3) If a person is committed to the secretary as criminally insane, commitment and treatment cannot exceed the maximum possible sentence for any offense charged. Therefore:

(a) The superintendent, if no superintendent then the secretary, shall determine at the time of commitment the maximum possible sentence for any offense charged, and thereby compute a maximum release date for every individual so committed.

(b) If the committed person has not been released by court order six months prior to the expiration of the maximum possible release date, the superintendent, if no superintendent, the secretary, shall with the assistance of the attorney general's office, obtain a court order releasing the individual, or if necessary and indicated, commence civil commitment proceedings.

(c) Notwithstanding the expiration of an individual's maximum release date, the department shall not release such an individual without a court order. [Order 846, § 275-59-050, filed 8/9/73.]

WAC 275-59-060 Individualized treatment. (1) Whenever a person is committed to the secretary as criminally insane, the treatment facility to which the person is assigned by the secretary shall, within fifteen

days of admission to the center, and through the use of appropriate mental health professionals, evaluate and diagnose the committed person for the purpose of devising an individualized treatment program.

(2) Every person, committed to the secretary as criminally insane, shall have an individualized treatment plan formulated by the treatment center. This plan shall be developed by appropriate mental health professionals and implemented as soon as possible but no later than fifteen days after the person's admission to the treatment center as criminally insane. Each individualized treatment plan shall include, but not be limited to:

(a) A statement of the nature of the specific problems and specific needs of the patient;

(b) A statement of the physical setting necessary to achieve the purposes of commitment;

(c) A description of intermediate and long-range treatment goals, with a projected timetable for their attainment;

(d) A statement and rationale for the plan of treatment for achieving these intermediate and long-range goals;

(e) A specification of staff responsibility and a description of proposed staff involvement with a patient in order to attain these treatment goals;

(f) Criteria for recommendation to the court for release, and if appropriate, for a recommendation to the court that the person has gained competency to stand trial.

(3) This individualized treatment plan shall be reviewed by the treatment center periodically, at least every six months, and a copy of the plan shall be sent to the committing court and the secretary. [Order 846, § 275-59-060, filed 8/9/73.]

WAC 275-59-070 Attendance at hearings. The superintendent, if no superintendent then the secretary, shall insure the presence of any person committed as criminally insane at any hearing which the committed person is entitled to attend. If such presence necessitates a temporary absence from the treatment facility, then the superintendent, if no superintendent then the secretary, shall send the committed person in the custody of one or more appropriate department employees to the site of the hearing. If the required absence from the treatment facility will be for more than one day the office of mental health should be contacted beforehand in order to designate a proper holding facility for the person while attending the hearing. [Order 846, § 275-59-070, filed 8/9/73.]

WAC 275-59-080 Conditional release. (1) Any person committed to the secretary as criminally insane may make application to the secretary for conditional release.

(2) The secretary designates the superintendent of the treatment facility as the person to receive such application for conditional release. If there is no superintendent then the application should be made directly to the secretary.

(3) The superintendent or the secretary, as the case may be, shall review the application for conditional release together with a person's latest treatment plan records and thereafter forward the application with a recommendation for or against conditional release to the committing court. If the superintendent or secretary recommends conditional release but only upon certain terms and conditions, these terms and conditions shall be forwarded to the committing court along with the application.

(4) The person making application for conditional release shall not, under any circumstances, be released until there is a court hearing on the application and recommendations and a court order authorizing conditional release has been issued.

(5) If conditional release is denied by the court the person making the applications may reapply after a period of six months from the date of denial.

(6) If the court grants conditional release and places the person making application under the supervision of a department employee, that supervising department employee shall make monthly reports, unless indicated otherwise by the court, concerning the conditionally released person's progress and compliance with the terms and conditions of conditional release. Such reports shall be forwarded to the committing court, the secretary, the prosecuting attorney, and the treatment facility in which the person was most recently housed.

(7) For the purpose of conditional release, the secretary shall designate one or more department employees in each county who shall have the power to revoke conditional release. These department employees may order that the conditionally released person be apprehended and taken into custody if:

(a) The prosecuting attorney, the secretary, the court or the employee reasonably believes that the conditionally released person is failing to adhere to the terms and conditions of his conditional release; and

(b) Because of that failure the person has become a substantial danger to himself or others; and

(c) That a court hearing is scheduled as soon as possible, after apprehension, to determine the facts and whether or not the person should be returned to the treatment facility. [Order 846, § 275-59-080, filed 8/9/73.]

WAC 275-59-090 Retroactivity. (1) This chapter shall apply to persons committed to the secretary or the department, under prior rules and regulations, as incompetent to stand trial or as being criminally insane and therefore requires that these individuals be provided:

(a) An individualized treatment plan;

(b) An evaluation to be forwarded to the committing court;

(c) Applicability of time limitations and requirements provided herein;

(d) A maximum release date; and

(e) An opportunity to apply for conditional release. [Order 846, § 275-59-090, filed 8/9/73.]

Chapter 275-76 WAC
ADULT CORRECTIONAL INSTITUTIONS—
DETAINER

WAC

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WAC 275-76-005 Definitions. For purposes of this chapter:

(1) "Detainee" shall mean a formal written request by a requesting authority to the superintendent of a custodial institution subject to the jurisdiction and control of the department asking that the superintendent

(a) Notify the requesting authority when the release of a particular resident is imminent, and/or

(b) Hold the resident pending transfer of the resident to the custody of the requesting authority.

(2) "Superintendent" shall refer to the chief administrator of a custodial institution subject to the jurisdiction and control of the department, or his authorized agents.

(3) "Department" shall mean the department of social and health services of the state of Washington.

(4) "Requesting authority" shall mean any criminal justice agency which files a detainee with the department or with the superintendent of a custodial institution subject to the jurisdiction and control of the department.

(5) "State administrator" shall refer to the state officer designated, in accordance with the provisions of chapter 9.100 RCW, to administer the interstate agreement on detainees within the state of Washington.

(6) "Resident" shall refer to an inmate of a correctional facility subject to the jurisdiction and control of the department. [Order 797, § 275-76-005, filed 5/10/73.]

WAC 275-76-010 Purposes of detainees. Detainees may be filed with the department or with the superintendent of a custodial institution subject to the jurisdiction and control of the department in order to accomplish any of the following purposes:

(1) "Trial or pretrial detainees" — to secure the return of a resident to the jurisdiction and custody of the requesting authority for trial on pending criminal charges or for pretrial proceedings on potential but not yet pending criminal charges;

(2) "Commitment detainees" — to secure the return of a resident to the jurisdiction and custody of the requesting authority for service of an unexpired portion of the resident's sentence on a previous conviction;

(3) "Probation or parole revocation detainees" — to secure the return of a resident to the jurisdiction and custody of the requesting authority for a hearing on whether the resident's probation or parole, previously granted in connection with a prior conviction and sentence, should be revoked;

(4) "Miscellaneous detainees" — to secure the return of a resident to the jurisdiction and custody of the requesting authority for such miscellaneous purposes as are necessary and valid in the context of the criminal justice system. [Order 797, § 275-76-010, filed 5/10/73.]

WAC 275-76-020 Form of detainees. A detainee filed with the department or with the superintendent of a custodial institution subject to the jurisdiction and control of the department shall contain, and describe in detail, the following information:

(1) The identity of the requesting authority;

(2) The purpose of the detainee;

(3) The legal basis for the detainee, including, in all cases, a description of the factual circumstances which provide the basis for the issuance of the detainee;

(4) The sentence or possible penalties which the resident will face if delivered to the custody of the requesting authority;

(5) A statement as to whether it is the intention of the requesting authority to execute the detainee and subject the resident to trial, hearing, or incarceration. [Order 1009, § 275-76-020, filed 2/13/75; Order 797, § 275-76-020, filed 5/10/73.]

WAC 275-76-030 Evaluation of detainee request. Whenever a superintendent receives a detainee request he shall evaluate the request to determine if it complies in form and content with the provisions of this chapter.

(1) If the superintendent determines that a detainee request is valid, he shall acknowledge in writing to the requesting authority that the detainee has been received and will be honored by the department in accordance with the provisions of the interstate agreement on detainees.

(2) If the superintendent determines that a detainee fails to comply with the provisions of this chapter and is therefore invalid, he shall forward the detainee request to the state administrator who shall then make a final determination as to the validity of the detainee.

(a) If the state administrator determines that the detainee is invalid he shall immediately

(i) Notify the requesting authority that the detainee will not be honored by the department;

(ii) Inform the requesting authority in detail of the manner in which the detainee fails to comply in form and/or content with the provisions of this chapter;

(iii) Inform the requesting authority that the detainee will be honored if refiled in compliance with the provisions of this chapter.

(b) If the administrator determines that the detainee is valid, he shall immediately inform the superintendent

of his decision and ask the superintendent to acknowledge in writing to the requesting authority that the detainer has been received and will be honored by the department.

(3) If the superintendent determines that a detainer is in fact merely a request for notice as to the resident's present status or future release date, and not a request that the resident be held pending transfer to the custody of the requesting authority, he shall inform the requesting authority that

(a) The detainer will be honored as a request for notice,

(b) The resident will not be held by the department for transfer to the custody of the requesting authority, and

(c) The requesting authority may, if it wishes, file a new detainer, requesting that the resident be held by the department for transfer to the custody of the requesting authority. [Order 797, § 275-76-030, filed 5/10/73.]

WAC 275-76-040 Trial or pretrial detainers. (1) Who may file. The authority to issue or file trial or pretrial detainers shall generally be limited to the chief prosecuting authority of the jurisdiction making the detainer request.

(a) Nonprosecutorial officials, such as state or county sheriffs or police, shall not have authority to file detainers.

(b) In federal matters a United States marshal may formally file a detainer when acting on behalf of a United States district attorney or attorney general.

(2) Supportive materials necessary. Trial or pretrial detainers shall be accompanied by a certified copy of the complaint, indictment, information, or court order which is the jurisdictional basis for the detainer.

(3) Underlying charge. The underlying charge upon which a trial or pretrial detainer is based shall be either a felony or gross misdemeanor under the laws of the state of Washington.

(4) Notice to resident. Upon receipt of a valid trial or pretrial detainer a superintendent shall immediately notify the resident against whom the detainer has been filed of the existence, nature, and content of the detainer. In addition, the superintendent shall immediately notify the resident of his right to demand final disposition of the criminal charges underlying the detainer.

(5) Final disposition. A resident against whom a trial or pretrial detainer has been filed may demand of the requesting authority that a final disposition be made of the criminal charges underlying the detainer.

(a) A requesting authority shall be required to bring a resident to trial on the charges underlying a trial or pretrial detainer within one hundred and eighty days after receiving notice from the resident of the resident's place of incarceration and of his desire for final disposition of the underlying charges; provided that, a court having jurisdiction of the underlying charge may grant any necessary or reasonable continuance.

(b) A resident's demand for final disposition of the criminal charge underlying a particular detainer shall operate as a request for final disposition of the charges

underlying any and all detainers filed against the resident by requesting authorities within the state to which the request for final disposition is directed.

(c) A resident's demand for final disposition shall be deemed a waiver of extradition with respect to any and all proceedings necessary to said final disposition.

(d) A resident's demand for final disposition shall be deemed a future waiver of extradition to the requesting state for service of any sentence imposed upon the resident in connection with said final disposition.

(e) A resident's demand for final disposition shall constitute consent to be returned to the institution where presently confined upon completion of the trial or pretrial proceedings in the requesting state.

(6) Request for temporary custody. A requesting authority which has filed a valid trial or pretrial detainer may request temporary custody of the resident for the purpose of resolving the criminal charges underlying the detainer.

(a) Upon receipt of a request for temporary custody from a requesting authority which has filed a valid trial or pretrial detainer, the superintendent shall immediately give the following notice to the resident who is the subject of the detainer:

(i) Notice of the source and content of the request for temporary custody,

(ii) Notice of the resident's right to retain counsel at his own expense to assist in opposing the request for temporary custody,

(iii) Notice of the resident's right to oppose the request for temporary custody by filing with the governor, within thirty days of receipt of the request for temporary custody, a statement setting forth the reasons why the request for temporary custody should not be granted, and

(iv) Notice of the resident's right to contest, either before or after transfer, the legality of his transfer to the requesting authority pursuant to the request for temporary custody.

(b) In accordance with the provisions of chapter 9.100 RCW a request for temporary custody shall not be honored for a period of thirty days after receipt of the request, during which time the governor of the state of Washington may either approve or disapprove the transfer. If the governor either approves or fails within the thirty day time limit to disapprove the transfer, the request for transfer shall be honored at the end of said thirty day period.

(7) Resident in custody on appeal. A resident who is in custody pending disposition of his appeal from a state criminal conviction, and against whom a valid trial or pretrial detainer has been filed, may be transferred to the custody of a requesting authority pursuant to a request for final disposition or temporary custody.

(a) Whenever a request for final disposition or temporary custody is made with regard to a resident in custody pending appeal, the superintendent shall

(i) Give appropriate notice to the prosecuting attorney of the county in which the conviction was obtained and from which the appeal has been taken,

(ii) Notify and acknowledge to the resident and the requesting authority that the request for transfer has been received, and

(iii) Make a recommendation to the state administrator regarding the request for transfer.

(b) The state administrator shall determine, in the exercise of his discretion, whether the resident should be transferred pursuant to the request for final disposition or temporary custody or should be held in the custody of the department pending disposition of the appeal. The state administrator's determination shall be based upon the following factors:

(i) The recommendation of the superintendent,

(ii) The recommendation, if any, of the prosecuting attorney involved in the pending appeal,

(iii) The anticipated time for resolution of the pending appeal,

(iv) The desire of the resident, and

(v) Such other factors as may be relevant and material in the context of the individual case.

(8) Procedure for transfer, handling and return of resident. The transfer, handling, and return of a resident pursuant to a request for final disposition or a request for temporary custody shall be governed by the provisions of article V of the interstate agreement on detainees, RCW 9.100.010.

(9) One year time limitation. A jurisdiction wishing to file a trial or pretrial detainer against a resident held within the institutions of the state shall be required to file said detainer within one year after receiving actual notice that the resident is being held within this state. If a requesting authority fails to proceed within the one year time limit, a subsequent trial or pretrial detainer filed by that requesting authority against the resident in question will not be honored unless based upon an underlying charge of homicide or attempted homicide. [Order 797, § 275-76-040, filed 5/10/73.]

WAC 275-76-050 Commitment detainees. (1) Who may file. The authority to issue or file a commitment detainer shall be limited to the jurisdictional authority responsible for the custody of the resident in question upon his return to the requesting state. Such jurisdictional authorities would include parole agencies, probation agencies, or the agencies responsible for the administration of correctional institutions.

(2) Supportive materials. In addition to the information required by WAC 275-76-020, commitment detainees shall be accompanied by certified copies of the official court documents rendering the judgment and imposing the sentence which are the jurisdictional basis for the detainer and by a statement from the requesting agency setting forth the legal basis for its authority to execute the sentence which is the basis for the detainer.

(3) Notice to resident. Upon receipt of a valid commitment detainer, a superintendent shall immediately notify the resident against whom the detainer has been filed of the existence, nature, and content of the detainer. [Order 1009, § 275-76-050, filed 2/13/75; Order 797, § 275-76-050, filed 5/10/73.]

WAC 275-76-060 Probation or parole revocation detainees. (1) Who may file. The authority to issue or file parole or probation revocation detainees shall be limited to the parole or probation authority which has initiated the revocation proceedings.

(2) Supportive materials necessary. In addition to the material required by WAC 275-76-020, parole or probation revocation detainees shall be accompanied by certified copies of all documents necessary to establish the requesting agency's jurisdictional authority to undertake the revocation proceedings.

(3) Notice to residents. Upon receipt of a valid probation or parole revocation detainer, a superintendent shall immediately notify the resident against whom the detainer has been filed of the existence, nature, and content of the detainer.

(4) No right to demand final disposition. A resident against whom a probation or parole revocation detainer has been filed shall not be entitled to demand of the requesting authority that final disposition be made of the charges which are the basis for the pending revocation proceedings and the detainer. [Order 1009, § 275-76-060, filed 2/13/75; Order 797, § 275-76-060, filed 5/10/73.]

WAC 275-76-070 Miscellaneous detainees. (1) Who may file. The authority to issue or file detainees other than those specified in WAC 275-76-040, 275-76-050 and 275-76-060 shall be limited to:

(a) The chief prosecuting authority of the jurisdiction making the detainer request, or

(b) Courts of general jurisdiction within the jurisdiction making the detainer request.

(2) Supportive materials necessary. In addition to the material required by WAC 275-76-020, miscellaneous detainees shall be accompanied by certified copies of all documents necessary to establish the requesting agency's jurisdictional authority to file and execute the detainer.

(3) Notice to resident. Upon receipt of a valid miscellaneous detainer the superintendent shall immediately notify the resident against whom the detainer has been filed of the existence, nature, and content of the detainer. [Order 1009, § 275-76-070, filed 2/13/75; Order 797, § 275-76-070, filed 5/10/73.]

WAC 275-76-080 Resident to be made available.

(1) Whenever a valid detainer is filed against a resident of an institution under the jurisdiction and control of the department, the superintendent of that institution shall take all such precautions as are reasonably necessary to assure that the resident shall be made available to the requesting authority upon his release from the custody of the department.

(2) Upon receipt of a valid detainer, the superintendent shall immediately order that the custody status of the resident in question be examined and appropriate action taken to assure the availability of the resident for transfer to the requesting authority.

(3) The superintendent shall give notice to the requesting authority of the date of the requested resident's release to parole or final release as soon as possible after the superintendent receives notice of said release date.

(a) The superintendent shall promptly notify the requesting authority whenever any changes are made in the resident's proposed release date. [Order 797, § 275-76-080, filed 5/10/73.]

WAC 275-76-090 Reduced custody programs. (1) If at the time a detainer is filed against a resident, the resident is participating in a reduced custody program, such as honor camp, furlough, or work or training release programs, the superintendent shall immediately notify the person in charge of such program of the detainer and the factual circumstances which provide the basis for its issuance and such person shall then promptly evaluate the appropriateness of the resident's continuing participation in such program.

(2) If a resident against whom a detainer has previously been filed should apply or be considered for placement in a reduced custody program, the superintendent shall consider the factual circumstances which provide the basis for issuance of the detainer along with all other relevant factors normally considered in determining the appropriateness of the resident's participation in the proposed reduced custody program. [Order 1009, § 275-76-090, filed 2/13/75; Order 797, § 275-76-090, filed 5/10/73.]

WAC 275-76-100 Requested resident on parole. If, at the time a valid detainer is filed against a resident, the resident has been released on parole, the superintendent shall immediately

(1) Notify the resident that a valid detainer has been filed against him,

(2) Inform the requesting authority that the resident has been released on parole,

(3) Inquire of the requesting authority as to its intended course of action with regard to the detainer, and

(4) Inform the state board of prison terms and paroles that a valid detainer has been filed against the parolee-resident. [Order 797, § 275-76-100, filed 5/10/73.]

WAC 275-76-110 Transfer of resident to mental hospital. (1) If a resident against whom a valid detainer has been filed is to be transferred from an adult correctional institution to a state mental hospital, the superintendent of the correctional institution shall, in advance of the transfer:

(a) Notify the requesting authority of the proposed transfer of the resident and the reasons for the transfer; and

(b) Notify the superintendent of the mental hospital of the existence and nature of the detainer which has been filed against the resident.

(2) During the time in which a resident against whom a detainer has been filed is a patient of a state mental hospital, the superintendent of the mental hospital shall assume full responsibility for custody of the patient-resident and shall take all such precautions as are reasonably necessary to assure that the individual shall be made available to the requesting authority upon his release from the custody of the department. [Order 1009, § 295-76-110, filed 2/13/75; Order 797, § 275-76-110, filed 5/10/73.]

WAC 275-76-120 Recommendation for withdrawal of detainer. (1) Prior to the anticipated release date of a resident against whom a valid detainer has been filed, the superintendent shall

(a) Prepare an evaluation of the resident, outlining the resident's actions and activities while in custody in the institution and indicating whether a post-release parole plan and program has been developed for the resident,

(b) Make a recommendation to the state administrator as to whether the department should attempt to obtain the withdrawal by the requesting authority of the detainer filed against the resident,

(c) Furnish copies to the resident of said evaluation and recommendation.

(2) In those instances in which the superintendent has recommended that the department seek the withdrawal of a detainer, the state administrator shall

(a) Ask the requesting authority to withdraw the detainer, and

(b) Furnish the requesting authority with the evaluation and recommendation prepared by the superintendent.

(3) When a requesting authority indicates in writing that it wishes to withdraw a previously filed detainer, the superintendent shall notify the resident and the board of prison terms and paroles, and acknowledge to the requesting authority, that the detainer has been withdrawn.

(4) The superintendent shall hold and make the resident available for transfer to the requesting authority in accordance with the provisions of this chapter whenever a requesting authority either

(a) Indicates that it intends to exercise its detainer, notwithstanding the recommendation of the state administrator and the superintendent, or

(b) Fails to make a response to the state administrator's recommendation and inquiry. [Order 797, § 275-76-120, filed 5/10/73.]

WAC 275-76-130 Identification of requesting authority's transferring agency. (1) It shall be the responsibility of a superintendent, prior to delivering a resident to the custody of an agent of the requesting authority pursuant to a detainer, to verify

(a) The identity of the agent, and

(b) The jurisdictional authority of the agent to take custody of the resident pursuant to the detainer. [Order 797, § 275-76-130, filed 5/10/73.]

WAC 275-76-140 Failure of requesting authority to take custody. When the department has agreed to the transfer of a resident to the custody of a requesting authority on the date of the resident's release on parole or final release, the requesting authority shall be required to appear and take custody of the resident on said date. If the requesting authority fails to appear as required, the resident shall be released. [Order 797, § 275-76-140, filed 5/10/73.]

WAC 275-76-150 Detainer request by nonsignator of interstate agreement on detainees. The provision of

this chapter shall be fully applicable to detainers filed with the department by a state which is not a signator to the interstate agreement on detainers, except that the procedure for transfer of a resident under such circumstances shall be governed by the provisions of chapter 10.88 RCW, the Uniform Criminal Extradition Act. [Order 797, § 275-76-150, filed 5/10/73.]

Chapter 275-80 WAC
ADULT CORRECTIONAL INSTITUTIONS—
VISITS

WAC

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**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS
CHAPTER**

275-80-820	Search of visitors. [Order 767, § 275-80-820, filed 1/10/73.] Repealed by Order 814, filed 6/28/73.
275-80-822	Search of visitors—Notice. [Order 767, § 275-80-822, filed 1/10/73.] Repealed by Order 814, filed 6/28/73.
275-80-823	Search of visitors—Refusal to be searched. [Order 767, § 275-80-823, filed 1/10/73.] Repealed by Order 814, filed 6/28/73.
275-80-825	Exchange of material or items. [Order 767, § 275-80-825, filed 1/10/73.] Repealed by Order 814, filed 6/28/73.
275-80-830	Violations of rules—Penalty. [Order 767, § 275-80-830, filed 1/10/73.] Repealed by Order 814, filed 6/28/73.
275-80-835	Denial of visits. [Order 767, § 275-80-835, filed 1/10/73.] Repealed by Order 814, filed 6/28/73.
275-80-837	Appeal of denial of visiting privilege. [Order 767, § 275-80-837, filed 1/10/73.] Repealed by Order 814, filed 6/28/73.
275-80-850	Personal visits—Professional interviews. [Order 767, § 275-80-850, filed 1/10/73.] Repealed by Order 814, filed 6/28/73.
275-80-856	Personal visits—Exceptions. [Order 767, § 275-80-856, filed 1/10/73.] Repealed by Order 814, filed 6/28/73.
275-80-874	Group visits—Who may not visit. [Order 767, § 275-80-874, filed 1/10/73.] Repealed by Order 814, filed 6/28/73.

WAC 275-80-805 Definitions. (1) "Contraband" consists of illegal items, and other items not specifically defined as illegal as specified in regulations adopted by the superintendent of an institution and approved by the secretary, which a resident of a correctional institution may not have in his possession;

(2) A "group visit" is a visit to the institution for educational or informational purposes or for the purpose of attending or participating in institutional activities;

(3) "Illegal items" are those items defined by RCW 9.94.040 as illegal when in the possession of a resident of a correctional institution, such as weapons, controlled substances, and alcoholic beverages;

(4) "Immediate family" consists of parents, stepparents, parent surrogates, legal guardians, spouses, brothers, sisters, half or stepbrothers or sisters, children, stepchildren, and dependents who might not be in direct lineal relationship;

(5) "News media" refers to representatives of the press, radio, and television;

(6) A "personal visit" is a visit to an individual resident of an adult correctional institution by a friend or relative, or by a person visiting in a professional capacity such as a clergyman, attorney, or law enforcement official; members of the parole board shall not be considered visitors under this rule;

(7) "Real suspicion" is a subjective suspicion supported by objective, articulatable facts, which would reasonably lead an experienced prudent correctional institution staff member to believe that a crime is imminent, is occurring or has occurred. [Order 814, § 275-80-805, filed 6/28/73; Order 767, § 275-80-805, filed 1/10/73.]

WAC 275-80-810 Visits—Purpose. Personal visits are intended to maintain ties between the resident and his family and the community so as to facilitate his successful return to the community. Group visits and media visits are intended to establish closer contact and better understanding between the public and the correctional system. [Order 814, § 275-80-810, filed 6/28/73; Order 767, § 275-80-810, filed 1/10/73.]

WAC 275-80-815 Visits—Registration. Upon arrival at the institution, all visitors must register and upon request provide formal identification. [Order 814, § 275-80-815, filed 6/28/73; Order 767, § 275-80-815, filed 1/10/73.]

WAC 275-80-840 Personal visits—General. Personal visits will be regulated according to the following criteria:

(1) Residents shall have a maximum choice of visitors consistent with the security of the institution;

(2) Restrictions on the number of visitors allowed a resident at any one time, and the restrictions on the frequency and duration of visits, shall be no more stringent than necessary in view of practical limitations of the institution, such as staff and space;

(3) Visiting shall not be denied, terminated, or restricted as a sanction for infractions of other rules of the institution unrelated to visiting;

(4) Visitors and residents shall be treated courteously and every reasonable effort made to ensure that visits are comfortable and pleasant. [Order 814, § 275-80-840, filed 6/28/73; Order 767, § 275-80-840, filed 1/10/73.]

WAC 275-80-842 Personal visits—Who may not visit. The resident may not receive visits from:

(1) Persons not included on his visiting list for approved visitors as provided for in WAC 275-80-844 unless an exception has been granted in accordance with WAC 275-80-940;

(2) Persons associated with him in the commission of the offense for which he was incarcerated;

(3) Parolees and probationers under active supervision unless they are members of his immediate family or are participating as volunteers or employees of the department in some other approved capacity in institutional programs or activities;

(4) Persons under age 18 except with the consent of the parent or guardian. If under age 16, the visitor must be accompanied during the entire visit by a parent or guardian or any other approved visitor;

(5) Persons under 18 years of age may not participate as a member of a group visiting within the security perimeter of the institution;

(6) Persons who are members of the immediate family or close friends of a resident in the institution shall declare this fact and may enter beyond the security perimeter as part of a group only with the express permission of the superintendent. [Order 814, § 275-80-842, filed 6/28/73; Order 767, § 275-80-842, filed 1/10/73.]

WAC 275-80-844 Personal visits—Approved visitor lists. At the time of admittance, the resident shall be provided a copy of the personal visiting regulations and shall complete an application for each individual whom he wishes placed on his visiting list. The superintendent shall review each application for completeness, and, as appropriate, promptly and tentatively approve visits for the immediate family. The superintendent shall mail a visitor's questionnaire (see WAC 275-80-995(1)) to each prospective adult visitor, or to the parents or guardians of each prospective visitor under 18 years of age. Upon return and review of the questionnaire, the superintendent shall decide if the individual is to be placed on the resident's permanent visiting list, and shall notify both the resident and the prospective visitor of his decision. Denial of visiting rights must not be made on the basis of race, religion, sex, or national origin. If a person is denied placement on the resident's permanent visiting list, the superintendent shall inform the resident in writing of the reasons therefore. [Order 814, § 275-80-844, filed 6/28/73; Order 767, § 275-80-844, filed 1/10/73.]

WAC 275-80-846 Personal visits—Alterations to visiting list. (1) A resident may add names to his visiting list in accordance with limitations in WAC 275-80-842;

(2) The superintendent may delete a name from the list upon a finding of violation of visiting rules or serious abuse of visiting on the part of a visitor or resident, in

which case he shall notify the visitor and the resident in writing stating the reasons for terminating the visiting rights. [Order 814, § 275-80-846, filed 6/28/73; Order 767, § 275-80-846, filed 1/10/73.]

WAC 275-80-848 Personal visits—Transfer of resident. When a resident is transferred to another adult correctional institution his approved visiting list shall be forwarded to and accepted by the receiving institution as previously approved. It shall be the responsibility of the resident to notify his visitors of such transfer. [Order 814, § 275-80-848, filed 6/28/73; Order 767, § 275-80-848, filed 1/10/73.]

WAC 275-80-852 Personal visits—Visiting days and hours. The superintendent of the institution shall establish and regulate visiting days and hours subject to the approval of the secretary. Each visitor shall be given a copy of the institution's rules concerning visits upon arrival at the institution for the first time, or by mail prior to that time. [Order 814, § 275-80-852, filed 6/28/73; Order 767, § 275-80-852, filed 1/10/73.]

WAC 275-80-854 Personal visits—Hospitalized resident. A resident who is a patient in the institution hospital may receive visitors subject to such limitations as are imposed by the attending physician. Such visits shall be supervised by an employee of the institution and visitors under the age of 18 must be accompanied by a responsible adult. [Order 814, § 275-80-854, filed 6/28/73; Order 767, § 275-80-854, filed 1/10/73.]

WAC 275-80-860 Professional visits. (1) In addition to the list of approved visitors, the resident may receive personal visits from persons visiting him in a professional capacity. No interview may take place without the resident's agreement except under subpoena;

(2) The superintendent may require advanced appointment for professional interviews unless it appears the circumstances do not permit delay;

(3) Appropriate space shall be made available for professional interviews so as to provide privacy consistent with the security needs of the institution;

(4) Upon entering the institution, any official or professional visitor shall be advised, verbally, that if information is exchanged which affects the safety or well-being of any resident, this information must be also communicated to the superintendent unless such communication would violate the confidentiality of a professional relationship. [Order 814, § 275-80-860, filed 6/28/73.]

WAC 275-80-870 Group visit—General. Each institution shall provide for reasonable access to the institution by groups of concerned citizens and for the participation by appropriate groups in activities of the residents. The full range of institutional activities shall be shown and full public access, under supervision, shall be permitted to institutional facilities and practices. Areas to which public access is not feasible for reasons of security or privacy of residents should be presented on

film. [Order 814, § 275-80-870, filed 6/28/73; Order 767, § 275-80-870, filed 1/10/73.]

WAC 275-80-872 Group visit—Arrangements.

(1) Groups wishing to visit an institution shall request permission from the superintendent in advance and schedule the visit at a time convenient to the institution. The spokesman for the group shall notify the superintendent of the approximate size of the group, the purpose of the visit, and the desired duration of the visit;

(2) An athletic team may with the approval of the superintendent arrange for a visit in order to compete with a resident team;

(3) The superintendent shall specify the sections of the institution to which the visiting group may have access and the duration of their visit. [Order 814, § 275-80-872, filed 6/28/73; Order 767, § 275-80-872, filed 1/10/73.]

WAC 275-80-876 Group visit—Conduct. (1) Group members shall conduct themselves in a dignified and orderly manner;

(2) Group members shall be permitted to converse with residents they encounter during a visit;

(3) Cameras shall not be taken into the institution or photographs taken without special authorization of the superintendent;

(4) The group shall stay together unless the staff member in charge authorizes sub-groups. [Order 814, § 275-80-876, filed 6/28/73; Order 767, § 275-80-876, filed 1/10/73.]

WAC 275-80-878 Group visit—Privacy of residents. Residents shall be afforded privacy during groups visits and shall be given advance notice that visiting groups are expected. [Order 814, § 275-80-878, filed 6/28/73; Order 767, § 275-80-878, filed 1/10/73.]

WAC 275-80-890 News media visits—General. The superintendent shall honor requests by representatives of news media for admittance to the institution. Such representatives shall be treated courteously and shall be afforded reasonable access to all areas of the institution. The right of privacy of residents shall be protected. The superintendent shall insure that representatives of news media are informed of these rules and of their responsibilities. [Order 814, § 275-80-890, filed 6/28/73.]

WAC 275-80-895 News media visits—Limitations. (1) Representatives of news media shall be advised on entering the institution that if they receive information which directly affects the safety of any resident or staff member, or indicates that a crime has been or will be committed, this information shall be communicated to the superintendent or an assistant, unless such communication would violate the confidentiality of a professional relationship;

(2) No interview with a resident may take place without his consent;

(3) When photographs are to be taken residents must be notified and given the opportunity to withdraw from the scene;

(4) If the name or photographs of a resident are to be used, written consent of the resident must be secured. [Order 814, § 275-80-895, filed 6/28/73.]

WAC 275-80-900 Exchange of material or items.

(1) A visitor may not bring contraband into an institution and may give a resident, or receive from a resident, only such items or materials as have been inspected and approved by the officer in charge;

(2) If a resident is on his way to or from a visit and he is found to have contraband in his possession, his visits may be suspended, if after a disciplinary hearing, it is determined the contraband was obtained during the visit. [Order 814, § 275-80-900, filed 6/28/73.]

WAC 275-80-905 Search of visitors. (1) To prevent possible delivery of weapons, controlled substances, or contraband to residents, all visitors are subject to a frisk search and inspection of any purses, packages, briefcases, or similar containers which are brought behind the security walls of the institution or into the visiting area;

(2) If the frisk search, or independent evidence, establishes a real suspicion that smuggling of contraband or criminal activity is imminent, there may be a search of the visitor's person;

(3) Female visitors shall only be searched by female staff members;

(4) When persons visiting in a professional capacity have a need for purses, packages, briefcases, or similar containers, such material may be admitted but is subject to search;

(5) Representatives of the news media may bring into the institution equipment essential to the purpose of their visit. [Order 814, § 275-80-905, filed 6/28/73.]

WAC 275-80-910 Notice of search. (1) Signs shall be posted at the entrances to the grounds of the institution and at the entrance to the visiting area giving notice that persons proceeding beyond these points may be subject to search.

(2) If the institution intends to search a visitor, verbal notice of this intent and the consequences of refusing search shall be given before search procedures may be initiated. [Order 814, § 275-80-910, filed 6/28/73.]

WAC 275-80-915 Refusal to be searched. A visitor has the option of refusing to be searched but may then be removed from the institution and denied visiting rights or entrance to the institution for a period not to exceed 90 days. If a visitor refuses to be searched on more than one instance, their visiting rights may be denied permanently. Restoration of visiting rights denied for refusal to be searched must be authorized by the superintendent or his designee. [Order 1135, § 275-80-915, filed 8/12/76; Order 857, § 275-80-915, filed 9/27/73; Order 814, § 275-80-915, filed 6/28/73.]

WAC 275-80-920 Search and discovery of illegal items. If as a result of the search, illegal items are discovered, the superintendent shall report the matter to the local law enforcement officers for further action. The evidence and the suspect shall remain in the room in which the search took place and witnesses will be asked to remain until the arrival of the law enforcement officers. Institutional staff shall exercise all reasonable caution in not questioning the visitor. [Order 814, § 275-80-920, filed 6/28/73.]

WAC 275-80-925 Denial of visits. The superintendent may deny entrance to visitors if:

- (1) the superintendent has prior knowledge leading him to a real suspicion that a visitor is attempting to smuggle in or out of the institution illegal or contraband items. If there is real suspicion substantially ahead of the arrival time of the visitor the superintendent should contact local law enforcement officers and allow them to handle any search procedures;
- (2) there is a disturbance within the institution;
- (3) there is clear and present, or imminent danger to the health and safety of any visitor, resident, or staff member;
- (4) he has real suspicion to believe that criminal conduct will ensue if entrance is allowed;
- (5) visiting rights have been seriously abused by the resident;
- (6) there is real suspicion to believe the visitor has attempted to bring contraband into the institution;
- (7) visitors fail to abide by the pertinent rules in this chapter. [Order 814, § 275-80-925, filed 6/28/73.]

WAC 275-80-930 Suspension of visiting rights—Duration. Visiting rights may be suspended for a single visitor or all visitors of a single resident depending on the seriousness of a visiting infraction. The visiting rights of a resident charged with violation of visiting rules may be suspended only after a finding of guilt pursuant to a regular disciplinary hearing and such rights may be abridged for a maximum duration of 90 days after which visiting rights shall be restored unless there remains a clear and present, or imminent danger to the health and safety of any visitor, resident, or staff member. [Order 814, § 275-80-930, filed 6/28/73.]

WAC 275-80-935 Appeal of denial of visiting rights. (1) A visitor may appeal the suspension, disapproval, or termination of his visiting rights to the superintendent of the institution. If still dissatisfied he may appeal by letter to the administrator of adult corrections. The letter should state the reason why the visitor should be permitted to visit and the circumstances surrounding the denial or termination.

(2) A group or a representative of the news media denied entrance to the institution or required to leave, may appeal to the secretary or his designee. The appeal should state the reasons the group or the representative believes he should be permitted to visit and the circumstances surrounding the denial or termination. [Order 814, § 275-80-935, filed 6/28/73.]

WAC 275-80-940 Exceptions. The superintendent may grant exceptions to normal visiting procedures in unusual circumstances to meet the special needs of a resident. [Order 814, § 275-80-940, filed 6/28/73.]

WAC 275-80-995 Appendices. (1) The text and format of the visitor's questionnaire referred to in WAC 275-80-844 are:

Read carefully:

Resident _____ Number _____
 has asked that you be placed on his (her) visiting list. If you wish to visit the above named resident, please answer all questions listed below and return this form to sending institution within fifteen (15) days of the date of mailing. Please return before _____(Month)/ _____(Day)/ _____(Year)/

All questions must be answered. Any omission or falsification will be considered sufficient reason for your exclusion as a visitor. If you are under 16 years of age, you may visit only by special permission of the Superintendent, and only if accompanied, during the entire visit, by a parent or person who is also an approved visitor. If you are between 16 and 18 years of age, *you must have the signature of your parent or guardian.*

 Name _____ Age _____
 (first) (middle) (last)

Address _____
 (number) (street) (city) (state) (zip)

Relationship to resident: (mother, wife, friend, attorney, etc.)

Number of years and months you have known resident

Have you been involved in illegal or criminal activity with the above-named resident? _____

Are you now under active supervision of probation or parole?

Yes No

"A visitor has the option of refusing to be searched. However, a refusal to be searched may result in denial of admittance to or removal from the institution and a *denial of all future visiting rights for a period of up to ninety days.* A second refusal to be searched may result in a denial of visiting privileges for up to six months at which time the restoration of visiting rights will be reconsidered by the institution."

I am hereby advised of the authority provided to the institution by Adult Corrections Division Policy #75-1 that can require any person entering an adult correctional institution subject to:

- (A) A personal search and vehicle search whenever there is mere suspicion that a crime is being committed;
- (B) Strip search whenever there is a "real suspicion" that a crime has occurred; or
- (C) Probe and orifice search conducted by qualified medical personnel when there is evidence to support "clear indication" of criminal action.

Signature -----

Signature of parent or guardian (if applicable) -----

Date -----(Month)/ -----(Day)/ -----(Year)/

COMMENTS: -----

DO NOT WRITE BELOW THIS LINE

Approved -----
Superintendent's Signature

Denied (If denied, give reason(s)) -----

Copy to Resident -----
Resident's Signature

[Order 1135, § 275-80-995, filed 8/12/76; Order 814, § 275-80-995, filed 6/28/73.]

Chapter 275-82 WAC

ADULT CORRECTIONAL INSTITUTIONS—
CLASSIFICATION OF RESIDENTS—
ADMINISTRATIVE SEGREGATION

WAC

275-82-005	Definitions.
275-82-010	Administrative segregation.
275-82-015	Notice of meeting.
275-82-020	Representation of resident.
275-82-025	Conduct of meeting.
275-82-030	Decision.
275-82-035	Segregation status—Rights retained.
275-82-040	Appeal.
275-82-045	Review of administrative segregation status.
275-82-050	Transfer of resident.

WAC 275-82-005 Definitions. (1) "Administrative segregation" is any segregation of a resident of an adult correctional institution for nondisciplinary reasons.

(2) "Classification committee" is a committee, or subcommittee thereof, of staff members of an adult correctional institution concerned with the rehabilitation progress of a resident and the program activity to which he is assigned.

(3) As used in this chapter, "superintendent" shall include the designee of the superintendent. [Order 1217, § 275-82-005, filed 6/15/77; Order 874, § 275-82-005, filed 11/16/73.]

WAC 275-82-010 Administrative segregation. (1) A resident may be placed in administrative segregation when it is shown by information brought out at a meeting that the resident:

- (a) is dangerous to himself, to others, or to the security of the institution;
- (b) is in danger from others.
- (2) A resident may place himself in administrative segregation voluntarily. His request shall be made in writing.

(3) Placement in administrative segregation shall be made only after a meeting with the classification committee except as provided in WAC 275-82-015(3). [Order 1217, § 275-82-010, filed 6/15/77; Order 874, § 275-82-010, filed 11/16/73.]

WAC 275-82-015 Notice of meeting. (1) When the superintendent is considering the administrative segregation of a resident, the resident shall be notified in writing concerning:

- (a) the allegations which gave rise to such consideration;
- (b) the fact that a meeting with the classification committee will be held to determine whether he should be segregated;
- (c) the date, time and place of the meeting;
- (d) the fact that at the meeting the resident may present written statements to the committee and may ask questions of people present at the meeting. The committee may, in its discretion, ask residents, staff, or other persons to appear and present information at the meeting;

(e) the fact that he may be represented as provided in WAC 275-82-020;

(f) in the event he is alleged to have been involved in an incident for which he could face criminal charges, the fact that he has a right to remain silent and that anything he says may be used against him in a criminal prosecution.

(2) Notice shall be provided the resident not less than twenty-four hours in advance of the meeting.

(3) If the superintendent has reasonable cause to believe the resident is in immediate danger from others or is immediately dangerous to himself or to others or the security of the institution, he may place the resident in administrative segregation without a prior meeting. In such event the meeting shall be held within three working days after the resident is placed in segregation except that the time may be extended for an additional three working days. The superintendent shall notify the resident in writing that the meeting has been postponed and the reasons for the postponement. Any further postponements must be authorized in writing in advance by the director of the division of adult corrections or his designee. Such authorizations may be approved verbally by the director or his designee if necessary, with subsequent confirmation in writing. [Order 1217, § 275-82-015, filed 6/15/77; Order 874, § 275-82-015, filed 11/16/73.]

WAC 275-82-020 Representation of resident. (1) A resident may select a willing lay person to be his "lay advisor" at the meeting. The lay advisor may be a staff member not ordinarily assigned responsibility for the resident, or a resident or other person approved by the

superintendent. He may prepare and present the resident's cause.

(2) The lay advisory may attend the meeting but shall not be responsible for presentation of the resident's case, questioning witnesses, or making other oral presentation unless requested to do so by the classification committee. [Order 1217, § 275-82-020, filed 6/15/77; Order 1002, § 275-82-020, filed 1/14/75; Order 874, § 275-82-020, filed 11/16/73.]

WAC 275-82-025 Conduct of meeting. (1) The meeting shall be held by the classification committee or by a subcommittee thereof of not less than three members. Any member who had direct involvement in the incident which gave rise to the meeting shall disqualify himself.

(2) The resident shall be present at all stages of the meeting except during consideration of the decision and during discussions involving information from anonymous sources in accordance with subsection (5).

(3) The resident may use his own recording equipment to record the meeting. The tape may be used for the purpose of appeal provided it has been given to and stored by the classification committee between the time of the recording and the appeal.

(4) A record of the meeting shall be kept which clearly indicates what information was presented.

(5) The decision to place someone in administrative segregation may be based on information from a resident whose identification is not given to the resident at the administrative segregation meeting. Such information may be given the administrative segregation committee through a written statement from the resident source or through statements from staff members who may give a statement in writing if the staff member is not able, for good cause, to attend the administrative segregation meeting.

(a) The contents of any information from an anonymous source shall be shared with the resident at the meeting to the extent that this may be done without endangering the source of the information.

(b) When considering information from an anonymous source, the name of the source and all details of such information shall be given to the administrative segregation committee out of the presence of the resident unless the nondisclosure of the name and/or details has been previously approved by a staff member of the rank of captain or above and to whom such name and information has been disclosed. Such approval shall reflect the approving official's verification that the source and information are reliable and are properly considered in deciding whether to place an individual in administrative segregation. [Order 1217, § 275-82-025, filed 6/15/77; Order 912, § 275-82-025, filed 3/1/74; Order 874, § 275-82-025, filed 11/16/73.]

WAC 275-82-030 Decision. (1) The committee shall reach a decision based on information presented at the meeting.

(2) The committee shall provide the resident with a written decision stating the basis for the decision. [Order

1217, § 275-82-030, filed 6/15/77; Order 874, § 275-82-030, filed 11/16/73.]

WAC 275-82-035 Segregation status—Rights retained. A resident placed in segregation shall:

(1) be confined in an environment with healthful temperatures in cells substantially similar to those used for general population;

(2) be provided the same opportunities for personal hygiene as are available to the general population;

(3) retain his rights to correspondence, reading, and legal representation;

(4) be provided an opportunity daily for at least one hour of exercise;

(5) be visited by a physician, nurse, medic, or hospital supervisor at least three times per week. If a physician has not personally visited the resident for one week, a physician shall review the condition of the resident with the health personnel who have visited and shall review written comments and requests. A record of visits by medical personnel shall be maintained;

(6) the rights provided under subsections (2), (3), and (4) may be limited for individual residents when provision of such rights will result in a danger to the resident, to other persons, and/or to the security, safety and/or order of the institution. Decisions to limit rights in other than emergency situations shall be approved in advance by a member of the institution staff the rank of shift lieutenant or above. Limitations imposed in emergency situations by other staff shall be reviewed as soon as possible by an official the rank of shift lieutenant or above. The fact that a resident has been placed in administrative segregation shall not automatically warrant limitation of any of the rights affected by this section. [Order 1217, § 275-82-035, filed 6/15/77; Order 874, § 275-82-035, filed 11/16/73.]

WAC 275-82-040 Appeal. A resident may appeal the decision of the committee to the superintendent or his designee who should act on the appeal within three working days, and shall provide the resident with written reasons for his decision. The superintendent may reverse a decision of the committee that the resident need not be segregated.

If the superintendent reverses a decision not to segregate a resident, he shall put a written justification of his decision in the administrative segregation meeting record and give a copy of such justification to the resident. [Order 1217, § 275-82-040, filed 6/15/77; Order 874, § 275-82-040, filed 11/16/73.]

WAC 275-82-045 Review of administrative segregation status. (1) The status of a resident placed in administrative segregation shall be reviewed by the classification committee at not more than thirty day intervals to determine whether he should stay in segregation. The resident shall be given the opportunity to be present at these review sessions.

(2) A resident who appears for a review session shall be entitled to participate in the discussions to the same

extent permitted at his or her initial segregation meeting. The committee shall provide the resident with a written decision stating the basis for their decision.

If the review committee determines that the resident should remain in administrative segregation, he may appeal the decision to the superintendent. [Order 1217, § 275-82-045, filed 6/15/77; Order 874, § 275-82-045, filed 11/16/73.]

WAC 275-82-050 Transfer of resident. If after a hearing the resident is transferred to another institution, the decision of the committee shall be considered valid by the receiving institution subject to a review of his status as provided in WAC 275-82-045(1). [Order 874, § 275-82-050, filed 11/16/73.]

Chapter 275-85 WAC

RESIDENT OF ADULT CORRECTIONAL INSTITUTION ESCORTED LEAVE OF ABSENCE

WAC

275-85-005	Escorted leave of absence—Definitions.
275-85-010	Escorted leave of absence—Purpose.
275-85-015	Escorted leave of absence—Reasons allowed.
275-85-020	Escorted leave of absence—Conditions.
275-85-025	Escorted leave of absence—Application.
275-85-030	Escorted leave of absence—Approval.
275-85-035	Escorted leave of absence—Escort.
275-85-040	Escorted leave of absence—Expenses.
275-85-045	Escorted leave of absence—Expenses—Paid by resident.
275-85-050	Escorted leave of absence—Expenses—Paid by state.

WAC 275-85-005 Escorted leave of absence—Definitions. (1) "Escorted leave" is a leave of absence from a correctional facility under the supervision of an escort.

(2) "Immediate family" consists of a resident's parents, stepparents, parent surrogates, legal guardians, spouse, brothers, sisters, half or stepbrothers or sisters, children, stepchildren, and dependents who might not be in a direct lineal relationship to him.

(3) "Indigent resident" is one who has a combined total net value in cash (not to exceed \$200 in his institutional account), bank accounts, marketable securities, and real property other than a home not to exceed \$750, or, together with his unestranged spouse, not to exceed \$1500. [Order 796, § 275-85-005, filed 5/10/73.]

WAC 275-85-010 Escorted leave of absence—Purpose. An escorted leave is allowed to permit a resident to be present in the community for legitimate personal and/or rehabilitative purposes under circumstances in which a furlough is impractical or impermissible. [Order 796, § 275-85-010, filed 5/10/73.]

WAC 275-85-015 Escorted leave of absence—Reasons allowed. An escorted leave may be allowed to permit a resident to

(1) Receive necessary medical care which is not available in the institution,

(2) Visit a critically ill member or attend the funeral of a member of his immediate family upon verification of such illness or death,

(3) Participate in community events as a member of a group or team,

(4) Receive instruction or take examinations in vocational or academic programs not available at the institution which are essential to the completion of a formal course of study,

(5) Participate in agricultural or industrial programs of the institution. [Order 878, § 275-85-015, filed 11/29/73; Order 796, § 275-85-015, filed 5/10/73.]

WAC 275-85-020 Escorted leave of absence—Conditions. (1) An escorted leave shall be authorized only for trips within the state.

(2) The duration of the leave shall normally not exceed forty-eight hours.

(3) The resident shall be considered to remain in the custody of the superintendent at all times.

(4) The resident shall be lodged in a city or county jail or a state institution at all times when not in transit or actually engaged in the activity for which the leave was granted.

(5) Provision for reimbursement for expenses incurred by the resident and escort must be verified in advance. [Order 796, § 275-85-020, filed 5/10/73.]

WAC 275-85-025 Escorted leave of absence—Application. A resident shall place his request for leave with his counsellor who will forward it together with his recommendation to the superintendent or his designee. [Order 796, § 275-85-025, filed 5/10/73.]

WAC 275-85-030 Escorted leave of absence—Approval. Requests for leaves shall be approved or denied by the superintendent or his designee, who, in making such decision, shall take into consideration the following factors:

(1) The nature of the emergency or the request for leave,

(2) The degree to which the resident may be considered to be a security or escape risk,

(3) Any unusual disciplinary problems which may be presented by the resident,

(4) The resident's degree of trustworthiness,

(5) Any significant health problems that might be presented as a result of a leave. [Order 796, § 275-85-030, filed 5/10/73.]

WAC 275-85-035 Escorted leave of absence—Escort. (1) The person who will serve as escort must be approved by the superintendent or his designee.

(2) In granting an escorted leave, the superintendent shall make such security arrangements as are deemed appropriate and may instruct a correctional officer to wear his uniform and sidearm in appropriate circumstances when such officer is assigned to escort a resident for purposes other than bedside or funeral visits.

(3) A correctional officer serving as escort shall wear civilian clothes and be unarmed when escorting a resident to a bedside visit or a funeral.

(4) The escort shall not use physical restraints unless the resident attempts escape or becomes violent. [Order 796, § 275-85-035, filed 5/10/73.]

WAC 275-85-040 Escorted leave of absence—Expenses. (1) The escort shall receive reimbursement for meals, lodging, and transportation at the rate established in the department's travel policy.

(2) The escort shall receive his salary for all hours spent in actually escorting the resident, but not including hours sleeping or not engaged in direct supervision of the resident. The salary shall be paid at the appropriate straight time and overtime rates as provided in the merit system rules. [Order 796, § 275-85-040, filed 5/10/73.]

WAC 275-85-045 Escorted leave of absence—Expenses—Paid by resident. The expenses of the escort as enumerated in WAC 275-85-040 shall be reimbursed by the resident unless the superintendent has authorized payment at state expense in accordance with chapter 275-85 WAC. [Order 796, § 275-85-045, filed 5/10/73.]

WAC 275-85-050 Escorted leave of absence—Expenses—Paid by state. The expenses of the escort shall be reimbursed by the state if

(1) The resident is indigent in accordance with WAC 275-85-005(3), or

(2) The expenses were incurred for the purpose of the resident's participation in a community event as a member of a group or team, an academic or vocational activity, or to secure medical care. [Order 796, § 275-85-050, filed 5/10/73.]

Chapter 275-87 WAC

ADULT CORRECTIONAL INSTITUTIONS—RESIDENTS' PROPERTY

WAC

- 275-87-005 Contraband—Definitions.
- 275-87-010 Confiscation.
- 275-87-015 Disposition of illegal items.
- 275-87-020 Disposition of other items.
- 275-87-025 Records.

WAC 275-87-005 Contraband—Definitions. (1) "Contraband" consists of all illegal items, and other items which a resident of a correctional institution may not have in his possession, as defined in regulations adopted by the superintendent of an institution and approved by the secretary.

(2) "Illegal items" are narcotic drugs, alcoholic beverage or any weapon, firearm or any instrument which, if used, could produce serious bodily injury to the person of another (RCW 9.94.040). [Order 845, § 275-87-005, filed 8/9/73.]

WAC 275-87-010 Confiscation. The superintendent shall confiscate contraband found on the premises or in possession of a resident of a correctional institution. [Order 845, § 275-87-010, filed 8/9/73.]

WAC 275-87-015 Disposition of illegal items. Illegal items shall be held by the superintendent as evidence for law enforcement authorities. If illegal items are not needed as evidence, they shall be destroyed. [Order 845, § 275-87-015, filed 8/9/73.]

WAC 275-87-020 Disposition of other items. (1) Items for which ownership cannot be determined shall be held by the superintendent for six months and then donated to a charitable organization.

(2) Items which are determined to be owned by the resident, or by another resident, should be stored until his release, or at the owner's request, delivered to a relative or friend at the owner's expense. Receipts shall be secured for items so delivered.

(3) Items which are found to be owned by someone other than a resident shall be returned to the owner at the owner's expense.

(4) Money such as currency, personal checks, and money orders, is contraband within adult correctional institutions for men. If money is found in the possession of a resident and he claims ownership, it shall be deposited in his savings account and returned to him only upon release from the institution. If the resident disclaims ownership or if ownership is unknown, the money will be deposited to the inmate welfare fund. [Order 845, § 275-87-020, filed 8/9/73.]

WAC 275-87-025 Records. The superintendent shall maintain a log listing all confiscated items, by whom they were confiscated, ownership if known, and the date and method of disposition. [Order 845, § 275-87-025, filed 8/9/73.]

Chapter 275-88 WAC

ADULT CORRECTIONAL INSTITUTIONS—DISCIPLINE

WAC

- 275-88-005 Purpose.
- 275-88-006 Definitions.
- 275-88-010 Supplementary rules.
- 275-88-015 Notification.
- 275-88-020 Definition of misconduct.
- 275-88-025 General infractions.
- 275-88-030 Serious infractions.
- 275-88-035 Reporting to law enforcement authorities.
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- 275-88-075 Prehearing procedures—Rights of residents.
- 275-88-080 Prehearing procedures—Restriction of resident.
- 275-88-085 Hearing committee—Preparation for hearing.
- 275-88-090 Conduct of hearing.
- 275-88-093 Decision of hearing committee.
- 275-88-095 Finding of no infraction.
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- 275-88-100 Sanctions—Authority to impose.
- 275-88-105 Sanctions—Types.
- 275-88-110 Sanctions—Limitations.
- 275-88-115 Appeal to superintendent.

275-88-120 Reports to the parole board.
275-88-130 Time limitations.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

275-88-067 Appeal to hearing committee—Other participants. [Order 849, § 275-88-067, filed 8/23/73.] Repealed by Order 1185, filed 2/3/77.

WAC 275-88-005 Purpose. (1) The rules in this chapter shall provide a standardized system consistent with constitutional due process for ascertaining whether misconduct by a resident of an adult correctional institution has occurred.

(2) The rules in this chapter shall not apply to proceedings of the board of prison terms and paroles. [Order 849, § 275-88-005, filed 8/23/73.]

WAC 275-88-006 Definitions. The following definitions apply for purposes of this chapter.

(1) In labeling the parts of these rules, use the following example:

- (a) "Rule" - WAC 275-88-085.
- (b) "Subsection" - WAC 275-88-085(1).
- (c) "Subparagraph" - WAC 275-88-085(1)(a).
- (d) All rules together are called "regulations."

(2) "Promptly" - To act as soon as possible consistent with institutional goals of safety, security and rehabilitation.

(3) "Working days" - Normal Monday through Friday work days, excluding weekends and holidays.

(4) "Director" - The director of the adult corrections division of the Washington state department of social and health services or his designee(s).

(5) "Superintendent" - A superintendent of an adult correctional institution or his designee(s). [Order 1185, § 275-88-006, filed 2/3/77.]

WAC 275-88-010 Supplementary rules. The superintendent of an adult correctional institution may promulgate supplementary rules, policies, and procedures including the creation of new general and/or serious infractions, the reclassification of general and/or serious infractions set out in these rules, and the creation of new sanctions. All such new or reclassified infractions and sanctions shall be approved in writing by the director or his designee before being put into effect: *Provided*, That such local rules may be adopted on a thirty-day emergency basis without such approval. The director may disapprove any rule, and/or procedure adopted under this rule. [Order 1185, § 275-88-010, filed 2/3/77; Order 849, § 275-88-010, filed 8/23/73.]

WAC 275-88-015 Notification. (1) Each resident of a correctional institution shall be advised in writing of

- (a) His rights and responsibilities,
- (b) Acts prohibited in the institution,
- (c) Disciplinary action which may be taken in the event of misconduct.

(2) Each resident shall be provided with a copy of the rules in this chapter and upon his arrival at the institution shall be given a copy of all local disciplinary rules, policies and procedures.

(3) All amendments or additions to this chapter and all amendments or additions to local disciplinary rules, policies and procedures shall be posted at a specifically designated place or places in each institution in advance of their effective date if possible and for at least thirty days after their effective date. Residents shall be responsible for informing themselves of such postings. Complete and up-to-date copies of these rules and all local rules shall be available at each institution for resident examination.

(4) The superintendent shall insure that each resident has the opportunity to understand rules which relate to his conduct. If the resident is unable to read or understand English, the rules shall be read to him in his accustomed language. [Order 1185, § 275-88-015, filed 2/3/77; Order 849, § 275-88-015, filed 8/23/73.]

WAC 275-88-020 Definition of misconduct. Misconduct shall consist of

(1) Any act described in WAC 275-88-025 as a general infraction,

(2) Any act described in WAC 275-88-030 as a serious infraction, or

(3) Any act proscribed by local institutional rule adopted pursuant to WAC 275-88-010. [Order 1185, § 275-88-020, filed 2/3/77; Order 849, § 275-88-020, filed 8/23/73.]

WAC 275-88-025 General infractions. Any of the following types of behavior shall constitute a general infraction:

051 - Unauthorized possession of money or other negotiable instruments totaling less than five dollars (\$5.00)

052 - Loaning of property for profit

053 - Possession of anything not authorized for retention or receipt by a resident and/or not issued to him by regular institutional channels

055 - Intentionally mutilating, altering, defacing or destroying items issued by the state the value of which is less than five dollars (\$5.00)

103 - Refusing to obey a lawful order of any staff member

104 - Unexcused absence from work or any assignment

202 - Abusive language directed to a staff member

203 - Lying or knowingly providing a false statement to a staff member

205 - Participating in a meeting or gathering that has been disapproved in advance, in writing, by the institution

210 - Being present in an unauthorized area (notice given by each institution)

211 - Intentional failure to follow published safety or sanitary regulations

212 - Using any equipment or machinery which is not specifically authorized

213 - Using any equipment or machinery contrary to instructions or posted safety standards

214 - Intentional failure to stand count

251 - Smoking where prohibited

301 – Failure to keep one's person and one's quarters in accordance with published and posted standards, rules, or regulations

302 – Tattooing or self-mutilation

303 – Unauthorized use of mail or telephone

305 – Correspondence or conduct with a visitor in violation of published and posted regulations

351 – Giving, selling, or trading money or anything of value to, or accepting or purchasing money or anything of value from another resident, a member of his family, or his friend, except when authorized

400 – Attempting to commit any of the above offenses, or aiding another person to commit any of the above offenses shall be considered the same as the commission of the offense itself. [Order 1185, § 275-88-025, filed 2/3/77; Order 1031, § 275-88-025, filed 6/12/75; Order 849, § 275-88-025, filed 8/23/73.]

WAC 275-88-030 Serious infractions. Any of the following types of behavior shall constitute a serious infraction:

501 – Committing homicide

502 – Assaulting any person

503 – Extortion, blackmail, demanding or receiving money or anything of value in return for protection against others, or under threat of informing

504 – Engaging in sexual acts with others

505 – Fighting with any person (except in self-defense)

506 – Threatening another with bodily harm or with any offense against his person

507 – Committing an act not otherwise proscribed by these regulations which constitutes a felony or misdemeanor under state law

521 – Holding a person hostage

525 – Violation of conditions of furlough

550 – Escape

551 – Lying to the hearing committee

552 – Lying to a staff member with the intention of causing an innocent person to be penalized or proceeded against

553 – Intentionally or recklessly setting a fire

554 – Intentionally or recklessly destroying or damaging state property, or the property of another person

555 – Stealing (theft) or knowing possession of stolen property—the unauthorized taking of extra portions of food shall be considered the same as theft

556 – Refusing to submit to a body search when lawfully ordered to do so by institutional staff

557 – Refusing and/or failing to work or attend other regularly scheduled assignments

558 – Intentionally interfering with a staff member in the performance of his duties

559 – Gambling

600 – Tampering with or blocking any locking device

601 – Possession or introduction of an explosive or any ammunition or components thereof

602 – Possession or introduction of any gun, firearm, weapon, sharpened instrument, knife, or unauthorized tool or components thereof.

603 – Possession, introduction, transfer or use of any narcotics, controlled substance or related paraphernalia,

possession, transfer or use of any intoxicant or drug not prescribed or authorized for the resident or for the resident to whom transferred, if applicable, by the medical staff, or being intoxicated, or under the influence of an unauthorized drug, narcotic, controlled substance, or other intoxicant

605 – Unauthorized possession of any officer's or staff's clothing

607 – Refusing to submit to a urinalysis or blood test under medically acceptable conditions, when requested in writing to do so by a supervisory employee of the rank of shift commander or above, by licensed medical staff, or by others designated by the superintendent

608 – Refusing to submit to a breathalyzer or other standard sobriety test

650 – Rioting

651 – Inciting others to riot

652 – Engaging in or inciting a prohibited group demonstration

653 – Intentionally interfering with the taking of count

654 – Counterfeiting, forging or unauthorized reproduction of any document, article of identification, money, security, or official paper

655 – Making intoxicants, controlled substances, narcotics

656 – Giving or offering any official staff member or a volunteer a bribe or anything of value for a favor or unauthorized service

657 – Four or more general infractions arising out of separate incidents and which have been reported in writing: *Provided*, That the four separate incidents all occur within a six-month period

658 – Intentional failure to perform according to an administrative action taken pursuant to WAC 275-88-050(3), after determination of appeal, or appeal time has lapsed

659 – Resisting posthearing sanctions as provided for in WAC 275-88-105

660 – Unauthorized possession of money or other negotiable instruments of five dollars (\$5.00) or more

661 – Performing or to take part in performing of a marriage in the institution buildings or on the institutional grounds, except when such marriage was approved by the superintendent of the institution. Violation of the rule may, in appropriate cases, be deemed a violation of a visiting rule that can subject a resident to the sanction contained in WAC 275-88-105(1)(d), as well as other sanctions available for serious infractions

662 – Solicitation of goods and/or services for which the provider would expect payment when the resident knows or should have known (s)he has no funds available to pay for such goods or services

700 – Attempting to commit or aiding another person to commit a serious infraction as enumerated in WAC 275-88-030, 275-88-501 through 275-88-699. Such action shall be considered the same as commission of the offense itself

701 – Commission of any general infraction as enumerated in WAC 275-88-025 or any local rule denominated as a general infraction in such a manner as likely to result in danger to life or limb or to create a risk to

the orderly operation of the institution or the health and safety of its residents, staff, or visitors shall be considered a serious infraction, provided there is substantial evidence which establishes there was such a danger

705 - Failure to maintain a favorable record of conduct and/or failure to perform in a faithful, diligent, industrious, orderly and peaceable manner the work, duties and tasks assigned to him as provided by RCW 9.95.070. A finding against the resident under this rule shall result only in a recommendation that good time not be certified to the board of prison terms and paroles. [Order 1185, § 275-88-030, filed 2/3/77; Order 1060, § 275-88-030, filed 10/8/75; Order 1031, § 275-88-030, filed 6/12/75; Order 968, § 275-88-030, filed 8/29/74; Order 937, § 275-88-030, filed 5/23/74; Order 849, § 275-88-030, filed 8/23/73.]

WAC 275-88-035 Reporting to law enforcement authorities. (1) It shall be the duty of the superintendent to report any violation of a federal, state, or local law to law enforcement authorities.

(2) If a violation has been reported to law enforcement authorities, the resident shall not be questioned about the incident, outside of a formal disciplinary or administrative segregation hearing under these rules, until after it has been determined that no prosecution will occur or until a finding of guilt is made.

(3) The provisions in this rule shall not preclude the reasonable segregation of the resident in accordance with administrative segregation rules appearing in chapter 275-82 WAC. [Order 1185, § 275-88-035, filed 2/3/77; Order 849, § 275-88-035, filed 8/23/73.]

WAC 275-88-040 Infractions—On-site adjustment. In the event of a general infraction, a staff member may make an on-site adjustment which may consist of

(1) Counseling, warning, or reprimanding the resident, and/or

(2) Causing the resident to remove himself from the situation immediately involved in the violation.

(3) An on-site adjustment under this rule cannot be considered a general infraction for the purposes of invoking WAC 275-88-030, 657. [Order 1185, § 275-88-040, filed 2/3/77; Order 849, § 275-88-040, filed 8/23/73.]

WAC 275-88-045 Infractions—Report on. (1) In the event of a general infraction a staff member may prepare and submit an infraction report. In the event of a serious infraction the staff member shall prepare and submit an infraction report.

(2) The infraction report shall include:

(a) a description of the alleged infraction;

(b) the time and place of the incident;

(c) the names of witnesses;

(d) the specific rule alleged to have been violated;

(e) a description of any action taken;

(f) a recommendation regarding further action.

(3) The infraction report shall be signed by the staff member and submitted promptly to the supervisory employee or unit team designated by the superintendent to

receive such reports. [Order 849, § 275-88-045, filed 8/23/73.]

WAC 275-88-050 General infraction report—Action on report. The supervisory employee or unit team receiving a general infraction report shall decide within five working days of receipt of the report, unless an extension is granted by the superintendent, whether to

(1) Take no further action, in which case the report shall be destroyed promptly;

(2) Refer the matter to the hearing committee; or

(3) Take administrative action as provided for in WAC 275-88-105(1).

(4) General infractions handled under this rule may be accumulated for purposes of invoking WAC 275-88-030, 657. [Order 1185, § 275-88-050, filed 2/3/77; Order 878, § 275-88-050, filed 11/29/73; Order 849, § 275-88-050, filed 8/23/73.]

WAC 275-88-055 Appeal to hearing committee. (1) If a resident is dissatisfied with an administrative decision made pursuant to WAC 275-88-050(3), he may within 48 hours after receiving notice of the administrative action, unless extended by written order of the superintendent, file a written request for review of the action by the hearing committee. His request shall include his reasons for believing that the decision was inappropriate. Filing a request for an extension does not automatically result in an extension being granted while the request is being considered.

(2) The hearing committee shall act on the request for review within five working days of receipt unless such time is extended by the superintendent. In considering a request, the hearing committee shall have the following options:

(a) Affirming the administrative decision without a hearing except as to WAC 275-88-105(1)(d),

(b) Reversing or modifying downward the administrative decision without a hearing, or

(c) Scheduling a hearing before the committee as provided in WAC 275-88-085.

(3) The hearing committee shall give the resident written notice of its decision, including its reasons therefor, within seventy-two hours of its decision unless extended by the superintendent.

(4) All sanctions shall be stayed pending appeal under this section. [Order 1207, § 275-88-055, filed 4/29/77; Order 1185, § 275-88-055, filed 2/3/77; Order 878, § 275-88-055, filed 11/29/73; Order 849, § 275-88-055, filed 8/23/73.]

WAC 275-88-060 Appeal to hearing committee—Composition of committee. (1) The superintendent of each major adult correctional facility shall establish a hearing committee(s) of three or more persons the membership of which shall reflect a substantial balance between various departments of the institution with not more than two members being appointed from any one department. No person shall serve as chairman for more than six consecutive months and no person except an associate or assistant superintendent shall serve more than six months in any twelve month period.

(2) At forestry honor camps and such other smaller adult correctional institutions as may be created from time to time, the hearing committee(s) shall be comprised of three or more staff members designated by the superintendent, none of whom shall be the involved resident's regular counselor, unless no other satisfactory staff members are available.

(3) The superintendent shall also designate a staff member(s) of the institution to serve as a clerk for the hearing committee. [Order 1185, § 275-88-060, filed 2/3/77; Order 849, § 275-88-060, filed 8/23/73.]

WAC 275-88-065 Appeal to hearing committee—Disqualification or absence of member. (1) No member of a hearing committee may function in such capacity when he has direct personal knowledge or interest in the incident under consideration. Such member must disqualify himself by giving notice to the chairman. The superintendent shall select as his replacement a person qualified according to WAC 275-88-060.

(2) Any member of a committee who will be absent from the institution at the time of a hearing or otherwise unable to serve on the committee shall notify the superintendent who shall appoint a substitute qualified according to WAC 275-88-060.

(3) "Direct personal knowledge or interest," as that phrase is used in this rule, shall mean knowledge or interest acquired through witnessing or directly participating in the incident under consideration. This rule shall not preclude a committee member's participation where the individual has acquired knowledge or interest indirectly or through review of the incident which is conducted as part of the individual's regular institutional responsibilities. A committee member may disqualify himself or be disqualified by the chairman when it is felt the committee member is biased for or against the resident so that he cannot render a fair judgment in the hearing, regardless of the manner by which such bias was acquired. [Order 1185, § 275-88-065, filed 2/3/77; Order 849, § 275-88-065, filed 8/23/73.]

WAC 275-88-070 Appeal to hearing committee—Jurisdiction. The hearing committee shall have jurisdiction over all serious infractions, all general infractions referred to it in accordance with WAC 275-88-050(2), and over good time certification questions arising under WAC 275-88-030, 705. [Order 1185, § 275-88-070, filed 2/3/77; Order 878, § 275-88-070, filed 11/29/73; Order 849, § 275-88-070, filed 8/23/73.]

WAC 275-88-075 Prehearing procedures—Rights of residents. (1) Before being questioned about an alleged rule infraction, a resident alleged to have committed a rule infraction shall be advised of his right to remain silent at all stages of the investigatory proceedings.

(2) The resident shall retain his institutional status and corresponding rights and privileges prior to and during the hearing except as provided in WAC 275-88-080. [Order 1185, § 275-88-075, filed 2/3/77; Order 849, § 275-88-075, filed 8/23/73.]

WAC 275-88-080 Prehearing procedures—Restriction of resident. (1) Prior to and during a hearing before the hearing committee:

(a) A resident in minimum security status may be restricted to a security area without loss of his classification status when there is a reasonable belief that he is a substantial security risk; or

(b) A resident who is reasonably believed to be of danger to himself or to others, in serious danger from others, or a danger to the order and security of the institution may, upon written verification by the shift commander that such danger is reasonably believed to exist, be restricted to his own room or cell or placed in segregation. Such restriction must be approved by the superintendent within twenty-four hours after the confinement.

(c) A resident shall not be confined or segregated for more than seventy-two hours exclusive of weekends and holidays unless there is an intervening hearing on the incident involved or the resident or the institution for good cause require additional time not to exceed seventy-two hours to prepare its case for the hearing or there is an administrative segregation hearing in accordance with the provisions of chapter 275-82 WAC. In the case of a resident restricted to a security area from a minimum custody area, unless a hearing is held within the time limits of this subparagraph, his continued temporarily restricted confinement shall be reviewed by the classification committee.

(2) Confinement or restriction as authorized in this rule shall not limit the right of a resident to prepare an adequate defense to the charge which will be heard by the hearing committee. He may select a willing lay person to be his representative in investigating the charge and obtaining witnesses in his behalf. Such representative may be a staff member not involved in the incident, or a resident not involved in the incident who is approved by the superintendent, or any other person approved by the superintendent. Such representative shall have reasonable access to the resident and to other witnesses inside the institution.

(3) A resident confined or restricted as authorized in this section shall be entitled to the same rights as those committed to segregation by the hearing committee following the hearing, as set forth in WAC 275-88-110.

(4) A resident confined or restricted as authorized in this section shall receive credit for time served in such manner if he is subsequently found guilty of the offense by the hearing committee. [Order 1185, § 275-88-080, filed 2/3/77; Order 878, § 275-88-080, filed 11/29/73; Order 849, § 275-88-080, filed 8/23/73.]

WAC 275-88-085 Hearing committee—Preparation for hearing. In preparation for the hearing, the clerk of the hearing committee shall at least 24 hours in advance of the hearing

(1) Provide copies of the infraction report to the resident and to the members of the committee;

(2) Advise the resident, both orally and in writing, of his right, subject to the relevant provisions and limitations of these rules:

(a) To have a hearing;

(b) To remain silent;

(c) To call witnesses, including staff members, other residents, and other persons;

(d) To question witnesses at the hearing;

(e) To present documentary and/or other evidence on his own behalf at the hearing;

(f) To have a lay advisor;

(g) To have access to all reports and records utilized by the hearing committee during the fact-finding stage. Exceptions to this rule are permissible where the reports and records contain information, the disclosure of which to a resident might reasonably compromise the security and/or safety of the institution or his residents. In such cases, the resident shall be provided with a summary of such written documents with the classified information deleted.

(3) Obtain written acknowledgement of the receipt by the resident of the information provided in accordance with WAC 275-88-085(2);

(4) Determine from the resident whether he wishes to contest the allegation.

(5) Schedule the hearing within five working days after discovery of the incident, unless such time is extended by the superintendent. In the event that the procedures of WAC 275-88-050(2) are utilized or the matter is referred to the hearing committee by the supervisory employee or unit team pursuant to WAC 275-88-055(2)(c), the hearing shall be scheduled within five working days of the determination that a hearing is necessary, unless such time is extended by the superintendent. All hearings may be continued upon the request of the resident as well as the institution.

(6) Notify witnesses of the hearing. [Order 1185, § 275-88-085, filed 2/3/77; Order 878, § 275-88-085, filed 11/29/73; Order 849, § 275-88-085, filed 8/23/73.]

WAC 275-88-090 Conduct of hearing. (1) The chairperson of the hearing committee shall assure that the resident is competent to understand the charge against him and the proceedings, and to participate therein. He may order a postponement of the hearing to secure a report on the competence of the resident, or take such other action as will assure the fairness and orderliness of the hearing.

(2) The resident shall be present at all stages of the hearing except during the decisional deliberations and any inquiry the hearing committee may wish to make concerning the identity of unidentified witnesses. A resident may waive his presence at the hearing.

(3) The resident may use his own recording equipment to record the disciplinary hearing. The tape may be used for the purpose of appeal provided it has been given to and stored by the hearing committee clerk between the time of the recording and the appeal.

(4) The resident shall be informed of his right to remain silent.

(5) The clerk shall be responsible for presenting all appropriate paperwork to the committee but shall not be responsible for orally presenting facts and circumstances surrounding the incident to the committee.

(6) The committee shall divide the hearing into two stages consisting of

(a) Determination of the guilt or innocence of the resident, and

(b) Determination of further action to be taken.

(7) Evidence, testimony, questions, and examination shall be limited to facts relevant to the alleged infraction, or disposition if an infraction has been found.

(8) Where institution staff members are witnesses against the resident, every effort shall be made to have such witnesses present to testify at the hearing; *Provided*, That the written statements of such staff members may be considered in their absence upon a showing of good cause.

(9) The resident shall be allowed to call witnesses and present documentary evidence in his defense when permitting him to do so will not be unduly hazardous to institutional safety or correctional goals unless the witness and/or information desired to be presented is deemed to be irrelevant, immaterial, unnecessarily duplicative of other information before the hearing committee, or otherwise found to be unnecessary to the adequate presentation of the resident's case. The testimony of all witnesses from outside the institution shall be considered in writing except where the committee determines that the presence of a witness is appropriate, in which case the hearing may be continued until such time as the witness is available. If the witness is unavailable, the committee may, in its discretion, consider the written testimony previously submitted.

(10) The resident may question witnesses against him in the discretion of the hearing committee. If the committee determines that a resident witness would be subject to risk of harm if his identity were disclosed, the resident witness' evidence may be introduced by the testimony of a staff member to whom the information was provided by the resident witness and/or the affidavit of the resident witness; or, if the staff member to whom the resident witness provided information is, for good cause, unavailable, the written statement of such uninvolved staff member. The hearing committee shall, out of the presence of all residents, inquire as to the identity of any anonymous resident witness(s), and as to how the testifying staff member received such information. The refusal of the staff member presenting the testimony of the unidentified resident witness to identify such resident shall make the testimony inadmissible unless the refusal to identify the witness is approved by a staff member the rank of captain or above. [Order 1207, § 275-88-090, filed 4/29/77; Order 1185 § 275-88-090, filed 2/3/77; Order 972, § 275-88-090, filed 9/26/74; Order 878, § 275-88-090, filed 11/29/73; Order 849, § 275-88-090, filed 8/23/73.]

WAC 275-88-093 Decision of hearing committee.

(1) A report of the hearing shall be made by a secretary or recorder who may be a member of the committee, and shall include the charge, names of witnesses, summary of the testimony and cross examination, a description of the physical evidence used, and the decisions and reasons therefor. The report shall be placed in the resident's institutional file if he is found guilty. All reports

shall be maintained by the clerk as part of the hearing committee's records. A complete taped record of the hearing may be taken but the tape shall not become a part of the resident's file, and shall be destroyed ninety days after the date of the hearing or the appeal decision, or any court proceedings resulting from the hearing, whichever is later.

(2) In reaching its decision on the guilt or innocence of the resident, the committee must rely solely on evidence presented to it and may not rely on extrinsic evidence. However, during the dispositional stage of the hearing, such factors as the resident's institutional file and prior conduct may be considered.

(3) The majority of the committee shall agree on the guilt or innocence of the resident and the disposition made.

(4) Any decision of the committee shall be based on evidence and such decision shall be in writing and shall include reasons for reaching the decision.

(5) Any member of the committee who does not fully agree with the decisions reached by the majority may file a separate statement for inclusion in the record.

(6) The resident shall be informed personally of the decisions of the committee. Such information shall be given to him orally within twenty-four hours of the hearing and in writing within seventy-two hours of the hearing unless such periods are extended by the superintendent.

(7) The resident shall be informed of his right to appeal the decisions of the committee to the superintendent. [Order 1185, § 275-88-093, filed 2/3/77; Order 849, § 275-88-093, filed 8/23/73.]

WAC 275-88-095 Finding of no infraction. If the hearing committee determines that no infraction occurred the resident shall be reinstated to his previous status and all records pertaining to the charge shall be expunged. [Order 849, § 275-88-095, filed 8/23/73.]

WAC 275-88-097 Lay advisors. (1) A resident may have the assistance of a lay advisor in preparing for a hearing. The lay advisor may be a staff member not involved in the incident or a resident not involved in the incident who is approved by the superintendent or any other person approved by the superintendent. The lay advisor may attend the hearing but shall not be responsible for presentation of the resident's case, questioning witnesses, or making other oral presentation unless requested to do so by the hearing committee. In considering the degree of involvement to be allowed a lay advisor at the hearing, the hearing committee shall consider such factors as the literacy and intelligence of the resident, the complexity of the issues, and the resident's overall ability to speak for himself and adequately present his case.

(2) Resident lay advisors shall participate in only one disciplinary case within a one-week period unless special permission to participate in additional cases is granted by the superintendent.

(3) A resident may be disqualified from participating as a lay advisor in a particular case if such participation

will directly interfere with previously scheduled rehabilitative programming.

(4) If a resident is denied the opportunity to act as a lay advisor under the provisions of subparagraph (1) of this rule, he may appeal that decision to the director. However, such an appeal shall not act as a stay on the disciplinary hearing in question unless the superintendent specifically so orders.

(5) Resident lay advisors shall be provided with:

(a) Copies of all written decisions of the hearing committee and the superintendent in cases in which the lay advisors are involved;

(b) An opportunity to have private conversation with residents they are representing;

(c) Access to written information to be used by the hearing committee in the fact-finding stage as far in advance of the hearing as is reasonably possible;

(d) Reasonable access to all witnesses. [Order 1185, § 275-88-097, filed 2/3/77; Order 972, § 275-88-097, filed 9/26/74; Order 849, § 275-88-097, filed 8/23/73.]

WAC 275-88-100 Sanctions—Authority to impose. (1) If the committee determines that a resident is guilty of a serious infraction as enumerated in WAC 275-88-030, it may impose one or more of the sanctions provided in WAC 275-88-105.

(2) If the committee determines that more than one infraction occurred, it shall not impose consecutive sanctions for the separate infractions but shall consider them together and impose penalties for the group of infractions.

(3) The committee may recommend that the execution of a proposed disciplinary action be deferred for a fixed period of time not to exceed six months subject to the good behavior of the resident. If the subsequent behavior of the resident is appropriate, the committee shall, at or prior to the end of the fixed period, cancel execution of the penalty. A suspended sentence may be revoked upon the resident's being found guilty of either a general or serious infraction unless conditions attached to the original suspension provide more restrictive grounds for revocation. A suspended sentence may be revoked only by the institution disciplinary committee.

(4) The committee may review any decision it has previously made and may modify downward any sanction previously imposed.

(5) Sanctions shall not be imposed while an appeal from the committee's decision is under consideration by the superintendent.

(6) In all cases, regardless of whether an appeal is taken, the superintendent may review a sanction imposed and may reduce its severity. [Order 1185, § 275-88-100, filed 2/3/77; Order 1009, § 275-88-100, filed 2/13/75; Order 849, § 275-88-100, filed 8/23/73.]

WAC 275-88-105 Sanctions—Types. (1) For general infractions enumerated in WAC 275-88-025 or classified as general infractions by supplementary local rules, one or more of the following sanctions may be imposed:

(a) Reprimand and/or warning;

(b) Loss of specified privileges for not more than ten days on a first offense, twenty days on a second offense, and thirty days on a third offense within a six-month period;

(c) Confinement to room or cell except for attendance at work or school assignment, religious service, or meals, not to exceed three days;

(d) Interruption or termination of correspondence or visiting with specified individuals for a maximum of ninety days, when there has been an infraction of rules on visits or correspondence as stated in chapters 275-96 and 275-80 WAC or in local rules regarding correspondence and/or visitors.

(e) Up to 120 hours of extra work duty.

(2) For serious infractions enumerated in WAC 275-88-030, one or more of the following sanctions may be imposed:

(a) Any of the sanctions enumerated in WAC 275-88-105;

(b) Loss of specified privileges for a period of time not to exceed one month except that a resident shall not be deprived of an opportunity for daily exercise;

(c) Evening lockup or confinement to quarters for ten days;

(d) Weekend and/or holiday lockup or confinement to quarters for a thirty-day period. For purposes of this rule, a "weekend" shall be deemed to begin at the end of the Friday workday.

(e) Confinement to cell except for meals, or with meals in cell, with or without curtailment of job assignment for a period not to exceed ten days;

(f) Recommendation to the classification committee for reconsideration of custody classification and/or, when the infraction committed is directly related to the resident's program, recommendation of program change.

(g) Transfer to another institution only when as a result of the infraction committed, the resident is unable to function in the institution of present confinement, or if other disciplinary methods have been attempted and failed;

(h) Transfer to the maximum security or segregation section, but not to an isolation cell, for a period not to exceed thirty consecutive days;

(i) Confinement in an isolation cell for a period not to exceed ten consecutive days: *Provided*, That where a serious infraction(s) occur(s) during a period of isolation imposed under this rule, additional periods of isolation not to exceed ten days may be imposed: *Provided Further*, That in such situations when a resident may be in isolation for more than ten consecutive days, the director's prior approval shall be required unless the resident is released from isolation at least for seventy-two consecutive hours between the expiration of one isolation sentence and the imposition of another, where the combined time would exceed ten consecutive days.

(j) Recommendation to the board of prison terms and paroles for forfeiture of good time credit or reconsideration of minimum sentence;

(k) Restitution for damage done to any property or loss of any property assigned to the resident. Funds may

be withdrawn from the resident's account to make restitution under this rule: *Provided*, That a resident's account shall not be reduced to less than \$10.00 under this subparagraph.

(l) Recommendation to the superintendent that he not certify time credit for a resident to the board of prison terms and paroles, pursuant to RCW 9.95.070. [Order 1185, § 275-88-105, filed 2/3/77; Order 937, § 275-88-105, filed 5/23/74; Order 849, § 275-88-105, filed 8/23/73.]

WAC 275-88-110 Sanctions—Limitations. (1)

No resident shall be subject to disciplinary action for violation of resident conduct rules unless there has been reasonable advance notice to the resident of the specific prohibited behavior unless such rule has been adopted on an emergency basis.

(2) Lowering the quantity or quality of food and deprivation of clothing, bedding, bed, or normal hygienic implements shall not be used as sanctions.

(3) Corporal punishment and physical restraint shall not be used as sanctions.

(4) A resident placed in segregation shall:

(a) Be confined in an environment with healthful temperatures in cells substantially similar to those used for general population;

(b) Be provided the same opportunities for personal hygiene as are available to the general population;

(c) Retain his rights to correspondence, reading, and legal representation;

(d) Be provided daily opportunity for at least one hour of exercise unless circumstances such as staffing, space, institutional security and order and/or safety, etc. make this unfeasible, in which cases such resident shall be allowed as much exercise as is feasible in the judgment of staff. Such limitations shall be approved in advance by a staff member of rank of lieutenant or higher.

(e) Be visited by a physician, nurse, medic, or hospital supervisor at least once per day. If a physician has not personally visited the resident for three consecutive days, a physician shall review the condition of the resident with the health personnel who have visited and shall review written comments and requests. A record of visits by medical personnel shall be maintained. Residents of forestry honor camps or small correctional institutions, as so designated by the director, shall receive medical care and observation in accordance with standard procedures in effect at such facility.

(5) A resident placed in isolation shall:

(a) Be confined in an environment with healthful temperatures in cells substantially similar to those used for the general population;

(b) Be provided the same opportunities for personal hygiene as are available to the general population;

(c) Retain his rights to correspondence, reading, and legal representation except that literature may be limited to educational, religious, legal or program involvement material;

(d) Be visited by a physician, nurse, medic, or hospital supervisor at least once per day. If a physician has not personally visited the resident for three consecutive days, a physician shall review the condition of the resident

with the health personnel who have visited and shall review written comments and requests. A record of visits by medical personnel shall be maintained. Residents of forestry honor camps or small correctional institutions, as so designated by the director, shall receive medical care and observation in accordance with standard procedures in effect at such facility;

(e) Be released immediately to an appropriate setting when medical personnel recommends such release on medical or psychological grounds;

(f) Be visited by a staff member at least twice during each daily shift to ascertain his well being. Each such visit and findings shall be recorded;

(g) Be accessible to the counselor assigned to him. [Order 1185, § 275-88-110, filed 2/3/77; Order 849, § 275-88-110, filed 8/23/73.]

WAC 275-88-115 Appeal to superintendent. (1) A resident may appeal the decision of the hearing committee to the superintendent by filing a written request for review and his reasons therefor with the clerk within twenty-four hours, exclusive of weekends and holidays, after receiving written notice of the decision of the committee. The superintendent may, in his discretion, consider appeals filed beyond the twenty-four hour period.

(2) The clerk shall promptly transmit the request for review and the hearing committee record to the superintendent.

(3) The superintendent shall act on the request within five working days of its receipt by affirming the decision of the committee (with reasons stated), reducing the severity of the sanctions imposed, vacating the judgment of the committee, remanding the matter for a new hearing, but he may not increase the severity of the sanctions imposed. If the matter is remanded, it shall be heard before a disciplinary committee at least two members of which did not serve on the committee previously hearing the matter.

(4) Pending the decision of the superintendent, the sanctions shall not be imposed on the resident nor shall his custody be subject to change unless there are grounds for detention as provided in WAC 275-88-080 or if the superintendent has reason to believe that he is a substantial security risk.

(5) The resident shall promptly be notified of the decision of the superintendent. [Order 1185, § 275-88-115, filed 2/3/77; Order 849, § 275-88-115, filed 8/23/73.]

WAC 275-88-120 Reports to the parole board. (1) Whenever the committee finds a resident guilty of an inherently serious infraction, and recommends either loss of good time credits or an adjustment upward of the resident's minimum term, it shall be the duty of the hearing clerk to inform the board of prison terms and paroles of that decision within ten days or, if an appeal is taken, within ten days of the superintendent's decision. Said report shall include a copy of the summary of the hearing prepared by the hearing committee reporter.

(2) In all other cases where a finding of guilt is made for an inherently serious infraction, it shall be the duty

of the clerk to inform the parole board of that decision within thirty days, or if an appeal is taken, within thirty days of the superintendent's decision. Said report shall include a copy of the summary of the hearing prepared by the hearing committee reporter. [Order 849, § 275-88-120, filed 8/23/73.]

WAC 275-88-130 Time limitations. The time limitations expressed in these regulations shall not be deemed to be jurisdictional and failure to adhere to any particular time regulation shall not be grounds for automatic reversal and/or dismissal of a disciplinary proceeding. [Order 1185, § 275-88-130, filed 2/3/77; Order 1012, § 275-88-130, filed 2/28/75; Order 878, § 275-88-130, filed 11/29/73.]

Chapter 275-91 WAC

**ADULT CORRECTIONAL INSTITUTIONS—
MEDICAL CARE—HEALTH CARE**

WAC

275-91-011	Medical/dental care—General policy.
275-91-021	Medical/dental services.
275-91-031	Right to refuse treatment.
275-91-041	Involuntary treatment—Appeals.
275-91-050	Use of allied health professionals.
275-91-060	Records.
275-91-070	Supplemental care.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

275-91-010	Health care—Policy. [Order 827, § 275-91-010, filed 7/26/73.] Repealed by Order 1252, filed 11/21/77.
275-91-020	Health care—Scope of services. [Order 827, § 275-91-020, filed 7/26/73.] Repealed by Order 1252, filed 11/21/77.
275-91-030	Health care—Program. [Order 827, § 275-91-030, filed 7/26/73.] Repealed by Order 1252, filed 11/21/77.
275-91-040	Health care—Records. [Order 827, § 275-91-040, filed 7/26/73.] Repealed by Order 1252, filed 11/21/77.

WAC 275-91-011 Medical/dental care—General policy. The policy of the department of social and health services with regard to medical and dental care for inmates of adult correctional institutions is to provide, at a minimum, a degree of care which is designed to reasonably respond to an inmate's serious medical and dental needs. The considerations of proper medical/dental procedure, time and available resources are material in defining what is a reasonable response in any particular situation. More than the minimum level of care may be provided when such additional care comports with proper medical practice and is reasonably affordable from the department's resources. Serious medical needs are those which, if not responded to, will

(1) Cause or allow to continue significant or debilitating pain; or

(2) Cause significant deterioration of the inmate's medical condition during the period of his incarceration. [Order 1252, § 275-91-011, filed 11/21/77.]

WAC 275-91-021 Medical/dental services. The medical/dental treatment program operated by the adult corrections division shall include the following services:

(1) Regular environmental health inspections and, where appropriate, recommendations.

(2) Initial examination when the inmate enters the adult correctional system. This examination shall include:

(a) A medical history;

(b) A physical examination, including funduscopy and ocular tonometry for residents over forty years of age, rectal examination as indicated, and other examinations as indicated;

(c) A chest film as indicated;

(d) Serology;

(e) Blood count;

(f) Urinalysis;

(g) Electrocardiogram as indicated;

(h) Visual and auditory acuity;

(i) Dental examination;

(j) For female residents, gonorrhea culture and Pap smear as indicated.

(3) immunizations as indicated.

(4) Evaluation of capacity for work and recreation.

(5) Period consultations, examinations and treatment as required for the medical and dental maintenance of each inmate in accordance with the policy discussed at WAC 275-91-011. [Order 1252, § 275-91-021, filed 11/21/77.]

WAC 275-91-031 Right to refuse treatment. Except as provided herein, any inmate may, if done in a voluntary, knowing and intelligent fashion, refuse treatment proffered by department medical/dental personnel. Treatment may be provided by department medical personnel not withstanding an inmate's refusal to accept same only where

(1) Such treatment is deemed by a departmental physician as necessary for the protection of others, or

(2) A departmental physician determines that such treatment is necessary for the psychiatric or physical welfare of the inmate and that the inmate is incompetent to make a judgment regarding his or her treatment. Nothing in this chapter shall be construed to limit the power of the department to protect any inmate, through nonmedical means, regardless of such inmate's level of mental competency.

Involuntary treatment may not be of a type specifically prohibited by law.

Involuntary treatment may not continue longer than seven consecutive days unless approved of by the medical director, adult corrections division, department of social and health services. Such care may continue thereafter only with the approval of the medical director every fourteen days.

The inmate shall have the right to have any involuntary psychiatric care discontinued from twenty-four hours before an institutional or parole board hearing and until the hearing adjourns. [Order 1252, § 275-91-031, filed 11/21/77.]

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WAC 275-91-041 Involuntary treatment—Appeals. An inmate given involuntary medical treatment shall be permitted to make one appeal in writing to the secretary of the department of social and health services, or his designee, the decision by the division's medical personnel to involuntarily treat the inmate.

Except where serious physical harm to the inmate or others is a likelihood if treatment is not imposed or continued, such appeal shall operate as a stay of the imposition or continuation of treatment during the pendency of the appeal. [Order 1252, § 275-91-041, filed 11/21/77.]

WAC 275-91-050 Use of allied health professionals. Allied health professionals may be used in the medical and dental health programs at each institution. When operating under the supervision of a licensed physician or dentist, an allied health professional may conduct initial screening, treat minor illnesses, and do related tasks. [Order 1252, § 275-91-050, filed 11/21/77.]

WAC 275-91-060 Records. Medical and dental records shall be maintained at the institution in which an inmate is housed. Upon the transfer of an inmate between state institutions, that inmate's medical and dental records shall be transferred along with the inmate. Records shall include all items of material interest to medical personnel and shall include

(1) Detailed reports of admission medical evaluation and recommendations;

(2) Progress notes regarding continuing health status including illnesses, hospitalizations, surgery, results of consultations and examinations, reports of tests done, and immunizations;

(3) Reports made by outside consultants. [Order 1252, § 275-91-060, filed 11/21/77.]

WAC 275-91-070 Supplemental care. Any inmate may, at his or her own expense, obtain medical or dental care additional to that mandated by the provisions of this chapter: *Provided*, That a doctor or dentist in the department's employ certifies that the proposal for supplemental treatment comports with sound medical or dental practice. The time and place of the performance of the supplemental care are subject to the convenience of the prison's custody staff. [Order 1252, § 275-91-070, filed 11/21/77.]

Chapter 275-92 WAC

ADULT CORRECTIONAL INSTITUTIONS— RELEASE PROGRAMS—WORK TRAINING

WAC

275-92-310	Definitions.
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275-92-405	Provisions of supervision.	275-92-210	Work-training release plan revocation—Minor violation—Disciplinary procedure. [Order 857, § 275-92-210, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.
275-92-410	Limits of confinement.	275-92-215	Work-training release plan revocation—Minor violation—Hearing and decision. [Order 857, § 275-92-215, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.
275-92-415	Sponsor-escort.	275-92-220	Work-training release plan revocation—Minor violation—Appeal. [Order 857, § 275-92-220, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.
275-92-510	Termination of plan.	275-92-225	Work-training release plan revocation—Major violation—Allegation. [Order 857, § 275-92-225, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.
275-92-515	Service of notice of proposed termination.	275-92-230	Work-training release plan revocation—Major violation—Service of notice of allegation. [Order 857, § 275-92-230, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.
275-92-520	Termination hearing—Notice.	275-92-235	Work-training release plan revocation—Major violation—Arrest and detention. [Order 857, § 275-92-235, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.
275-92-525	Facility review committee.	275-92-240	Work-training release plan revocation—Hearing—Notice. [Order 857, § 275-92-240, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.
275-92-530	Termination hearing—Waiver.	275-92-245	Work-training release plan revocation—Hearing—Waiver. [Order 857, § 275-92-245, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.
275-92-535	Termination hearing—Rules of evidence.	275-92-250	Work-training release plan revocation—Hearing—Scheduling. [Order 857, § 275-92-250, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.
275-92-540	Termination hearing—Findings and conclusions.	275-92-255	Work-training release plan revocation—Hearing—Procedures. [Order 857, § 275-92-255, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.
275-92-545	Termination hearing—Disposition.	275-92-260	Work-training release plan revocation—Hearing—Stipulations and admissions of record. [Order 857, § 275-92-260, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.
275-92-550	Termination hearing—Decision.	275-92-265	Work-training release plan revocation—Hearing—Rules of evidence. [Order 857, § 275-92-265, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.
275-92-555	Termination hearing—Appeal.	275-92-270	Work-training release plan revocation—Hearing—Continuances. [Order 857, § 275-92-270, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.
275-92-560	Time limits.	275-92-275	Work-training release plan revocation—Hearing—Findings and conclusions. [Order 857, § 275-92-275, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.
275-92-565	Exceptions.	275-92-280	Work-training release plan revocation—Hearing—Disposition. [Order 857, § 275-92-280, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

275-92-005	Definitions. [Order 857, § 275-92-005, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.	275-92-295	Termination of work-training release. [Order 857, § 275-92-295, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.
275-92-010	Secretary's authority to grant or deny work-training release. [Order 857, § 275-92-010, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.	275-92-300	Exceptions. [Order 857, § 275-92-300, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.
275-92-015	Work-training release—Purpose. [Order 857, § 275-92-015, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.		
275-92-020	Work-training release—Reasons for which given. [Order 857, § 275-92-020, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.		
275-92-025	Work-training release—Application—Who may apply. [Order 1009, § 275-92-025, filed 2/13/75; Order 857, § 275-92-025, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.		
275-92-030	Work-training release—Application—Institution's authority—Limits and conditions. [Order 857, § 275-92-030, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.		
275-92-035	Work-training release—Application—Consideration. [Order 857, § 275-92-035, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.		
275-92-040	Work-training release—Application—Decision. [Order 857, § 275-92-040, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.		
275-92-045	Work-training release—Standard rules. [Order 857, § 275-92-045, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.		
275-92-060	Work-training release—Plan development. [Order 857, § 275-92-060, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.		
275-92-065	Work-training release—Plan restrictions. [Order 857, § 275-92-065, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.		
275-92-070	Work-training release—Plan denial. [Order 857, § 275-92-070, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.		
275-92-075	Work-training release—Plan imposing additional conditions. [Order 857, § 275-92-075, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.		
275-92-080	Transfer to supervised facility. [Order 857, § 275-92-080, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.		
275-92-100	Supervised facility. [Order 857, § 275-92-100, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.		
275-92-105	Supervised facility—Provision of supervision. [Order 857, § 275-92-105, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.		
275-92-110	Supervised facility—Limits of confinement. [Order 857, § 275-92-110, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.		
275-92-115	Supervised facility—Sponsor-escort. [Order 857, § 275-92-115, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.		
275-92-200	Work-training release plan revocation—Noncompliance with rules. [Order 857, § 275-92-200, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.		

WAC 275-92-310 Definitions. (1) "Secretary" is the secretary of the department of social and health services.

(2) "Director" is the director of the adult corrections division, department of social and health services.

(3) "State supervisor, work/training release" is the staff member at headquarters office assigned by the director to administer and supervise the state work/training release program.

(4) "Work/training release facility supervisor" is a staff member assigned by the state supervisor to administer and supervise a specific work/training release facility.

(5) "Work/training release counselor" is a staff member assigned by the work/training release facility supervisor to supervise and counsel a caseload of work/training release residents at a specific work/training release facility.

(6) "Contract staff" is the staff members of an agency under contract to the department of social and health services to provide housing and supervision for work/training release residents.

(7) "Work/training release coordinator" is a staff member assigned by the superintendent of an adult correctional institution to act as liaison between the institution and work/training release facility personnel.

(8) "Work/training release resident" is an inmate of a major adult correctional institution who has been approved and placed in a work/training release plan.

(9) "Sponsor-escort" is a responsible citizen assigned to escort and supervise a resident during official and social activities outside of the work/training release facility.

(10) "Work/training release facility" is an institution or other establishment approved for housing and supervision of work/training release residents during their stay in a work/training release program.

(11) "One working day" is a nine hour day, 8:00 a.m. to 5:00 p.m. excluding weekends and holidays. [Order 1216, § 275-92-310, filed 6/15/77.]

WAC 275-92-315 Secretary's authority to grant or deny. The secretary or his designee may grant or deny work/training release as authorized by chapters 72.65 and 43.20A RCW and subject to the rules of this chapter. [Order 1216, § 275-92-315, filed 6/15/77.]

WAC 275-92-320 Reasons for which given. Work/training release may be authorized for one or more of the following:

- (1) To take full time or part time employment;
- (2) To take vocational training, including attendance at an accredited college.
- (3) To make application to or be interviewed by prospective employers or to enroll in an academic or vocational training program (known as temporary work/training release). [Order 1216, § 275-92-320, filed 6/15/77.]

WAC 275-92-325 Application—Who may apply. (1) A resident may apply for work/training release provided that:

- (a) He has minimum security status;
- (b) His minimum term has been fixed by the board of prison terms and paroles;
- (c) He has less than two years to serve on the minimum term including anticipated good time credits.

(2) Persons convicted of rape in the first degree shall not be eligible for work/training release at any time during the first three years of confinement. [Order 1216, § 275-92-325, filed 6/15/77.]

WAC 275-92-330 Application—Consideration.

(1) The resident shall submit his application for work/training release to his counselor on forms prescribed by the department.

(2) The classification committee shall make its recommendations to the superintendent, giving written documentation of the information which the committee relied on and giving reasons for the recommendation.

(3) Work/training release applications shall be evaluated without regard for color, national origin, or creed. [Order 1216, § 275-92-330, filed 6/15/77.]

WAC 275-92-335 Application—Decision. (1) If the superintendent approves the work/training application, he shall forward copies of the application and plan to the work/training release facility to which the resident requests transfer; and to the state supervisor, work/training release.

(2) If the superintendent disapproves the work/training release application, he shall return the application to the counselor, stating his reasons for denial and set a date when the resident may reapply. [Order 1216, § 275-92-335, filed 6/15/77.]

WAC 275-92-340 Plan—Investigation. (1) Upon receipt of an approved work/training release application and plan from the superintendent, the work/training release facility supervisor or his designee shall complete an investigation.

(2) The work/training release investigation will verify the plan as it pertains to employment, financial resources, training, community reaction, and any other factors which may affect the resident's ability to successfully complete a work/training release program.

(3) The work/training release plan investigation will be forwarded by the work/training release facility supervisor to the state supervisor, work/training release with a recommendation for or against approval of the plan. [Order 1216, § 275-92-340, filed 6/15/77.]

WAC 275-92-345 Plan—Approval or denial. (1) The state supervisor, work/training release, or his designee has the authority to approve or disapprove a plan.

(2) Upon approval of a plan, the state supervisor, work/training release or his designee shall issue a transfer order.

(3) If approved, the resident shall sign and agree under oath, to the standard rules of work/training release. (See WAC 275-92-355)

(4) If the plan is disapproved, the state supervisor, work/training release or his designee shall state the reasons for denial in writing with a copy to the superintendent and resident and will set a date when the resident can reapply. [Order 1216, § 275-92-345, filed 6/15/77.]

WAC 275-92-350 Plan—Restrictions. (1) A resident will not be permitted to travel outside the state.

(2) The work or training site shall be within reasonable commuting distance (in most circumstances not more than 50 miles) of the work/training release facility or institution in which the resident is confined.

(3) If the resident has been placed in a work/training release facility for the purpose of developing a plan (temporary work/training release) and the plan is not secured within ten working days from the date of issuance of transfer orders, the resident may be returned to the institution without prejudice.

(4) The purpose of work/training release is to provide a short adjustment period in a work/training release facility prior to parole. Before a work/training release plan is approved, the staff will have a reasonable expectation that the resident will be paroled in a period of time which will normally not exceed six months. If a parole date is not fixed within six months of placement in a work/training release plan, the state supervisor of work/training release or his designee will review the case on an individual basis and may return the resident to the institution if it appears that the resident will be on work/training release for an extended period of time. [Order 1216, § 275-92-350, filed 6/15/77.]

WAC 275-92-355 Standard rules. In consideration of being granted work/training release, the resident must agree to observe and abide by the following rules:

(1) Continue in the approved work or training release plan until it is officially changed. Any modification of the plan must be authorized in writing by the work/training release counselor.

(2) Comply with local work/training release facility rules, and any special restrictions imposed in writing by the work/training release counselor. The resident may appeal in writing to the state supervisor, work/training release, if the resident considers any of the restrictions to be unwarranted or arbitrary.

(3) Comply with such other restrictions and/or conditions as may be imposed in the original work/training release plan by the state supervisor, work/training release or his designee.

(4) Remain confined to the work/training release facility premises at all times other than the time necessary to implement the plan or when authorized under WAC 275-92-410. Any work/training release resident approved for placement under a work/training release plan who willfully fails to return to the designated place of confinement at the time specified shall be deemed an escapee and fugitive from justice, and upon conviction shall be guilty of a felony and sentenced in accordance with the terms of chapter 9.31 RCW.

(5) Have employment or other resources in order to maintain himself financially.

(6) Not consume, ingest, inject, or possess, nonprescription narcotic or "dangerous" drugs or controlled substances, or alcoholic beverages.

(7) Agree to disburse all earnings in accordance with the approved work/training release plan and report all income to the work/training counselor. All income from any source shall be immediately placed in the resident's

trust fund account by the counselor. A receipt will be issued by the counselor.

(8) Comply with all federal, state, and local laws.

(9) Residents placed on work/training release are ordinarily approved with the understanding that they will be paroled in a reasonable time, normally within six months. If it is not possible to parole the resident within a reasonable period of time, he may be returned to the institution. [Order 1216, § 275-92-355, filed 6/15/77.]

WAC 275-92-400 Supervised facility. A work/training release facility is a place for housing work/training release residents in:

(1) A state adult correctional institution;

(2) A county or city jail which has been approved for use after inspection pursuant to RCW 72.01.420; or

(3) An establishment or home approved for the housing and supervision of residents engaged in a work/training release program which has contracted with the department for the provision of such services. [Order 1216, § 275-92-400, filed 6/15/77.]

WAC 275-92-405 Provisions of supervision. In meeting its responsibilities for the care of residents, a work/training release facility shall provide:

(1) A staff on 24-hour duty and an office within the facility so that the staff can monitor the activities of the residents;

(2) A check-in and check-out system to insure that the whereabouts of the resident is known at all times; including checks on the resident at school and work;

(3) Bed checks or head counts to account for the resident's whereabouts; a minimum of three bed checks shall be required between 12:00 midnight and 8:00 a.m.;

(4) Provide adequately for the resident with respect to sleeping quarters, bathroom facilities and accommodations for cooking, dining, lounging and leisure time activities;

(5) Comply with local zoning ordinances and fire codes;

(6) Be reasonably close to population centers in order to provide access to employment and training opportunities, commercial transportation, social agencies and medical facilities. [Order 1216, § 275-92-405, filed 6/15/77.]

WAC 275-92-410 Limits of confinement. A work/training release resident shall be confined to the facility at all times except:

(1) When interviewing prospective employers or arranging for registration at a training facility;

(2) When working at paid employment or attending a training facility in a vocational or academic program;

(3) If enrolled in an on-campus training program and housed in an on-campus facility, when participating in customary and official on-campus activities or mandatory field trips;

(4) When authorized a point-to-point pass not to exceed two hours excluding travel, for the purpose of transacting personal essential business, between the hours of 8:00 a.m. and 10:00 p.m.;

(5) When authorized to participate in social and recreational activities in company with a sponsor-escort between 8:00 a.m. and 12:00 midnight;

(6) When on furlough. [Order 1216, § 275-92-410, filed 6/15/77.]

WAC 275-92-415 Sponsor-escort. (1) A sponsor-escort shall be a responsible citizen who shall accompany and retain custody of a work/training release resident during a social or recreational activity. The sponsor-escort must be approved by the work/training release counselor; and the sponsor and the resident must sign an agreement with the department which describes his responsibilities.

(2) Persons who are on active felony probation or parole shall not be approved as sponsor-escorts. Persons who have a past felony conviction and who have earned a discharge may be approved as sponsor-escorts on an individual basis by the state supervisor, work/training release. [Order 1216, § 275-92-415, filed 6/15/77.]

WAC 275-92-510 Termination of plan. A work/training release plan may be terminated:

- (1) If requested in writing by the releasee;
- (2) If the contract permits, the contract agency refuses to accept or continue to serve the resident;
- (3) If the plan is discontinued or modified so that it no longer meets agency standards or if the releasee becomes unable to comply with the terms of the plan;
- (4) The resident lacks aptitude for the assignment or is improperly placed; or
- (5) The resident has been unable to adjust or adapt to the conditions of the work/training release facility; or
- (6) The resident has demonstrated through his or her behavior an unwillingness to respond to counseling by staff; or
- (7) The resident's situation and circumstances have significantly changed; or
- (8) The resident has failed to comply with federal or state laws or local ordinances; or
- (9) The resident has failed to comply with standard work/training release rules as enumerated in WAC 275-92-355; or
- (10) The resident has failed to comply with such other written facility rules as are promulgated by the facility supervisor; or
- (11) The resident has failed to comply with such other specific restrictions or behavior expectations which have previously been called to the attention of the resident by the work/training release counselor and are documented in writing. [Order 1216, § 275-92-510, filed 6/15/77.]

WAC 275-92-515 Service of notice of proposed termination. (1) If a work/training release termination is proposed, the work/training release counselor may suspend the work/training release plan and place the resident in custody pending a termination hearing.

(2) The work/training release counselor shall advise the resident in writing of the factual allegations which provide the basis for the proposed termination within one working day after the suspension of the work/training release plan.

(3) The factual allegations may be amended and/or new allegations added at any time prior to the termination hearing, provided that the work/training resident shall have notice of such new and/or amended allegations at least twenty-four hours prior to the termination hearing. [Order 1216, § 275-92-515, filed 6/15/77.]

WAC 275-92-520 Termination hearing—Notice.

A work/training resident served with allegations providing the basis for a proposed work/training release termination shall be notified in writing that a hearing has been set before a review committee. The hearing will be set within five working days of the suspension of the work/training release plan, unless a longer time is approved by the state supervisor or his designee. The written notice of hearing shall be given to the resident at least twenty-four hours before the hearing and advise the resident of his rights, including the following:

(1) The resident shall be present at all stages of the hearing, except during deliberation and during deliberation in appropriate circumstances.

(2) The resident shall present his own case to the review committee. If there is a language or communications barrier, the review committee chairman shall appoint an advisor.

(3) The resident may have an attorney present only when a felony has been alleged. Such representation is limited to advising the resident of his rights to remain silent, and does not include the right to act as an advocate throughout the hearing.

(4) The resident may testify during the hearing or remain silent, and his silence will not be held against him.

(5) The resident may question all witnesses appearing and testifying at the hearing.

(6) Testimony and other evidence introduced shall be relevant to the issues under consideration.

(7) The resident may present witnesses and written statements from persons in his own behalf.

(8) Attendance at the hearing shall be limited to parties directly concerned. The review committee chairman may exclude unauthorized persons.

(9) The review committee shall make an evaluation of the resident's progress, attitudes, need for program modifications, work/training alternatives, or institution programming; and shall make a recommendation to the board of prison terms and paroles regarding good time credits and readiness for parole. [Order 1216, § 275-92-520, filed 6/15/77.]

WAC 275-92-525 Facility review committee. (1)

The review committee shall consist of the facility supervisor or his designee; if the facility is under contract to the department, a member of the contract staff; and may include a voluntary representative of the resident council or resident population. The facility supervisor shall serve as chairman and shall have the authority to make the final decision. The facility supervisor or his designee shall inform the resident, in writing, of the review committee's decision within three working days.

(2) At institutions the classification committee may serve as the facility review committee for work/training release residents housed at the facility; except that the

institution work/training release coordinator will be a member of the committee.

(3) No person making an allegation, involved in the incident, or called as a witness shall be a member of the review committee. Persons called as witnesses must be approved by the review committee chairman and must have information or facts which are relative to the allegations being considered. In the event that an individual is disqualified or disqualifies himself under this rule or for any other reason, a replacement may be designated by the facility supervisor, the state supervisor, or the director. [Order 1216, § 275-92-525, filed 6/15/77.]

WAC 275-92-530 Termination hearing—Waiver.

(1) At any time after having been served with an allegation providing the basis for a proposed termination, the resident may choose to waive his right to a hearing by signing an admission of the allegation and request that the hearing be dispensed with or limited only to questions of disposition.

(2) The resident may admit in writing to part of the allegations and thereby limit the scope of the hearing.

(3) In those cases where the allegation involves misbehavior or other culpability on the part of the resident, he shall be advised in writing that in admitting the violation and waiving the hearing, a report will be submitted to the parole board which may result in the loss of good time credits and/or the extension of the minimum term. [Order 1216, § 275-92-530, filed 6/15/77.]

WAC 275-92-535 Termination hearing—Rules of evidence. (1) All relevant and material evidence is admissible which, in the majority opinion of the review board, is the best evidence reasonably obtainable having due regard for its necessity, availability, and trustworthiness.

(2) All evidence material to the issues raised in the hearing shall be offered into evidence. All evidence forming the basis for the department's decision in a matter shall be offered into evidence.

(3) Every party shall have the right to question witnesses who testify in person and shall have the right to submit rebuttal evidence. This shall not be deemed to prevent the admission and consideration of hearsay evidence.

(4) Documentary evidence, including written statements submitted by interested parties on behalf of the resident, may be received. Such evidence may include copies of documents, excerpts from documents and incorporation of written material by reference, including depositions. [Order 1216, § 275-92-535, filed 6/15/77.]

WAC 275-92-540 Termination hearing—Findings and conclusions. (1) At the conclusion of the hearing, the review committee will make a finding of fact within one working day as to whether or not the allegations made against the resident have been proven by a preponderance of the evidence presented at the hearing.

(2) If the review committee determines that the allegations have not been proven by a preponderance of the evidence presented at the hearing, the resident shall be restored to work/training release status.

(3) If the review committee determines that one or more of the allegations have been proven by a preponderance of the evidence presented at the hearing, the review committee will proceed to a disposition. [Order 1216, § 275-92-540, filed 6/15/77.]

WAC 275-92-545 Termination hearing—Disposition.

(1) The review committee will consider the resident's total background, adjustment on work/training release, attitude, recommendations of interested parties, and any other information relative to the resident's ability to continue in the program. The review committee shall make a determination as to whether or not the resident has earned good time credits towards parole, and whether the matter should be referred to the parole board for possible increase in the resident's minimum term.

(2) The resident shall be present at all stages of the review, except for deliberation and even during deliberation when appropriate, and shall have the opportunity to make argument in his own behalf. [Order 1216, § 275-92-545, filed 6/15/77.]

WAC 275-92-550 Termination hearing—Decision. The review committee may:

(1) Restore the resident to his work/training release status under the same or modified conditions as the original plan; or

(2) Revoke the work/training release plan and return the resident to an institution. The facility supervisor shall notify the resident orally within one working day and confirm the decision in writing within three working days.

(3) The written decision shall specify the evidence upon which the review committee relied and shall include a description of the circumstances surrounding the allegation(s) upon which the termination of work/training release is based, the reasons for the decision, a discussion of the resident's personal culpability in the actions which have led to the termination, and an evaluation of the resident's progress, attitudes, need for further programs including work training alternatives and readiness for parole. [Order 1216, § 275-92-550, filed 6/15/77.]

WAC 275-92-555 Termination hearing—Appeal.

The resident may appeal the decision of the facility review committee to the state supervisor, work/training release. Appeal requests must be in writing, must be specific and based on objection to the procedures used or the information available to the committee in making its decision. Appeals must be submitted within five working days of the committee's oral decision. The state supervisor, work/training release or his designee, upon receipt of an appeal, will review the findings and decision of the review committee and either:

(1) Continue the resident in the existing work/training release plan; or

(2) Continue the resident in a work/training release program with appropriate and specific conditions for expected future behavior or modifications in the resident's plan; or

(3) Terminate work/training release and return the resident to an institution for other programming.

The reviewer's decision will be made promptly, normally not to exceed five working days, and given to the resident and committee chairman in writing. [Order 1216, § 275-92-555, filed 6/15/77.]

WAC 275-92-560 Time limits. The time limits contained in these rules shall not be deemed to be jurisdictional and failure to adhere to a particular time limit shall not be a bar to any procedure or action covered by these rules. [Order 1216, § 275-92-560, filed 6/15/77.]

WAC 275-92-565 Exceptions. The director may authorize exceptions to the criteria listed in WAC 275-92-325, 275-92-345, and 275-92-400 through 275-92-415. [Order 1216, § 275-92-565, filed 6/15/77.]

Chapter 275-93 WAC

ADULT CORRECTIONAL INSTITUTIONS— RELEASE PROGRAMS—FURLOUGH

WAC

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WAC 275-93-005 Furlough of person confined in state correctional institution—Definitions. (1) "Furlough" is an authorized unaccompanied leave of absence for an eligible resident.

(2) "Furlough plan" is a resident's statement in his application of the purpose, place, dates of duration, and sponsor of a single furlough or series of furloughs.

(3) "Furlough sponsor" is an approved adult who has agreed to assume the responsibilities set forth in WAC 275-93-070.

(4) "Emergency furlough" is a specially expedited furlough granted to a resident to enable him to meet an

emergency situation such as the death or critical illness of a member of his family.

(5) "Resident" is a person convicted of a felony and serving a sentence for a term of confinement in a state correctional institution or facility, or a state approved work or training release facility.

(6) "Secretary" is the secretary of the department of social and health services or his designee. [Order 805, § 275-93-005, filed 5/31/73.]

WAC 275-93-010 Furlough of person confined in state correctional institution—Secretary's authority to grant or deny. The secretary may grant or deny a furlough as authorized by chapter 72.66 RCW and subject to the rules in this chapter. [Order 805, § 275-93-010, filed 5/31/73.]

WAC 275-93-020 Furlough of person confined in state correctional institution—Purposes. A furlough may be authorized to enable the resident

(1) to meet an emergency situation, such as critical illness, death, emotional crisis, or similar situation experienced by members of his family;

(2) to obtain medical care not available in a facility maintained by the department;

(3) to seek employment or training opportunities

(a) provided specific job interviews have been arranged for the resident, or

(b) when the resident has been approved for work or training release status but his job or training placement has not been developed or concluded, or

(c) when necessary to prepare a parole plan for a parole hearing scheduled within one hundred and twenty (120) days of the commencement of the furlough,

(4) to make residential plans for parole which require his personal appearance in the community;

(5) to care for business affairs in person when the inability to do so could deplete the assets or resources of the resident so seriously as to affect his family or his future economic security;

(6) to visit his family for the purpose of strengthening or preserving relationships, exercising parental responsibilities, or preventing family division or disintegration;

(7) for any other purpose deemed to be consistent with plans for rehabilitation of the resident. [Order 805, § 275-93-020, filed 5/31/73.]

WAC 275-93-040 Furlough of person confined in state correctional institution—Who may apply. (1)

Any resident may apply for a furlough provided that

(a) he is in or eligible for minimum security classification,

(b) if sentenced to serve a mandatory minimum term a waiver from the board of prison terms and paroles has been secured, or there is only six months left to serve on such mandatory minimum term,

(c) his minimum term has been fixed by the board of prison terms and paroles,

(d) if he has a detainer pending, approval of the detaining agency must be secured. Other jurisdictions may provide approval on a class of applicants, for example,

all those otherwise approved by this state, in lieu of action on individual applications.

(2) A resident must have served a minimum amount of time prior to the commencement of the furlough. He will be considered to have served a minimum amount of time if

(a) the furlough begins not sooner than six months after incarceration at the institution of present confinement. If he has been transferred to the institution for medical care or to participate in an educational or training program, the six-month period may be waived.

(b) he is a resident of an honor camp or work release unit and the time spent in this unit and in prior institutions of confinement totals six months.

(c) he is serving a sentence under twelve months and has served a minimum of ninety days, and the furlough does not begin earlier than six months prior to his expected release or scheduled parole hearing. [Order 805, § 275-93-040, filed 5/31/73.]

WAC 275-93-050 Furlough of person confined in state correctional institution—Conditions imposed. (1) The applicant must agree to abide by all terms and conditions of the approved furlough plan. Any violation may be cause for suspension or revocation of the furlough.

(2) The furlough plan will specify the residence address at which the applicant will reside during the period of furlough and will designate the names and relationships of the persons with whom he will live.

(3) Upon arrival at his destination the furloughed person will, when so required, report to a state probation and parole officer in accordance with instructions given prior to release on furlough. He shall report as frequently as may be required by the state probation and parole officer.

(4) The furloughed person shall abide by all local, state and federal laws, ordinances, and statutes.

(5) With approval of the designated state probation and parole officer, the furloughed person may accept temporary employment during a period of furlough. Earnings may be used to defray the costs of the furlough, including transportation, living expenses, family support, and incidental needs.

(6) Furloughed persons may not leave the state at any time while on furlough.

(7) Other limitations on movement within the state may be imposed as a condition of furlough. Unless it is part of the approved travel plan, travel outside the county to which furlough is granted must be approved by the probation and parole officer in that county.

(8) A furloughed person may not, in any public place, drink intoxicating beverages or be in an intoxicated condition. All public taverns, bars, and cocktail lounges will be considered "off limits" to furloughed persons.

(9) A furloughed person who drives a motor vehicle must

(a) have a valid Washington driver's license in his possession

(b) if unaccompanied by the owner, have the owner's written permission in his possession to drive any vehicle not his own or his spouse's,

(c) have at least minimum personal injury and property damage liability coverage on the vehicle he is driving

(d) observe all traffic laws.

(10) Clothing issued for use during the furlough is to be returned to the institution at the completion of the furlough.

(11) Other conditions of furlough specific to the individual may be imposed.

(12) All conditions of furlough, general and specific, shall be listed on the furlough order, and shall be discussed with the resident by his counsellor before he leaves the institution. The furloughed person shall carry a copy of the furlough order with him at all times while on furlough. A furlough identification card will be issued to the resident prior to departure, and returned at the end of the furlough.

(13) Willful failure to return from a furlough at the time specified in the furlough order constitutes an escape from confinement which is a violation of criminal law. [Order 805, § 275-93-050, filed 5/31/73.]

WAC 275-93-060 Furlough of person confined in state correctional institution—Duration. (1) Furloughs may not exceed thirty days at a given time or a total of sixty days in any twelve-month period. The sixty day total is designed to permit a reasonable pattern of short releases over the course of a year, or an extended period of release for special placement on furlough status in preparation for work release, training release, or parole planning, or a combination of these reasons.

(2) First and second furloughs will ordinarily not exceed five days.

(3) Emergency furloughs will ordinarily be limited to forty-eight hours plus travel time.

(4) Any furlough may be extended by the secretary within the maximum time limits set by this section. [Order 805, § 275-93-060, filed 5/31/73.]

WAC 275-93-070 Furlough of person confined in state correctional institution—Sponsor's responsibilities. A furlough plan must designate a sponsor for the resident while he is on furlough. The sponsor must sign a statement agreeing to

(1) provide the furloughed person with appropriate living quarters for the duration of the furlough,

(2) notify the institution immediately if the furloughed person does not appear as scheduled, departs from the furlough plan at any time, becomes involved in serious difficulty during the furlough, or experiences problems that affect his ability to function appropriately,

(3) assist the furloughed person in other appropriate ways, such as discussing problems, providing transportation to job interviews, etc.,

(4) assure that the furloughed person returns to the institution on time. [Order 805, § 275-93-070, filed 5/31/73.]

WAC 275-93-080 Furlough of person confined in state correctional institution—Criteria for evaluating application. (1) An application for furlough shall be considered with respect to

(a) consistency with the purposes described in WAC 275-44-020, and

- (b) adequacy of the furlough plan, and
- (c) possible risk to the community, and
- (d) findings of a field investigation.

(2) The application shall be evaluated without regard to the race, sex, color, national origin, or creed of the applicant. [Order 805, § 275-93-080, filed 5/31/73.]

WAC 275-93-090 Furlough of person confined in state correctional institution—Application for furlough. (1) An application for furlough must be made on forms prescribed by the secretary, must include a furlough plan, and must be submitted by the resident to his counselor.

(2) An application for furlough, other than an emergency furlough, must be made at least seven weeks prior to the date of the furlough.

(3) Any resident whose furlough application has been rejected may reapply after such period of time has elapsed as was determined by the secretary at the time of rejection, such time period being subject to modification.

(4) A furlough plan shall specify in detail the purpose of the furlough and how it is to be achieved, the address at which the applicant would reside, the names of all persons residing at such address and their relationships to the applicant. [Order 805, § 275-93-090, filed 5/31/73.]

WAC 275-93-100 Furlough of person confined in state correctional institution—Notifying resident of decision on application. (1) The resident and his sponsor shall both be notified promptly of the disposition of his application.

(2) If a furlough is authorized, a copy of the furlough order will be mailed to the sponsor. [Order 805, § 275-93-100, filed 5/31/73.]

WAC 275-93-110 Furlough of person confined in state correctional institution—Escape. The department has the duty, as soon as possible, to notify the state patrol of the escape of a furlougee. [Order 878, § 275-93-110, filed 11/29/73; Order 805, § 275-93-110, filed 5/31/73.]

WAC 275-93-120 Furlough of person confined in state correctional institution—Revocation or suspension. (1) Any employee of the department having knowledge of a furlough infraction shall report the facts to the secretary. Upon verification, the secretary will cause the custody of the furlougee to be regained, and for this purpose may cause a warrant to be issued.

(2) The secretary will determine whether to suspend or revoke the furlough. If the furlough is suspended, the secretary will indicate when and under what circumstances the resident may reapply. [Order 805, § 275-93-120, filed 5/31/73.]

WAC 275-93-130 Furlough of person confined in state correctional institution—Law enforcement officers to be notified. (1) Appropriate law enforcement

agencies will be notified of a planned furlough via the state patrol communications network at least forty-eight hours prior to the beginning of the furlough.

(2) In the event of an emergency furlough, the state patrol will be notified as early as possible but the forty-eight hour requirement will not apply. [Order 805, § 275-93-130, filed 5/31/73.]

WAC 275-93-140 Furlough of person confined in state correctional institution—Exceptions to rules. In emergency situations the secretary may authorize exceptions to the rules in chapter 275-93 WAC provided that no exception may be made to WAC 275-93-040(1)(a), (1)(b) and (1)(d), 275-93-050(6), and 275-93-060(1). [Order 845, § 275-93-140, filed 8/9/73.]

Chapter 275-96 WAC

ADULT CORRECTIONAL INSTITUTIONS— CORRESPONDENCE AND TELEPHONE USAGE

WAC

275-96-005	Definitions.
275-96-010	Communication—Purpose.
275-96-015	Communication—General limitations.
275-96-021	Outgoing mail.
275-96-022	Incoming mail.
275-96-025	Special rules—Incoming publication limitations and controls.
275-96-030	Special rules regarding packages—Limitations and controls.
275-96-045	Handling of mail.
275-96-050	Treatment of cash and checks.
275-96-055	Legal mail.
275-96-060	Stationery and postage.
275-96-065	Use of telephone.
275-96-070	Procedure for disapproval of resident mail.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

275-96-020	Incoming letters—Limitations and controls. [Order 838, § 275-96-020, filed 7/26/73.] Repealed by Order 1087, filed 1/16/76. For later promulgations, see WAC 275-96-022 and WAC 275-96-025.
275-96-035	Outgoing letters—Limitations and controls. [Order 838, § 275-96-035, filed 7/26/73.] Repealed by Order 1087, filed 1/16/76. For later promulgations, see WAC 275-96-021 and WAC 275-96-070.
275-96-040	Outgoing packages—Limitations and controls. [Order 1002, § 275-96-040, filed 1/14/75; Order 838, § 275-96-040, filed 7/26/73.] Repealed by Order 1087, filed 1/16/76. For later promulgation, see WAC 275-96-030.

WAC 275-96-005 Definitions. (1) "Contraband" consists of all illegal items, and other items which a resident of a correctional institution may not have in his possession, as defined in regulations adopted by the superintendent of an institution and approved by the secretary.

(2) "Emergency situations" are critical illnesses, deaths, emotional crises or similar situations experienced by members of the resident's family or the resident.

(3) "Illegal items" are narcotic drugs, alcoholic beverage or any weapon, firearm or any instruments which, if used, could produce serious bodily injury to the person of another (RCW 9.94.040).

(4) "Legal correspondence" consists of letters to or from attorneys, judges, public officials and their authorized representatives in their official capacities.

(5) "Letters" are mail consisting of personal communications and enclosures which are not contraband.

(6) "Mail" consists of letters, publications, or packages delivered by the United States Post Officer or by other means.

(7) "Mail room file" are records kept by the institution of incoming and outgoing mail and packages giving names of addressor and addressee and such actions with respect thereto as are authorized by this chapter.

(8) "Packages" are pieces of mail other than letters or publications.

(9) "Probable cause" consists of facts upon which a reasonable person would conclude that a crime or infraction has been, is being, or is about to be committed.

(10) "Publications" are reproduced written and/or pictorial materials including books, periodicals, newspapers, pamphlets.

(11) "Reception center" means the reception center at the Washington Corrections Center. [Order 838, § 275-96-005, filed 7/26/73.]

WAC 275-96-010 Communication—Purpose.

Communication between residents and persons outside the institution is encouraged for the purpose of retaining constructive community ties, stimulating intellectual pursuits, assisting in the attainment of vocational or educational goals, and facilitating inquiry pertaining to legal concerns. Communication is deemed a right rather than a privilege and can be abridged only when there is reason to believe that the communication would endanger the security or internal order of the institution or would substantially affect the rehabilitation of the resident. [Order 1087, § 275-96-010, filed 1/16/76; Order 838, § 275-96-010, filed 7/26/73.]

WAC 275-96-015 Communication—General limitations.

(1) Established limits on the quantity or weight of incoming or outgoing mail, publications, and packages may not be exceeded, except where provisions of these rules permit. It is understood that there are no established limits on the quantity of letters which may be received or sent by a resident of a correctional facility.

(2) Senders are accountable by law and as hereinafter provided for obscene, harassing, threatening, or criminally-conspiring contents of any communication or package.

(3) Illegal items such as contraband, weapons, explosives, controlled substances or communications relative to an unresolved criminal case shall be held as evidence for law enforcement authorities.

(4) All mail to or from residents is subject to inspection by institution staff but may be disapproved for mailing or receipt only upon the criteria and subject to the limitations set forth in these rules. No person who inspects or participates in the inspection of correspondence shall disclose the contents of such correspondence to any person unless it appears that such correspondence violates these rules, in which case disclosure shall be only in the course of his duties. [Order 1087, § 275-96-

015, filed 1/16/76; Order 838, § 275-96-015, filed 7/26/73.]

WAC 275-96-021 Outgoing mail. Outgoing mail from residents of institutions may be disapproved for mailing only if the content falls as a whole or in significant part into any one of the following categories:

(1) The mail contains threats of physical harm against any persons or threats of criminal activity.

(2) The mail threatens blackmail or extortion.

(3) The mail concerns sending contraband in or out of the institution.

(4) The mail concerns plans to escape.

(5) The mail concerns plans for activities in violation of institution rules.

(6) The mail concerns plans for criminal activity.

(7) The mail is in code and its contents are not understood by the reader.

(8) Unless a resident has received the prior permission of the superintendent to do so, the mail solicits goods or money from other than the immediate family of the resident: *Provided*, That this category shall not be construed to preclude the purchase of noncontraband goods where payment for such goods accompanies the purchase order.

(9) The mail contains information which, if communicated, would create a clear and present danger of violence and physical harm to a human being.

(10) The mail is addressed to a minor whose parents or guardian have objected to such correspondence; an individual who has previously been sent lewd or threatening material by the resident and who has complained or asked that such mail not be received. [Order 1087, § 275-96-021, filed 1/16/76. Formerly WAC 275-96-035 (part).]

WAC 275-96-022 Incoming mail. Incoming mail to residents may be disapproved for receipt only:

(1) For the reasons set forth in WAC 275-96-021.

(2) It is from a resident of a correctional facility including intra-facility mail unless the resident has received the prior approval of the superintendent or his designee to receive such mail.

(3) No mail may be rejected solely upon the basis that it contains criticism of the institution or its personnel. [Order 1087, § 276-96-022, filed 1/16/76. Formerly WAC 275-96-020 (part).]

WAC 275-96-025 Special rules—Incoming publication limitations and controls.

(1) No restriction shall be placed on the number of publications a resident may receive if mailed directly by the publisher or dealer, provided the resident has adequate storage facilities for such publications.

(2) Publications may be disapproved which contain instructions on the manufacture of homemade weapons, bombs, or explosives; escape material; hard core pornography; or the brewing of alcoholic beverages. For the purposes of this subparagraph, the term "hard core pornography" shall not be deemed to include books, pamphlets or magazines which can be purchased in a

typical pharmacy, quick-service store, or news stand located in the community nearest to the institution. Rather, the term is meant to include only those items which are generally able to be purchased at stores specializing in erotic materials.

(3) A resident is responsible for arranging changes of address for publications which he receives.

(4) Publications may be inspected to insure that they conform to the requirements of this section. [Order 1087, § 275-96-025, filed 1/16/76; Order 838, § 275-96-025, filed 7/26/73. Formerly WAC 275-96-020 (part).]

WAC 275-96-030 Special rules regarding packages—Limitations and controls. (1) The resident shall decide who shall be allowed to send packages to him.

(2) A resident may receive one gift package, not to exceed fifteen pounds in weight, during each of the following calendar periods: December-January-February; March-April-May; June-July-August; and September-October-November.

(3) The superintendent may allow additional gift packages at his discretion provided that the additional allowance will be applicable to all residents of the institution.

(4) Packages containing materials purchased by mail order by a resident may be admitted subject to limitations in WAC 275-96-021, WAC 275-96-025, and this section.

(5) Packages may be admitted only if the contents conform to rules governing admissible items adopted by the superintendent of each institution and approved by the secretary. These rules shall be disseminated within the institution and copies shall be made available to residents who may wish to send them to their correspondents.

(6) Incoming packages shall be inspected. Contraband that is not illegal shall be returned collect on delivery to the sender, and the resident shall be notified in writing of the items thus returned.

(7) Reception center residents may not receive packages.

(8) Prepaid merchandise ordered by the resident from any wholesaler or retailer shall not be considered one of the four gift packages in WAC 275-96-030(2).

(9) A resident may mail packages containing materials which have been sent to him in the institution, or gifts consisting of his own hobby, craft or curio work. Such gifts must be made and mailed at his own expense. [Order 1087, § 275-96-030, filed 1/16/76; Order 838, § 275-96-030, filed 7/26/73. Formerly WAC 275-96-040.]

WAC 275-96-045 Handling of mail. (1) A resident's mail, whether incoming or outgoing, shall be handled with all possible dispatch.

(2) A resident shall be notified in writing whenever any material is removed from his mail. [Order 838, § 275-96-045, filed 7/26/73.]

WAC 275-96-050 Treatment of cash and checks. (1) Cash and personal checks shall not be accepted and shall be returned to the sender.

(2) Postal money orders and cashier's checks shall be removed from the envelope and replaced with a receipt. Upon endorsement by the resident, the proceeds shall be placed in his account. [Order 838, § 275-96-050, filed 7/26/73.]

WAC 275-96-055 Legal mail. Outgoing mail addressed to a member of the Washington State Bar; a paraprofessional who has a bona fide association with a member of the Washington State Bar or a legal service agency; or a public official shall not be opened and inspected. Legal mail may be opened and inspected for contraband in the presence of the resident only. [Order 1087, § 275-96-055, filed 1/16/76; Order 838, § 275-96-055, filed 7/26/73.]

WAC 275-96-060 Stationery and postage. (1) The institution shall provide free writing paper and envelopes.

(2) The institution shall pay postage on all outgoing legal correspondence, and on a maximum of three pieces of first-class domestic mail weight in one ounce or less per week. Postage on additional outgoing mail shall be paid by the resident.

(3) Postage on outgoing mail from resident groups and persons on work release shall be provided by the sender.

(4) The institution shall make available postage stamps for purchase. [Order 838, § 275-96-060, filed 7/26/73.]

WAC 275-96-065 Use of telephone. (1) Telephone facilities shall be provided in appropriate numbers and locations to permit reasonable and equitable access to all residents, except residents of the reception center and those residents in disciplinary segregation.

(2) The superintendent shall promulgate written regulations providing for access of residents to additional telephone facilities in emergency situations.

(3) Privacy shall be insured by reasonable isolation or soundproofing of telephone facilities. Telephone calls shall not be monitored, recorded, or spot-checked except by court order.

(4) The superintendent shall promulgate written regulations outlining the hours of telephone availability, maximum length of calls (not to be less than five minutes) and any limitations on telephone use.

(5) Calls shall be placed collect unless it is a local call.

(6) The superintendent shall maintain a log of all outgoing calls by residents.

(7) Reasons for calls shall be the personal concern of the resident, except in consideration of requests for emergency calls beyond normal telephone availability.

(8) Denial of telephone privileges shall not be used as a sanction against the abuse of unrelated institution rules and regulations. [Order 838, § 275-96-065, filed 7/26/73.]

WAC 275-96-070 Procedure for disapproval of resident mail. (1) When a resident is prohibited from sending a letter, a copy of the letter and a written and signed notice stating one of the authorized reasons for disapproval indicating the portion or portions of the mail causing disapproval will be given the resident.

(2) When a resident is prohibited from receiving mail, the mail and a written and signed notice stating one of the authorized reasons for disapproval and indicating the portion or portions of the mail causing disapproval will be given to the sender. The resident will be given notice in writing that the mail has been rejected, indicating one of the authorized reasons and the sender's name.

(3) If either incoming or outgoing mail contains illegal material, the material may be confiscated and held for the appropriate law enforcement authorities, or destroyed.

(4) Mail which violates the provisions of these rules shall be forwarded to the director of the division of corrections who, unless he determines that the transmittal should have been permitted, shall place the mail in a separate file in his office to be destroyed after the expiration of two years. If the director of the division of corrections or his designee determines that the mail should have been transmitted, he shall, within seven days, forward the mail to the addressee.

(5) Any resident who feels aggrieved by the denial of either the sending or receipt of mail may appeal such decision by a hearing in accordance with the procedure outlined in WAC 275-88-055. [Order 1087, § 275-96-070, filed 1/16/76. Formerly WAC 275-96-035 (part).]

(6) "Probationer" is a person under jurisdiction of an out-of-state superior, circuit or district court who is being supervised under the compact.

(7) "Parolee" is a person under jurisdiction of an out-of-state paroling authority who is being supervised under the interstate compact.

(8) "Parole officer" is a state probation and parole officer employed by the department of social and health services.

(9) "Supervising parole officer" is a parole officer assigned to supervise a probationer or parolee as required by the interstate compact and to act in regard to all matters connected with hearings conducted pursuant to these rules.

(10) "Violations specified" are charges and/or allegations made against probationer or parolee by a parole officer in regard to violation of law or failure to comply with the general conditions of probation or parole or special instructions and conditions as set forth by the court of jurisdiction or the paroling authority.

(11) "Preliminary hearing" is a hearing conducted in accordance with RCW 9.95B.010 through 9.95B.900.

(12) "Hearing officer" is a person authorized by the compact administrator to hear cases involving alleged violations of conditions of parole or probation. Neither the person making the allegations of violation or his direct supervisor shall act as hearing officer. [Order 1011, § 275-102-475, filed 2/28/75.]

WAC 275-102-480 Detained or arrested probationer or parolee—Right to preliminary hearing. (1) A probationer or parolee being supervised for another state under the interstate compact if detained or arrested within the state of Washington shall have the right as provided in chapter 9.95B RCW, to a preliminary hearing to determine whether there is probable cause to believe a condition or conditions of probation or parole have been violated and whether there is reason to believe the violations alleged are of such nature that a revocation of probation or parole should be considered by the sending state.

(2) The detained or arrested probationer or parolee may waive his right to such hearing in writing. [Order 1011, § 275-102-480, filed 2/28/75.]

WAC 275-102-485 Preliminary hearing—Preparation. (1) When a probationer or parolee being supervised in the state of Washington under the compact is detained by a parole officer, the parole officer shall immediately give verbal and written notice to such probationer or parolee of his right to a preliminary hearing and shall further notify the probationer or parolee of all rights guaranteed him by the rules in this chapter.

(2) Immediately following the detention of a probationer or parolee, the parole officer shall notify the deputy compact administrator of the detention. Arrangements shall promptly be made for the date, time and place for a hearing so that the hearing may be held within ten days from the date the probationer or parolee is detained by the parole officer.

(3) As soon as possible following detention of a probationer or parolee, the parole officer shall prepare

**Chapter 275-102 WAC
ADULT PROBATION AND PAROLE—
INTERSTATE COMPACT**

WAC

275-102-475	Definitions.
275-102-480	Detained or arrested probationer or parolee—Right to preliminary hearing.
275-102-485	Preliminary hearing—Preparation.
275-102-490	Preliminary hearing—Conduct.
275-102-495	Preliminary hearing—Disposition of decision.

WAC 275-102-475 Definitions. (1) "Compact" is the interstate compact for supervision of probationers and parolees as codified in RCW 9.95.270.

(2) "Compact administrator" is the person appointed by the governor of the state of Washington to be responsible for the administration of the interstate compact for the supervision of adult probationers and parolees.

(3) "Deputy compact administrator" is a person appointed by the compact administrator and delegated responsibility for the administration of the interstate compact.

(4) "Sending state" is the state in which the individual was granted probation or parole and in which the jurisdiction of the case is retained.

(5) "Receiving state" is the state providing supervision of the parolee or probationer under the interstate compact.

charges or the violations specified and provide the probationer or parolee with a copy of said charges and also notify him of the date, time and place set for the hearing. Upon serving the probationer or parolee with the violations specified, the parole officer shall determine whether the probationer or parolee wishes to waive his right to a hearing.

(4) Prior to the hearing, the parole officer shall send to the appropriate deputy compact administrator the signed hearing waiver (if appropriate), the notice of arrest and violations specified and the violation report.

(5) A detained or arrested probationer or parolee shall have the right to consult with any person whose assistance he reasonable desires prior to the hearing. [Order 1011, § 275-102-485, filed 2/28/75.]

WAC 275-102-490 Preliminary hearing—Conduct. (1) The hearing shall be conducted by a hearing officer as defined in WAC 275-102-475(12).

(2) The hearing shall be closed to the public.

(3) The proceedings at the hearing shall be recorded.

(4) The hearing officer shall explain the purpose of the hearing, have the specified charges read aloud, and verify that the procedures specified in WAC 275-102-485 have been followed.

(5) A supervising parole officer shall be present at the hearing, submit the written report of the alleged violations in evidence and testify as to the violations.

(6) Any person may give testimony relevant to the alleged violation or violations, introduce evidence including affidavits, and question other persons subject to the limitations in subsection (7).

(7) The detained or arrested probationer or parolee shall have the right to confront and examine any person who may have made allegations or given evidence against him unless the hearing officer determines that such a confrontation would present a substantial present or subsequent danger of harm to such person. In such instance a written general summary or the evidence, without disclosure of the identity of the witness, shall be provided to the probationer or parolee at the hearing. He shall have the opportunity to submit evidence relevant to or controverting any information contained in the summary.

(8) The hearing may be recessed for time sufficient for the hearing officer to consider the evidence and reach a decision on the issue of probable cause.

(9) The hearing officer shall render this decision on the probable cause based solely on the evidence presented at the hearing.

(10) If probable cause is found the hearing officer may receive additional evidence and argument relevant to recommendations. [Order 1011, § 275-102-490, filed 2/28/75.]

WAC 275-102-495 Preliminary hearing—Disposition of decision. (1) The hearing officer shall submit a written summary and digest of the hearing to the deputy compact administrator which may include recommendations and reasons therefore.

(2) The deputy compact administrator shall submit the summary and digest to the sending state which may include his recommendations.

(3) If the decision is that there is probable cause to believe that the parolee or probationer has committed a violation or violations of a condition or conditions of parole or probation and it appears that retaking or reincarceration by the sending state is likely to follow, the probationer or parolee may be detained by the deputy compact administrator to allow such time as may be necessary to complete the arrangements for his return to the sending state.

(4) Should it be the decision of the sending state to return this probationer or parolee, the deputy compact administrator will assist in arranging for his return to the sending state.

(5) The record of the hearing shall be retained for not less than 180 days. [Order 1011, § 275-102-495, filed 2/28/75.]

Chapter 275-120 WAC

WASHINGTON SOLDIERS' HOME AND COLONY—WASHINGTON VETERANS' HOME

WAC

275-120-010	Definitions.
275-120-015	Application for membership.
275-120-020	Conditions of eligibility for admission.
275-120-025	Eligibility—State residency.
275-120-030	Eligibility—Military service.
275-120-035	Eligibility—Transfer of property.
275-120-040	Eligibility—Property resources.
275-120-045	Eligibility—Indigency as inability to earn support.
275-120-050	Eligibility—Income.
275-120-055	Eligibility—Surviving spouse of veteran.
275-120-060	Eligibility—Married couple.
275-120-065	Use of income by member.
275-120-070	Veterans home or soldiers home revolving fund.
275-120-075	Aid and attendance account.
275-120-080	Members' rights and responsibilities—Notification.
275-120-085	Supplementary rules—Promulgation.
275-120-090	Supplementary policies and procedures.
275-120-095	Violation—Investigation.
275-120-100	Penalties.
275-120-105	Fair hearing.
275-120-110	Furlough.
275-120-115	Discharge.
275-120-120	Discharge—Honorable.
275-120-125	Discharge—Disciplinary.
275-120-130	Transfer.
275-120-135	Readmission.
275-120-140	Burial.
275-120-145	Population level.
275-120-150	Administrative appeal.

WAC 275-120-010 Definitions. (1) Aid and attendance fund – Aid and attendance funds are

(a) Those received by members from the veterans administration for the benefit of members for aid and attendance, and

(b) Funds administered in accordance with WAC 275-120-065 through 275-120-075.

(2) Allowable Income – That income not in excess of \$160.00 per month which a member may keep for his or her personal use except as delineated in WAC 275-120-065 and 275-120-075.

(3) Department – The department of social and health services.

(4) Member – An individual admitted to the Washington soldiers' home, the Washington soldiers' home colony or the Washington veterans' home.

(5) Secretary – The secretary of the department of social and health services or his designee.

(6) Superintendent – The superintendent of the Washington soldiers' home and colony and/or the superintendent of the Washington veterans' home.

(7) Supplementary rules – Rules published under the authority of the superintendents and pertaining to the personal conduct of members as provided by WAC 275-120-085.

(8) Supplementary policies and procedures – Policies and procedures published under authority of the superintendents which significantly affect the members.

(9) Veterans and soldiers home revolving funds – The repository for income in excess of allowable income which shall include an aid and attendance account.

(10) Administrative appeal – The request for reversal or modification of an administrative decision. [Order 1065, § 275-120-010, filed 11/10/75.]

WAC 275-120-015 Application for membership. (1) An application for admission to membership shall be made to the superintendent on forms prescribed by the secretary.

(2) An applicant shall either submit a copy of his or her military discharge or other acceptable proof of qualifying military service with the application, or present a copy at the time of admission. An individual whose eligibility is based on the military service of a spouse shall provide proof of the spouse's service.

(3) The superintendent shall review the application and the supporting evidence and make a recommendation to the secretary that the application be approved or disapproved. After decision is made, the superintendent shall notify the applicant in writing of the decision. The superintendent may reject an application when the applicant fails to meet eligibility requirements for admission.

(4) An applicant shall not be admitted without approval by the secretary.

(5) Subject to the availability of the appropriate level of care required, individuals shall be admitted in the order in which their applications are approved. [Order 1065, § 275-120-015, filed 11/10/75.]

WAC 275-120-020 Conditions of eligibility for admission. An applicant shall be eligible for admission only if he meets the requirements of chapter 72.36 RCW and the rules of WAC 275-120-025 through 275-120-060. [Order 1065, § 275-120-020, filed 11/10/75.]

WAC 275-120-025 Eligibility—State residency. An applicant shall be a bona fide resident of the state of Washington at the time of application. [Order 1065, § 275-120-025, filed 11/10/75.]

WAC 275-120-030 Eligibility—Military service. (1) An applicant must have served

(a) in the armed forces of the United States government in any of its wars and have received an honorable discharge, or

(b) as a member of the state militia (Washington national guard), and have been disabled in line of duty without regard to war-time service, and have received an honorable discharge.

(2) The inclusive dates referred to in subdivision (1)(a) are

(a) Civil War – April 12, 1861 to May 26, 1865,

(b) Spanish-American War – April 21, 1898 to August 12, 1898,

(c) Philippine Insurrection – August 13, 1898 to July 4, 1902, or August 13, 1898 to July 15, 1903, if in Moro Province,

(d) Boxer Rebellion – June 20, 1900 to June 12, 1901,

(e) World War I – April 6, 1917 to November 11, 1918, or April 6, 1917 to April 1, 1920, if in Russia,

(f) World War II – December 7, 1941 to September 2, 1945,

(g) Korean War – June 27, 1950 to January 31, 1955,

(h) Viet Nam – August 5, 1964 to May 7, 1975. [Order 1065, § 275-120-030, filed 11/10/75.]

WAC 275-120-035 Eligibility—Transfer of property. Transfer or assignment by an applicant of real or personal property within a year of the date of application shall create the presumption that such assignment or transfer was for the purpose of rendering himself eligible with respect to the limitations of property resources in WAC 275-120-040. The burden of disproving such intent shall be upon the applicant. [Order 1065, § 275-120-035, filed 11/10/75.]

WAC 275-120-040 Eligibility—Property resources. (1) To be eligible for membership an applicant may not possess cash or its equivalent, or equity in real or personal property with a total value in excess of \$1500 except as provided in subsections (2) through (4).

(2) Upon recommendation of the superintendent the secretary may authorize an exception to the limit in subsection (1).

(3) An applicant for membership in the colony of the state soldiers' home may not own real property in excess of \$1000 except property within the Orting School district which is a single family dwelling occupied by the applicant(s).

(4) An applicant for membership in either home may own real property in excess of \$1500 provided such property is a single family dwelling occupied by the spouse and/or dependent children of the applicant(s). [Order 1065, § 275-120-040, filed 11/10/75.]

WAC 275-120-045 Eligibility—Indigency as inability to earn support. To be eligible for admission an applicant must provide evidence of inability to support himself or herself. [Order 1065, § 275-120-045, filed 11/10/75.]

WAC 275-120-050 Eligibility—Income. An applicant with income in excess of that required to purchase the type of care he or she requires shall not be eligible for membership unless

(1) the secretary, upon recommendation of the superintendent, has authorized an exception and

(2) the applicant agrees to use his income in excess of allowable income as provided in WAC 275-120-065. [Order 1065, § 275-120-050, filed 11/10/75.]

WAC 275-120-055 Eligibility—Surviving spouse of veteran. The surviving spouse of a veteran may be admitted to membership provided

(1) the veteran was a member at the time of death or would have been eligible for membership except for his income or resources; and

(2) the spouse

(a) is at least fifty years of age, and

(b) is unable to support himself or herself, and

(c) has not remarried a person who is not a member or eligible for membership. [Order 1065, § 275-120-055, filed 11/10/75.]

WAC 275-120-060 Eligibility—Married couple. A married couple may be admitted to membership if

(1) living together as man and wife, and

(2) married at least three years prior to application or if the veteran married a person who is a member or eligible for membership. [Order 1065, § 275-120-060, filed 11/10/75.]

WAC 275-120-065 Use of income by member. (1) A member with income, specifically paid to him by the veterans administration for aid and attendance or household allowance, shall pay that amount into the aid and attendance account of the revolving fund.

(2) A member who receives nursing care, but does not receive a specific allowance from the veterans administration for aid and attendance, shall contribute an amount to the aid and attendance account equivalent to the amount of aid and attendance allowance he/she would receive if entitled.

(3) Members shall contribute all income in excess of allowable income to the veterans home or soldiers home revolving fund except as outlined in subsection (1) or (2) except that such amount shall not exceed the total cost of care of the member. The superintendent may make exceptions for individuals on furlough who are attempting to reestablish residency within the community.

(4) A member may contribute toward the support of a non-resident spouse, dependent children or dependent parent an amount approved by the superintendent based on an itemized statement of the requirements of such relative(s). The needs of the dependents will take precedence over any requirement that the individual relinquish funds to the home.

(5) The provisions of this section do not apply to members of the soldiers' home colony.

(6) Individuals who are normally in receipt of aid and attendance allowance from the veterans administration and whose benefits have been discontinued as a result of their estate having exceeded the maximum authorized

by the veterans administration, shall continue, during the period in which benefits are discontinued, pay from the estate the normal monthly amount of aid and attendance allowance to the aid and attendance account. [Order 1065, § 275-120-065, filed 11/10/75.]

WAC 275-120-070 Veterans home or soldiers home revolving fund. (1) The superintendent shall deposit income in excess of allowable income in a revolving fund.

(2) Disbursement from the revolving fund shall be for the welfare and benefit of the members.

(3) Disbursement from the revolving fund shall be on authorization of the superintendent or his duly authorized representative after approval has been received from a duly constituted body, representative of the members.

(4) A budget shall be prepared for each fiscal year by the superintendent or his duly authorized representative which shall delineate income by sources and allocations by category, which budget shall be approved by duly constituted body representative of the members.

(5) A quarterly report of the revolving fund activity shall be available for public inspection. [Order 1065, § 275-120-070, filed 11/10/75.]

WAC 275-120-075 Aid and attendance account.

The superintendent shall establish an aid and attendance account within the revolving fund. Expenditures from this account may be made exclusively in connection with provision of direct care services to the members. [Order 1065, § 275-120-075, filed 11/10/75.]

WAC 275-120-080 Members' rights and responsibilities—Notification. (1) Each member shall be advised in writing of the following supplementary rules

(a) his rights and responsibilities,

(b) acts prohibited in the institution,

(c) disciplinary action which may be taken in the event of misconduct

(2) Each member shall be provided with a copy of the rules in this chapter and of any supplementary rules adopted pursuant to WAC 275-120-085. Copies of all rules shall be conspicuously posted in the home. [Order 1065, § 275-120-080, filed 11/10/75.]

WAC 275-120-085 Supplementary rules—Promulgation. The superintendent of each home shall promulgate supplementary rules not inconsistent with the substance and intent of the rules in this chapter provided such supplementary rules have been approved in writing by the secretary or his designee before being put into effect. Further, rules relating to the personal conduct of the members shall have approval of a duly constituted body representative of the members. [Order 1065, § 275-120-085, filed 11/10/75.]

WAC 275-120-090 Supplementary policies and procedures. The superintendent of each home shall establish supplementary policies and procedures not inconsistent with the substance and intent of the rules in this chapter and in conformance with existing federal and state statutes and standards. Representation of a duly constituted body, representative of the members, shall be afforded

the opportunity for input into such supplementary policies and procedures. The department will give due and proper consideration to such input. Opportunity will be given for significant input into the budget process. [Order 1065, § 275-120-090, filed 11/10/75.]

WAC 275-120-095 Violation—Investigation. Reports of possible violation of supplementary rules shall be investigated by the superintendent or his designee. The superintendent charging a violation of the rules by a member shall have the burden of establishing the violation by clear, cogent and convincing evidence. [Order 1065, § 275-120-095, filed 11/10/75.]

WAC 275-120-100 Penalties. The superintendent may impose penalties for the violation of supplementary rules; such penalties may include

- (1) Restricting the member to the home grounds for a maximum of 30 days, or
- (2) An enforced furlough to a maximum of 60 days, or
- (3) Discharge from the home. [Order 1065, § 275-120-100, filed 11/10/75.]

WAC 275-120-105 Fair hearing. (1) Any member dissatisfied with the determination of violation by the superintendent, or the penalty imposed, if any, as a result of this chapter, may request a fair hearing from the superintendent or the secretary. A member who desires a fair hearing shall request such hearing within thirty days after receiving notice from the superintendent as to his determination of violation and penalty, if any.

(2) A request for fair hearing may be made either verbally or in writing and may be filed in the office of the superintendent or the secretary. If made verbally, such a request shall promptly be reduced to writing.

(3) All requests for fair hearings shall:

- (a) Specify the date of the penalty which is being appealed from,
- (b) Specify as precisely as possible the issue to be adjudicated at the fair hearing,
- (c) Set forth the address of the member, his representative or his attorney, and
- (d) Be signed by the member, his representative or his attorney.

(4) At any time after the filing of the request, the member shall have the right of access to and may examine any files and records of the home regarding his case which contain information which is relevant and material to his grievance. This right of access and examination shall extend to the member's representative or attorney if so authorized in writing by the member. All evidence to be used by the home or colony at the hearing, as well as the case file of the applicant, must be made available upon request at least five days prior to the date of the hearing.

(5) A fair hearing in accordance with the provisions of chapter 388-08 WAC shall be held within thirty days after receipt of the request and shall be held either in the home or colony in which the client resides, or in the county in which he has been receiving services. The fair

hearing shall be conducted by a hearing officer appointed by the secretary for such purposes.

(6) The department shall notify a member who has requested a fair hearing of the time and place of said hearing at least ten days prior to the time thereof by registered mail or by personal service upon said member, unless agreed otherwise in writing by the member and the department.

(7) In the fair hearing any party shall be entitled to be represented by counsel and shall be entitled to introduce evidence and to cross-examine witnesses.

(8) Rules of evidence:

(a) All relevant and material evidence is admissible at fair hearings which in the opinion of the hearing officer is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence the officer conducting the hearing shall give consideration to, but shall not be bound to follow, rules of evidence governing civil proceedings.

(b) When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The hearing officer may, at his discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise ground of objection at the time evidence is offered.

(c) The record of the hearing shall contain all evidence, whether oral or documentary, upon which the final decision is based. The final decision shall not take into consideration any evidence or information not introduced as evidence at the hearing and included in the record of the hearing.

(d) Documentary evidence may be received in the form of copies and excerpts or through incorporation by reference.

(9) The department shall not be required to pay fees or mileage to witnesses appearing at fair hearings.

(10) The department or the hearing officer may take, or cause to be taken, depositions and interrogatories for use as evidence in the fair hearing when such action will expedite any fair hearing.

(11) Any party who desires a continuance shall immediately upon receipt of a notice of hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the department or its designated hearing officer of said desire, stating in detail the reasons why such continuance is necessary. The department or its hearing officer, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. The department or its hearing officer may grant a continuance for good cause shown, and may at any time order a continuance upon its own motion. If during the hearing it appears that further testimony or argument should be received in the interest of justice, the hearing officer conducting the hearing may, at his discretion, continue the hearing and fix the date for introduction of additional evidence or presentation of argument.

(12) A member shall have the right to withdraw his appeal at any time prior to the hearing officer's decision

by filing a written notice of withdrawal with the department. If, after being duly notified of a hearing a member or his representative fails to appear, the appeal shall be considered abandoned and dismissed for failure to prosecute.

(13) The fair hearing shall be closed to the public, with only the hearing officer, the member and his representative, the member's witnesses, and the department's representatives and witnesses in attendance, unless the client has made a written request to the department that the hearing be open to the public.

(14) In any fair hearing proceedings, the hearing officer may at his discretion direct the parties or their representatives to appear at a specified time and place for a conference to consider a simplification of the issues involved, the possibility of obtaining stipulations, admissions of fact, and relevant documents, and such other matters as may aid in efficient disposition of the proceedings.

(15) In the absence of controverting evidence, the hearing officer may, upon request made during a fair hearing officially notice:

(a) General customs and practices followed in the transaction of business,

(b) Facts generally and widely known to all informed persons as are not subject to reasonable dispute,

(c) The disposition of any proceedings then pending before or previously concluded by the department,

(d) Matters within the technical knowledge of the department as a body of experts, or pertaining to its duties, responsibilities, or jurisdiction.

(16) The department shall, within thirty days after the date of the fair hearing, notify the member in writing of its decision. Such notification shall include a concise statement of the nature of the proceedings, contain appropriate findings of fact and conclusions of law, and specify in reasonable detail the reasons for the decision.

(17) In computing any period of time prescribed or allowed by department rules or by applicable statutes, the date of the act, event or decision after which the designated period of time begins to run is not included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday. [Order 1065, § 275-120-105, filed 11/10/75.]

WAC 275-120-110 Furlough. (1) Furlough time will be earned by the member at the rate of two days per month of residence.

(2) The superintendent may grant a furlough

(a) at the request of the member. The furlough may not exceed thirty days at one time except in case of emergency or extenuating circumstances. If the furlough exceeds thirty days the member may not return to the home until appropriate facilities are available for his care.

(b) as a disciplinary measure as provided in WAC 275-120-100.

(3) Authorized absences of 96 hours or less shall not be considered furloughs. [Order 1065, § 275-120-110, filed 11/10/75.]

WAC 275-120-115 Discharge. A member may be discharged from the home by the superintendent. The discharge shall be reduced to writing. If the discharge is disciplinary, it shall state the reasons for the action. [Order 1065, § 275-120-115, filed 11/10/75.]

WAC 275-120-120 Discharge—Honorable. A member may be honorably discharged by the superintendent

(1) at his request provided his conduct has been meritorious, or

(2) when the superintendent has determined that he has sufficient ability and means to support himself. Members whose assets are equivalent to the cost of their care for one year will be considered eligible for discharge under this subsection. When this situation arises, the superintendent will forward information concerning the assets and needs of the member to the secretary for review prior to taking discharge action under this authority. An individual, if he desires to continue his/her membership, must relinquish accumulated assets in excess of the equivalent to cost of care for one year to the revolving fund. [Order 1065, § 275-120-120, filed 11/10/75.]

WAC 275-120-125 Discharge—Disciplinary. A member may be given a disciplinary discharge by the superintendent when he

(1) has been "absent without leave" for a period in excess of 15 days, or

(2) is in violation of the rules in this chapter or of any rule of conduct as provided by WAC 275-120-085. [Order 1065, § 275-120-125, filed 11/10/75.]

WAC 275-120-130 Transfer. A member may apply for transfer to either home or to the colony. Transfer shall be authorized upon recommendation of the appropriate superintendent(s) and approval of the secretary. [Order 1065, § 275-120-130, filed 11/10/75.]

WAC 275-120-135 Readmission. A former member who requested voluntary discharge may not apply for membership until three months after discharge. A former member who was discharged for cause may not apply for membership until twelve months after discharge. The secretary may approve an exception based on the recommendation of the superintendent. [Order 1065, § 275-120-135, filed 11/10/75.]

WAC 275-120-140 Burial. The superintendent may authorize burial in cemeteries located on the grounds for

(1) a deceased member for whom relatives have not made other arrangements, or

(2) the surviving spouse of a member decedent in the colony when the deceased person was buried in the home cemetery, unless the surviving spouse shall have remarried. [Order 1065, § 275-120-140, filed 11/10/75.]

WAC 275-120-145 Population level. The superintendent shall keep the membership of the home as close to full capacity as possible provided such population approximates the population for which budgeted by the

legislature. The superintendent may not assign members a level of care inconsistent with the needs of the individual. [Order 1065, § 275-120-145, filed 11/10/75.]

WAC 275-120-150 Administrative appeal. The duly constituted body representative of the members may appeal to the superintendent or the secretary in respect to any administrative decision significantly affecting the members, if alleged to be detrimental to the members' welfare, provided such body votes the request for appeal by a vote of two-thirds of all the body's members. [Order 1065, § 275-120-150, filed 11/10/75.]

(b) This committee shall serve as the decision making body on all cases referred from the treatment team for trial visits.

(c) This committee shall establish and maintain procedures for preparing information needed by the local office to determine eligibility for public assistance.

(d) This committee will have the responsibility of planning for all extensions of trial visits and shall notify the local office at least five working days prior to the extension date. [Order 874, § 275-216-020, filed 11/16/73.]

Chapter 275-216 WAC

STATE INSTITUTIONS OTHER THAN ADULT CORRECTIONAL INSTITUTIONS—TRIAL VISIT TO COMMUNITY—RESIDENT NEEDING PUBLIC ASSISTANCE

WAC

275-216-010 Trial visits—Definitions.
275-216-020 Trial visits—Client needing public assistance—
Institution's responsibility.

WAC 275-216-010 Trial visits—Definitions. (1) "Trial visit" means a time-limited leave granted by a state institution other than an adult correctional institution to enable a client to visit in the community.

(2) "Time-limited" means a minimum of 10 calendar days and a maximum of 30 calendar days of unbroken leave, unless a re-evaluation is done.

(3) "Client" means an individual who receives any service from the agency.

(4) "Treatment team" means those persons, designated by the superintendent, responsible for providing an orderly and efficient process of making initial decisions for clients to receive a trial visit.

(5) "Administrative and disability assistance review committee" means those persons designated by the superintendent, responsible for planning, organizing, coordinating and approving trial visits.

(6) "Visitor" means a person who will not be in the home for more than 30 consecutive days. (For trial visit public assistance grant purposes only.)

(7) "Counting days" means the number of consecutive calendar days, beginning with the day of leave and terminating one day prior to the last day of leave. [Order 874, § 275-216-010, filed 11/16/73.]

WAC 275-216-020 Trial visits—Client needing public assistance—Institution's responsibility. (1) Each institution superintendent shall utilize a treatment team to develop a trial visit for a client when this treatment is considered appropriate. The treatment team shall refer all cases to the administrative and disability assistance committee.

(2) Each institution superintendent shall establish an administrative and disability assistance review committee designed to plan, organize, coordinate and approve trial visits for clients in need of public assistance.

(a) The institution superintendent or his designee shall serve as chairman of the committee.