

77-02, § 261-40-150, filed 12/23/77; Order 75-05, § 261-40-150, filed 11/10/75.]

WAC 261-40-160 Approval of rates for less than full fiscal year. The commission, in its discretion, may grant approval of rates as submitted in a hospital's annual budget submittal or as modified by the commission, either for the full fiscal year of the hospital or any period less than that period. The decision and order of the commission notifying a hospital of such action shall specify the period of time within which the hospital may utilize the approved rates as well as what action (if any) must be taken by the hospital to secure commission approved rates after the specified period. [Statutory Authority: RCW 70.39.160. 79-07-030 (Order 79-02, Resolution 79-03), § 261-40-160, filed 6/19/79; Order 75-05, § 261-40-160, filed 11/10/75.]

PART II BUDGET AMENDMENT SUBMITTAL REVIEW PROCESS

WAC 261-40-165 Budget amendment submittals authorized--Time limitations--Presumption. (1) Hospitals are authorized, upon learning of facts justifying revision of their approved budgets, to submit amendments to such budgets not less than thirty days in advance of the proposed effective date of any associated proposed rate changes; amendments submitted without effective dates will be assigned effective dates falling thirty days after receipt.

(2) Within thirty days after receipt of a budget amendment submittal, the staff shall determine whether it is complete and conforms to commission regulations, policies, and instructions, and shall verify the data contained therein.

(3) The provisions of WAC 261-40-100, 261-40-105, 261-40-110, 261-40-115, 261-40-120, 261-40-125, 261-40-130, 261-40-135, 261-40-140, 261-40-145, and 261-40-150 shall apply to budget amendment submittals with the same force with which they apply to annual budget submittals.

(4) Any element of a hospital's budget amendment submittal which is not specifically identified as changed from the previously approved amount will be presumed to remain the same as previously approved. [Statutory Authority: RCW 70.39.160. 79-07-030 (Order 79-02, Resolution 79-03), § 261-40-165, filed 6/19/79.]

WAC 261-40-240 Burden of proof. At any hearing involving any change in any schedule, classification, rule or regulation, the effect of which is to increase any rate theretofore charged, the burden of proof to show that such increase meets the requirements of chapter 70.39 RCW shall be upon the proponent of the increase. [Statutory Authority: RCW 70.39.160. 79-07-030 (Order 79-02, Resolution 79-03), § 261-40-240, filed 6/19/79.]

Title 275 WAC

DEPARTMENT OF SOCIAL AND HEALTH SERVICES (INSTITUTIONS)

Chapters	
275-14	Certificate of approval to a drug treatment center.
275-16	Liability for costs of care and hospitalization of the mentally ill.
275-18	Standards for certification of approval for drug treatment centers.
275-20	Costs of care of mentally deficient persons residing in state institutions.
275-25	County plan for mental health, drug abuse, developmental disabilities, alcoholism.
275-27	Bureau of developmental disabilities services and home aid resources rules.
275-32	Special supervision--County juvenile probation programs.
275-34	Diversion.
275-59	Criminally insane person committed to the care of the department of social and health services--Evaluation, placement, care and discharge.
275-76	Adult correctional institutions--Detainer.
275-82	Adult correctional institutions--Classification of residents--Administrative segregation.
275-96	Adult correctional institutions--Correspondence and telephone usage.

Chapter 275-14 WAC

CERTIFICATE OF APPROVAL TO A DRUG TREATMENT CENTER

WAC
275-14-010 through 275-14-210 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

Chapter 275-14

CERTIFICATE OF APPROVAL TO A DRUG TREATMENT CENTER

275-14-010	Purpose. [Order 657, § 275-14-010, filed 2/17/72.] Repealed by 78-08-086 (Order 1322), filed 7/28/78. Statutory Authority: RCW 69.54.040. Later promulgation, see chapter 275-18 WAC.
275-14-020	Definitions. [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.] Repealed by 78-08-086 (Order 1322), filed 7/28/78. Statutory Authority: RCW 69.54.040. Later promulgation, see WAC 275-18-020.
275-14-030	Certificate of approval. [Order 673, § 275-14-030, filed 4/27/72; Order 657, § 275-14-030, filed 2/17/72.] Repealed by 78-08-086 (Order 1322), filed 7/28/78. Statutory Authority: RCW 69.54.040. Later promulgation, see WAC 275-18-030.
275-14-035	Renewal of certificate of approval. [Order 856, § 275-14-035, filed 9/13/73.] Repealed by 78-08-086 (Order 1322), filed 7/28/78. Statutory Authority: RCW 69.54.040. Later promulgation, see chapter 275-18 WAC.

- 275-14-040 Issuance and renewal of certificate. [Order 657, § 275-14-040, filed 2/17/72.] Repealed by 78-08-086 (Order 1322), filed 7/28/78. Statutory Authority: RCW 69.54.040. Later promulgation, see chapter 275-18 WAC.
- 275-14-050 Revocation—Denial of certificate. [Order 657, § 275-14-050, filed 2/17/72.] Repealed by 78-08-086 (Order 1322), filed 7/28/78. Statutory Authority: RCW 69.54.040. Later promulgation, see chapter 275-18 WAC.
- 275-14-055 Provisional certificate. [Order 856, § 275-14-055, filed 9/13/73.] Repealed by 78-08-086 (Order 1322), filed 7/28/78. Statutory Authority: RCW 69.54.040. Later promulgation, see chapter 275-18 WAC.
- 275-14-060 Hearing. [Order 657, § 275-14-060, filed 2/17/72.] Repealed by 78-08-086 (Order 1322), filed 7/28/78. Statutory Authority: RCW 69.54.040. Later promulgation, see chapter 275-18 WAC.
- 275-14-070 Evaluation. [Order 673, § 275-14-070, filed 4/27/72; Order 657, § 275-14-070, filed 2/17/72.] Repealed by 78-08-086 (Order 1322), filed 7/28/78. Statutory Authority: RCW 69.54.040. Later promulgation, see chapter 275-18 WAC.
- 275-14-080 Director. [Order 657, § 275-14-080, filed 2/17/72.] Repealed by 78-08-086 (Order 1322), filed 7/28/78. Statutory Authority: RCW 69.54.040. Later promulgation, see chapter 275-18 WAC.
- 275-14-090 Staffing. [Order 657, § 275-14-090, filed 2/17/72.] Repealed by 78-08-086 (Order 1322), filed 7/28/78. Statutory Authority: RCW 69.54.040. Later promulgation, see WAC 275-18-170.
- 275-14-100 Staff training and qualifications. [Order 657, § 275-14-100, filed 2/17/72.] Repealed by 78-08-086 (Order 1322), filed 7/28/78. Statutory Authority: RCW 69.54.040. Later promulgation, see chapter 275-18 WAC.
- 275-14-110 Submission of applications. [Order 657, § 275-14-110, filed 2/17/72.] Repealed by Order 673, filed 4/27/72. Repealed by 78-08-086 (Order 1322), filed 7/28/78. Statutory Authority: RCW 69.54.040. Later promulgation, see chapter 275-18 WAC.
- 275-14-120 Board of directors. [Order 673, § 275-14-120, filed 4/27/72; Order 657, § 275-14-120, filed 2/17/72.] Repealed by 78-08-086 (Order 1322), filed 7/28/78. Statutory Authority: RCW 69.54.040. Later promulgation, see chapter 275-18 WAC.
- 275-14-130 Explanation of program. [Order 657, § 275-14-130, filed 2/17/72.] Repealed by 78-08-086 (Order 1322), filed 7/28/78. Statutory Authority: RCW 69.54.040. Later promulgation, see chapter 275-18 WAC.
- 275-14-140 Medical. [Order 657, § 275-14-140, filed 2/17/72.] Repealed by 78-08-086 (Order 1322), filed 7/28/78. Statutory Authority: RCW 69.54.040. Later promulgation, see chapter 275-18 WAC.
- 275-14-150 Drugs. [Order 657, § 275-14-150, filed 2/17/72.] Repealed by 78-08-086 (Order 1322), filed 7/28/78. Statutory Authority: RCW 69.54.040. Later promulgation, see chapter 275-18 WAC.
- 275-14-160 Treatment of juveniles. [Order 657, § 275-14-160, filed 2/17/72.] Repealed by 78-08-086 (Order 1322), filed 7/28/78. Statutory Authority: RCW 69.54.040. Later promulgation, see chapter 275-18 WAC.
- 275-14-170 Nondiscrimination. [Order 657, § 275-14-170, filed 2/17/72.] Repealed by 78-08-086 (Order 1322), filed 7/28/78. Statutory Authority: RCW 69.54.040. Later promulgation, see chapter 275-18 WAC.
- 275-14-180 Nontransferability. [Order 657, § 275-14-180, filed 2/17/72.] Repealed by 78-08-086 (Order 1322), filed 7/28/78. Statutory Authority: RCW 69.54.040. Later promulgation, see chapter 275-18 WAC.
- 275-14-190 Public funds. [Order 657, § 275-14-190, filed 2/17/72.] Repealed by 78-08-086 (Order 1322), filed 7/28/78. Statutory Authority: RCW 69.54.040. Later promulgation, see chapter 275-18 WAC.
- 275-14-200 Compliance with laws. [Order 657, § 275-14-200, filed 2/17/72.] Repealed by 78-08-086 (Order 1322), filed 7/28/78. Statutory Authority: RCW 69.54.040. Later promulgation, see chapter 275-18 WAC.
- 275-14-210 Severability. [Order 673, § 275-14-210, filed 4/27/72.] Repealed by 78-08-086 (Order 1322), filed 7/28/78. Statutory Authority: RCW 69.54.040. Later promulgation, see chapter 275-18 WAC.

WAC 275-14-010 through 275-14-210 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 275-16 WAC

LIABILITY FOR COSTS OF CARE AND HOSPITALIZATION OF THE MENTALLY ILL

WAC

- 275-16-010 Authority.
275-16-020 Repealed.
275-16-030 Schedule of charges.
275-16-040 Factors in determining ability to pay.
275-16-045 Exempt income.
275-16-050 Repealed.
275-16-060 Repealed.
275-16-070 Repealed.
275-16-080 Repealed.
275-16-090 Repealed.
275-16-100 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 275-16-020 Investigation and determination of liability. [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.] Repealed by 78-03-029 (Order 1270), filed 2/17/78. Statutory Authority: RCW 72.01.090.
- 275-16-050 Notice of responsibility—Contents and service. [Order 1, § 275-16-050, filed 2/23/68; Emergency Rules (part), filed 1/26/68, 10/24/67, and 7/28/67.] Repealed by 78-03-029 (Order 1270), filed 2/17/78. Statutory Authority: RCW 72.01.090.
- 275-16-060 Appeal procedure—Court review. [Order 1, § 275-16-060, filed 2/23/68; Emergency Rules (part), filed 1/26/68, 10/24/67, and 7/28/67.] Repealed by 78-03-029 (Order 1270), filed 2/17/78. Statutory Authority: RCW 72.01.090.
- 275-16-070 Judgment upon finding of responsibility. [Order 1, § 275-16-070, filed 2/23/68; Emergency Rules (part), filed 1/26/68, 10/24/67, and 7/28/67.] Repealed by 78-03-029 (Order 1270), filed 2/17/78. Statutory Authority: RCW 72.01.090.
- 275-16-080 Modification or vacation of findings. [Order 1, § 275-16-080, filed 2/23/68; Emergency Rules (part), filed 1/26/68, 10/24/67, and 7/28/67.] Repealed by 78-03-029 (Order 1270), filed 2/17/78. Statutory Authority: RCW 72.01.090.
- 275-16-090 Subsequent enrichment—Recovery. [Order 1, § 275-16-090, filed 2/23/68; Emergency Rules (part), filed 1/26/68, 10/24/67, and 7/28/67.] Repealed by 78-03-029 (Order 1270), filed 2/17/78. Statutory Authority: RCW 72.01.090.
- 275-16-100 Payment under prior law. [Order 1, § 275-16-100, filed 2/23/68; Emergency Rules (part), filed 1/26/68, 10/24/67, and 7/28/67.] Repealed by 78-03-029 (Order 1270), filed 2/17/78. Statutory Authority: RCW 72.01.090.

WAC 275-16-010 Authority. (1) The following rules regarding hospitalization charges are hereby adopted under the authority of Title 71 RCW.

(2) "Hospitalization" includes treatment, transportation, examination, diagnosis, care, detention, training, pharmaceutical services, outpatient services and other services provided for patients needing mental health treatment. [Statutory Authority: RCW 72.01.090. 78-03-029 (Order 1270), § 275-16-010, filed 2/17/78; 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 Repealed. See Disposition Table at beginning of this chapter.

WAC 275-16-030 Schedule of charges. 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 Treatment Center	Eastern State Hospital
(a) INPATIENT SERVICES - Per diem			
Hospital Costs	\$60.29	\$116.36	\$64.81
Physician Costs	2.40	1.55	2.86
Total	62.69	117.91	67.67
(b) OUTPATIENT SERVICES - Per diem			
Outpatient Day Care	—	\$93.75	—
	—	29.11	—
(c) ANCILLARY SERVICES - Per Relative Value Unit /1			
Radiology:			
Technical Component	3.20	3.20	4.17
Professional Component	1.25	1.25	.68
Total Radiology	4.45	4.45	4.85
Pathology:			
Technical Component	.26	.26	.27
Professional Component	.10	.10	.00
Total Pathology	.36	.36	.27
Medical Clinics	1.19	1.19	.45
Electroencephalogram	2.38	2.38	1.57
Electrocardiogram	.36	.36	.22
Inhalation Therapy	—	—	.65
Physical Therapy	1.02	1.02	—
Occupational Therapy	—	—	28.35
Speech Therapy	—	—	2.16
Dental	51.21	51.21	11.50
Podiatry	—	—	.75
	1.02	1.02	.81

(2) Services required by the patient that cannot be provided by hospital staff are purchased from private sources and charged at actual cost.

¹/California Medical Association. "Relative Value Studies". Fifth Edition. San Francisco: 693 Sutter Publication, Inc., 1969, 135 pp. [Statutory Authority: RCW 72.01.090. 79-03-019 (Order 1372), § 275-16-030, filed 2/21/79; 78-03-029 (Order 1270), § 275-16-030, filed 2/17/78; 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
* MONTHLY INDIVIDUAL INCOME RANGE	** RANGE OF MONTHLY PAYMENT DUE
\$ 0 — \$ 300	\$ 0 — \$ 275
\$ 301 — \$ 600	\$ 0 — \$ 575
\$ 601 — \$ 1000	\$ 0 — \$ 925
\$ 1001 — \$ 1500	\$ 0 — \$ 1475
\$ 1501 — \$ 2000	\$ 0 — \$ 1975

*The 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 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. [Statutory Authority: RCW 72.01.090. 78-03-029 (Order 1270), § 275-16-040, filed 2/17/78; 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 275-16-045 Exempt income. Patients whose total resources are insufficient to pay for the actual cost of care shall be entitled to a monthly exemption from income in the amount of \$25 or such amount as specified in WAC 388-29-125. [Statutory Authority: RCW 72.01.090. 78-03-029 (Order 1270), § 388-16-045 (codified as WAC 275-16-045), filed 2/17/78.]

WAC 275-16-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 275-16-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 275-16-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 275-16-080 Repealed. See Disposition Table at beginning of this chapter.

WAC 275-16-090 Repealed. See Disposition Table at beginning of this chapter.

WAC 275-16-100 Repealed. See Disposition Table at beginning of this chapter.

Chapter 275-18 WAC

STANDARDS FOR CERTIFICATION OF APPROVAL FOR DRUG TREATMENT CENTERS

WAC

275-18-010	Authority.
275-18-020	Definitions.
275-18-030	Certification of approval.
275-18-040	Treatment clinical requirements.
275-18-050	Treatment intake requirements.
275-18-060	Medication.
275-18-070	Client caseload.
275-18-080	Incarcerated clients.
275-18-090	Discharge and follow-up.
275-18-100	Reporting.
275-18-110	Intervention clinical requirements.
275-18-120	Clinical records.
275-18-130	Availability of records for inspection and confidentiality of clinical records.
275-18-140	Governance.
275-18-150	Fiscal management.
275-18-160	Program evaluation.
275-18-170	Staffing.
275-18-180	Availability of services.
275-18-190	Required services provided by other agencies.
275-18-200	Client rights.

WAC 275-18-010 Authority. These regulations are adopted pursuant to and in accordance with chapter 69.54 RCW. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-010, filed 7/28/78.]

WAC 275-18-020 Definitions. (1) "Drug abuse treatment professional" shall mean a person who is capable of assessing the emotional, social and behavioral background and status of a client, determining the optimal treatment plan, and providing and supervising the counseling services necessary to carry out the plan. Two years of full-time equivalent experience as a drug treatment staff person under the supervision of a person qualified to be a drug treatment professional, or a masters or doctoral degree in the behavioral sciences and one year of such experience, shall be sufficient to establish a person as qualified to be a drug abuse treatment professional.

(2) "Medical practitioner" shall mean a person licensed by the state pursuant to chapter 18.71 RCW to practice medicine, or pursuant to chapter 18.57 RCW to practice osteopathy and surgery, and who is registered with the drug enforcement administration to prescribe controlled substances. The term shall also include a physician's assistant approved by the state pursuant to chapter 18.71A RCW, an advanced registered nurse or specialized registered nurse with an appropriate specialty licensed pursuant to chapter 18.88 RCW and approved by the state pursuant to chapter 308-120 WAC, or an osteopathic physician's assistant approved by the state pursuant to chapter 18.57A RCW, when practicing

within the limits of their profession and under the supervision of a physician or osteopathic physician and surgeon who is registered by the drug enforcement administration to prescribe controlled substances. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-020, filed 7/28/78. Formerly chapter 275-14 WAC.]

WAC 275-18-030 Certification of approval. (1) Any agency or organization which receives or intends to receive state or federal funds for the purpose of providing care, treatment or rehabilitation for drug abuse problems, or which advertises or represents itself as providing care, treatment or rehabilitation for drug abuse problems, must apply to the department for approval as a drug treatment center.

(2) No agency or organization may provide drug abuse treatment unless it is approved by the department as a drug treatment center. The department may waive the requirements of this subsection where it determines that such treatment is incidental to the provision of other services, and is not a primary function of the agency.

(3) The department shall visit and examine each facility making application for approval as a drug treatment center.

(4) If the department finds that the applicant organization meets the requirements of this chapter and chapter 69.54 RCW, based on the application, the site visit and such other reports and information as may be available, it may certify the applicant organization as an approved drug treatment center. Such approval shall be for a period of not more than one year, and may be renewed in the same manner as the original certification of approval. The certification shall specify the modalities of service for which approval is granted.

(5) In individual cases the department may waive, at its discretion, specific rules which are inappropriate because of the cultural patterns of the persons served or for other reasons, and may approve alternate methods of achieving the intent of the specific rule, if such waiver does not endanger the safety or welfare of any persons in care. Such waivers may be granted on a temporary basis to allow reasonable time to achieve compliance, if a plan and timetable for compliance is approved by the department. Approvals granted pursuant to this paragraph shall be provisional on meeting the specifications of the alternate standard or timetable.

(6) The department may deny approval to any applicant, or revoke approval of any drug treatment center, if it determines that the applicant or drug treatment center is not complying with the provisions of this chapter or chapter 69.54 RCW, or fails to meet the timelines or alternate methods granted under subsection (5). Such denial or revocation may be appealed pursuant to chapter 34.04 RCW and rules promulgated thereunder. Any such applicant or center may apply again for approval at any time. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-030, filed 7/28/78. Formerly WAC 275-14-030.]

WAC 275-18-040 Treatment clinical requirements.

(1) All approved drug treatment centers providing drug treatment services shall have the capacity to provide both individual and group counseling services by a drug abuse treatment professional or qualified treatment staff person under the direct supervision of a drug abuse treatment professional. Except for situations beyond the control of both the client and the program, and so documented in the client record, there shall be at least one face-to-face group or individual event for each client every month, and at least one such event every week for residential and day treatment services, lasting at least 45 minutes.

(2) For all approved drug treatment centers providing drug treatment services, there shall be a review of each case by a drug abuse treatment professional at least every 90 days, assessing the adequacy of the treatment plan in light of the client's current status and progress.

(3) All types of treatment services using chemotherapy, including the use of psychotropics, shall provide the following medication services:

(a) Medication evaluation by a medical practitioner, at least once every 90 days, and

(b) If a detoxification or maintenance service, medication dispensary.

(4) If urinalysis is used, sample collection, analysis and policies regarding use of results shall meet department standards.

(5) Day treatment and residential treatment services shall provide activities therapy on a scheduled basis by a qualified staff person for all clients at least three times a week. Schedules shall allow for adequate exercise and sleep.

(6) Residential treatment services shall provide room, board and client sundries as needed, with the following minimum requirements:

(a) All food service facilities and practices shall comply with chapter 248-84 WAC, governing food service sanitation.

(b) Foods served shall meet the nutritional needs of clients, considering age, sex, activity level and special medical needs. Meals shall be well-balanced, palatable, properly prepared and sufficient in quality and quantity to meet the 1974 dietary allowances of the food and nutrition board, national research council.

(c) Menus for general diets and any special or modified therapeutic diets shall be prepared at least a week in advance and retained for inspection by the department for at least one year.

(d) Table service shall be available to those who can and will eat at a table. Meals shall be served three times each day, at the customary meal times, whenever clients are present in the facility.

(e) Sundries shall include items reasonably needed for good grooming and personal hygiene, and clothing that is neat, clean and seasonable.

(f) Sleeping arrangements shall provide for separation of sleeping areas from cooking, eating, therapy and administrative activities; adequate heating, ventilation, access to emergency exits and bedding shall be provided to assure the health and safety of the clients.

(7) Approved drug treatment programs shall assure availability, directly or by referral, of employment placement and educational and vocational guidance services and, when necessary, psychiatric services and therapy.

(8) The physical plant, premises and equipment shall be maintained in a clean and sanitary condition, free of hazards and in good repair. The facility shall be located in an area free from hazardous conditions and accessible to other resources necessary to carry out the program. Facilities shall comply with applicable local building, fire and health codes. [Statutory Authority: RCW 69-.54.040. 78-08-086 (Order 1322), § 275-18-040, filed 7/28/78.]

WAC 275-18-050 Treatment intake requirements.

(1) Approved drug treatment centers providing treatment services shall provide the following intake services to every client admitted, completed within 45 days of initiation of treatment services:

(a) An intake interview, conducted by a drug abuse treatment professional or other qualified staff under the close supervision of a drug abuse treatment professional, which shall include a social history, a health history, and a history of drug abuse and previous drug treatment;

(b) A clinical assessment of the applicant's problems, situation and prognosis with and without treatment, signed by the drug abuse treatment professional in subsection (1)(a);

(c) A treatment plan which includes the type and amount of services to be provided, the specific problems to be addressed or objectives to be attained, and the anticipated length of stay, completed or approved by a drug abuse treatment professional and agreed to by the client;

(d) A copy of the policies and rules of the program will be provided to the applicant prior to signing any consent forms, and ample opportunity provided to read the policies and rules and ask pertinent questions.

(2) In inpatient, residential and day treatment services, or where chemotherapy is provided, or in other treatment services where indicated by the client's health history or status, a medical intake must be conducted which shall include:

(a) A complete physical examination by a medical practitioner as soon as practical, and in no case later than 21 days after admission, with particular attention paid to those conditions which would represent a threat to the health of the client or other clients in light of the treatment methods employed. Female clients should receive a gynecological examination and an evaluation of the need for contraceptive services if such services have not been received in the last 12 months.

(b) A laboratory examination as prescribed by the medical practitioner in accordance with the provisions of the department.

(c) A report by the medical practitioner of current medical findings, diagnosis, and orders for the immediate care of the client. [Statutory Authority: RCW 69-.54.040. 78-08-086 (Order 1322), § 275-18-050, filed 7/28/78.]

WAC 275-18-060 Medication. (1) When medication is being considered as part of the treatment regimen, the client's treatment plan shall be reviewed by a medical practitioner who is trained in the use of the medication under consideration.

(2) Drugs prescribed pursuant to treatment plans shall be controlled and monitored by drug abuse treatment professionals. Only a medical practitioner, a registered nurse, or the client may administer medication.

(3) Residential and inpatient treatment services shall store all medications in a locked cabinet or similar container.

(4) Methadone treatment clients carrying take-home methadone between the program site and the individual client's residence shall carry such medication properly labeled to include the name and address of the methadone treatment program, the date the medication was prescribed, the name of the person for whom the medication is intended, instructions for use of the medication, the name of the prescribing physician, and the name of the drug. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-060, filed 7/28/78. Formerly chapter 248-136 WAC.]

WAC 275-18-070 Client caseload. The maximum clientele of any methadone treatment facility shall not exceed 250 persons, except in emergency situations as approved by the department. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-070, filed 7/28/78. Formerly WAC 248-136-160.]

WAC 275-18-080 Incarcerated clients. In those instances where a person, previously accepted as a client in a methadone program, is incarcerated, it shall be permissible for a properly authorized, qualified representative of such methadone program to enter the facility in which the person is incarcerated and to dispense methadone for either detoxification or maintenance purposes during the period of incarceration or until a medically acceptable detoxification has been accomplished; provided, that such entry into an incarcerating facility and dispensing of methadone shall be subject to the permission of the authority operating the facility and shall be made in accordance with regulations of the facility. Proper precautions shall be taken to prevent unauthorized persons from handling methadone or persons other than the intended client from receiving methadone. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-080, filed 7/28/78. Formerly WAC 248-136-140.]

WAC 275-18-090 Discharge and follow-up. (1) Each approved drug treatment center shall establish criteria and procedures for client completion and termination of treatment. Procedures shall include appeal and a fair and impartial review of involuntary terminations. Completion, once conferred, may not be revoked.

(2) Each approved drug treatment center shall establish a follow-up policy which provides for contact to be attempted after discharge with each client completing treatment.

(3) Clients not seen face to face at least once every thirty days must be discharged effective on the thirtieth day following the last face-to-face contact, unless lack of contact is due to conditions beyond the control of the client and the approved drug treatment center and the reason is documented in the client record. Discharged clients may be seen on an after-care or follow-up basis without readmission, at a frequency less than once every thirty days. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-090, filed 7/28/78.]

WAC 275-18-100 Reporting. (1) Each approved drug treatment center shall submit in a timely and accurate manner such reports as may be required by the county drug abuse coordinator to prepare a county plan or performance and status report, or by the department to prepare the state plan or to effectively administer the drug abuse program.

(2) Each approved drug treatment center shall submit upon request a progress report at least quarterly to approved screening and referral and criminal justice diversion programs on each client referred by such programs, and permit a face-to-face interview at least once every six months of such clients by the referring agency, subject to the provisions of WAC 275-18-130. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-100, filed 7/28/78.]

WAC 275-18-110 Intervention clinical requirements. (1) Approved drug treatment centers providing intervention services shall have a current list of available services, including all approved drug treatment centers in the state, and local services, if any, for legal, employment, education, training, mental health and physical health problems.

(2) All intervention services except casefinding shall be provided by a drug abuse treatment professional or a qualified person under the supervision of a drug abuse treatment professional.

(3) Emergency services shall be available 24 hours a day, seven days a week. Emergency services may include crisis telephone service, emergency medical, and mobile emergency services.

(4) Screening and referral services and criminal justice diversion services shall meet the intake standards of WAC 275-18-050(1)(a), (1)(b) and (1)(c). Clients referred to an approved drug treatment center and returned to the screening and referral service or criminal justice diversion service shall be given priority attention. Every reasonable effort shall be made to handle such clients expeditiously and re-refer within 72 hours of their intake, with close attention to their needs during the re-referral period.

(5) Criminal justice diversion services shall monitor progress of referred clients at least quarterly. A face-to-face interview with the client for the purpose of reviewing the adequacy of current and planned services in light of current client needs shall be conducted at least once every six months. Adequate liaison and client advocacy with appropriate elements of the criminal justice system shall be maintained for each client still active with a

treatment program. [Statutory Authority: RCW 69.54.040, 78-08-086 (Order 1322), § 275-18-110, filed 7/28/78.]

WAC 275-18-120 Clinical records. (1) Approved drug treatment centers providing treatment services shall maintain a clinical record on each client. Each record shall contain at a minimum the following:

(a) A client history, remote and recent insofar as pertinent to the current need for treatment;

(b) Diagnostic/evaluative statements, including reports of any special studies, psychological testing, laboratory examinations, physical examinations, etc.;

(c) For clients receiving methadone, a "consent to methadone treatment" form signed by the client and a record of medications dispensed;

(d) A treatment plan, describing direct client services and medications to be provided or prescribed to the client in response to problems at intake or arising in the course of therapy;

(e) Any "release of information" consent forms signed by the client;

(f) Progress notes for each occasion of medication adjustment, individual, family or group therapy, and summaries at least weekly for day treatment and residential services;

(g) Reports of case conferences or significant collaborative contacts;

(h) Reports of significant new problems, and modifications needed in treatment plan;

(i) Quarterly summaries of progress and status, including results of quarterly case reviews; and

(j) Reports of follow-up attempts and contacts.

(2) Intervention services shall maintain clinical records as follows:

(a) Casefinding services shall maintain records of the number of contacts made, the ethnic, gender and age distribution of contacts, the number of subsequent admissions and such other data as is pertinent to the objectives of the casefinding program;

(b) Emergency services shall maintain clinical records of each client contact, including where known the name, age, sex and race of the client, the problem presented, the services provided, and the immediate outcome.

(c) Screening and referral services shall maintain clinical records of each client, including subsections (1)(a), (1)(b), (1)(d), (1)(e), and (1)(j).

(d) Criminal justice diversion service shall maintain all record components described in subsection (1), except subsections (1)(c) and (1)(f). [Statutory Authority: RCW 69.54.040, 78-08-086 (Order 1322), § 275-18-120, filed 7/28/78.]

WAC 275-18-130 Availability of records for inspection and confidentiality of clinical records. (1) General records of operation of an approved drug treatment center shall be available for inspection by the department on request. Such records shall include all policy and procedure documents required herein, clinical records, fiscal records, personnel records, meeting minutes and such other documents as may be needed to verify

the provision of services and compliance with these regulations.

(2) All records relating to the identity, status, whereabouts, diagnosis, treatment, or urinalysis results of a drug abuse client of an approved drug treatment center that are maintained by the department, the approved drug treatment center, or any agency providing services pursuant to WAC 275-18-190, and all information contained in such records, including any indication of whether or not any individual has applied for or received drug abuse related services, shall be confidential and may only be disclosed as expressly authorized in this section.

(3) The records or information described in subsection (2) may be disclosed with the client's written consent to medical personnel or bona fide treatment staff of an approved drug treatment center for the purpose of diagnosis and treatment of the client, to the client's attorney, or to government or private officials for the purpose of determining the client's right to or eligibility for benefits related to his own drug involvement. Each disclosure under this paragraph shall be made only after a prior written consent is signed and dated by the client, bearing the client's name, the name of the agency or facility disclosing the information, the name of the person to whom the information is disclosed, the purpose of the disclosure, the specific type of information to be disclosed, a statement that the consent is subject to written revocation at any time, an expiration date not later than that reasonably necessary to accomplish the stated purpose of the disclosure, the signature of the parent or legal guardian if client is under age 14, and the signature of the administrator of the program making the disclosure. A copy of such consent forms shall be maintained in the client's record. Only information necessary to satisfy the purpose of the disclosure may be disclosed.

(4) The records or information described in subsection (2) may be disclosed without consent of the client to a qualified medical authority or to a mental health professional working pursuant to chapter 71.05 RCW who has determined that the life or health of the client is in danger, that treatment without the records or information could be injurious to the client, and that timely consent of the client is not possible. The disclosure shall be limited to information necessary to meet the medical emergency.

(5) The records or information described in subsection (2) may be disclosed without the consent of the client to persons authorized by the department for the purposes of conducting program evaluation, management or fiscal audit, or scientific research into the causes and treatment of drug abuse. Information or records so disclosed shall not be removed from the agency unless all client identifying information is deleted or disguised.

(6) Where a client commits or threatens to commit a crime on the premises or against staff of the approved drug treatment center, nothing in this section shall be construed as prohibiting staff from seeking the assistance of, or reporting such a crime to, a law enforcement agency, but such report shall not identify any suspect as

a client nor disclose any information about any client not essential to the investigation.

(7) In each instance of disclosure, the agency or person making the disclosure shall advise the recipient that such information or records are confidential under federal and state law, and may not be further disclosed to any other person except as provided for in federal and state regulations.

(8) Clinical records described in WAC 275-18-120 shall be maintained a minimum of five years after discharge.

(9) In the event an approved drug treatment center is closed, clinical records may be forwarded to any other approved drug treatment center with the client's consent. Clinical records still subject to minimum retention requirements, where client consent is not obtained, shall be sealed and labeled as follows: "Records of (insert name of approved drug treatment center) required to be maintained pursuant to WAC 275-18-130, until (insert minimum destruction date)." Sealed records shall be forwarded to the department, and shall be disclosed only under such circumstances and to such extent as would be permissible for the program in which they originated. The department shall destroy the records as soon as possible after the date specified on the label. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-130, filed 7/28/78.]

WAC 275-18-140 Governance. (1) Approved drug treatment centers which are private corporations shall have a board of directors that has final authority and responsibility for the program. The board of directors shall meet at least quarterly and keep minutes. No member of the board of directors shall benefit financially from the operation of the agency, or be a spouse, parent, sibling or offspring of a person so benefiting, except for reasonable reimbursement for expenses incurred in performing the duties of a board member. Composition of the board shall reflect the composition of the community from which the program's clients come, to the extent feasible.

(2) Approved drug treatment centers which are public agencies shall have an advisory board that meets the standards set forth in subsection (1) for boards of directors except that advisory boards shall not have final authority and responsibility for the program. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-140, filed 7/28/78.]

WAC 275-18-150 Fiscal management. (1) Each year there shall be prepared a formal, written budget of expected program revenues, which shall be categorized by source, and expenses, which shall be categorized by program components and/or program services. Said budget must be reviewed and approved by the board of directors of the approved drug treatment center prior to the beginning of each fiscal year of operation, and may not be modified, altered or amended without the board of directors' prior approval.

(2) There shall be a fiscal management system providing for the application of cost accounting procedures.

The cost accounting procedures shall produce information that reflects the fiscal experience and current financial position of the approved drug treatment center. The cost accounting procedure shall have the capacity to determine the direct and indirect costs attributable to each program component of the approved drug treatment center. Documentation shall be provided that describes the mechanism used to determine the basis for allocating costs.

(3) Financial records must be available for audit by the department.

(4) Where the clients are charged for services, there shall be a written fee schedule based on ability to pay. The rate and charge policies shall be approved by the board of directors. This fee schedule shall be readily accessible to clients. No client shall be refused service because of inability to pay.

(5) There shall be a reporting mechanism that provides information regarding the fiscal performance of the approved drug treatment center which:

(a) Shows the relationship of budget and actual expenditures, including both revenues and expenses by category;

(b) Includes, based upon the cost accounting system, such information as cost per unit of service, cost per client day and cost per client. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-150, filed 7/28/78.]

WAC 275-18-160 Program evaluation. (1) Approved drug treatment centers shall have an evaluation procedure that measures progress toward predetermined goals and objectives. Each approved drug treatment center shall adopt both short and long-range goals that are realistic and operationally defined.

(2) Evaluation reports shall be made at least annually, and shall be available for inspection by the department. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-160, filed 7/28/78.]

WAC 275-18-170 Staffing. (1) All approved drug treatment centers shall have, and must adhere to, written personnel policies covering the qualifications of staff, job descriptions, hours of work, rate of pay, personnel benefits, hiring practices, termination procedures, promotional requirements, leave days, evaluation procedures and grievance procedures. Said personnel policies must be provided to all employees.

(2) Approved drug treatment centers must maintain personnel records for each employee, and employees shall have access to his or her own records. Each record shall contain, at a minimum, an employment application, all employee evaluations, all records of pertinent training received, all appropriate consent forms and a statement of reasons for termination if the individual is no longer employed.

(3) Approved drug treatment centers shall comply with federal and state statutory and regulatory provisions regarding nondiscrimination and affirmative action in employment and client services.

(4) All staff of approved drug treatment centers must be evaluated at least annually.

(5) Employees who are present or former clients of the approved drug treatment center shall have personnel records separate from clinical records. No indication of client status or client activity, including urinalysis results, may be entered in the personnel record of such an employee.

(6) Exclusion from employment shall not be based on former drug use, former mental dysfunction or former criminal convictions.

(7) There shall be a formal grievance procedure for staff complaints and appeal of personnel actions, which shall provide for fair and impartial review of personnel policies, actions and other decisions affecting staff.

(8) All approved drug treatment centers shall make available to each staff person with clinical duties a minimum of 100 hours of in-service training, pertinent academic training and case consultation per year. Records of training and case consultation offered and received must be maintained.

(9) Approved drug treatment programs shall provide sufficient staff to permit each staff person at least two days off per week, and at least 25% of their work week in activities other than direct client services.

(10) The ratio of full-time equivalent counseling staff to clients shall not exceed the following:

(a) Outpatient treatment: 35 clients per full-time equivalent counseling staff.

(b) Residential treatment: 15 clients per full-time equivalent counseling staff.

(c) Day treatment: 8 clients per full-time equivalent counseling staff. Follow-up and after-care clients shall not be included in calculating these ratios.

(11) A responsible staff member shall be present and on duty at any time when a client is permitted on the premises of the program.

(12) No addict or ex-addict shall be employed as a counselor in a methadone treatment program from which he is receiving treatment. Treatment shall include receiving medications and/or counseling services.

(13) All clinical services shall be under the direction of a drug abuse treatment professional. All staff who are not themselves drug abuse treatment professionals shall be under the supervision of a drug abuse treatment professional when performing clinical duties. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-170, filed 7/28/78.]

WAC 275-18-180 Availability of services. (1) Approved drug treatment programs shall make services available during off hours to clients who are not able to receive services during the usual 9:00 a.m. to 5:00 p.m. work day.

(2) Approved drug treatment centers offering residential and emergency services must provide for access to services 24 hours a day, seven days a week.

(3) No otherwise eligible client may be denied services because of physical or sensory handicap, marital status,

religion, race, sex, age, sexual preference, or current legal status. Clients under the age of fourteen may be refused services, or under age eighteen for residential services, if consent of parent or other legal guardian cannot be obtained. Ineligibility for methadone treatment by virtue of age, pursuant to federal law and regulation, shall also constitute an exception to this requirement. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-180, filed 7/28/78.]

WAC 275-18-190 Required services provided by other agencies. (1) Services required by this chapter of approved drug treatment centers may be provided by an agency not under direct administrative control of the approved drug treatment center, provided that a written agreement is entered into between the approved drug treatment center and that agency, which shall include the services provided, the unit cost and total cost, if any, the duration of the agreement, the minimum and/or maximum available service, the procedures for referral, an assurance of confidentiality, the method for transmitting client information, and the division of responsibility for care. The approved drug treatment center shall retain responsibility for assuring that these regulations are complied with. Written agreements are not required where the rule permits the service to be provided by referral.

(2) Prior approval of the department of the agreement described in subsection (1) is required when state funds are subcontracted to fulfill such an agreement.

(3) The approved drug treatment center shall inform any agency providing clinical services to program clients, or otherwise able to access confidential client information, of the obligations, restrictions and procedures with respect to disclosure of such information.

(4) If services required by WAC 275-18-040(1), (2) or (5), 275-18-050(1) or 275-18-110(4) or (5) are provided by agreement pursuant to subsection (1), the agency providing such services must be an approved drug treatment center. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-190, filed 7/28/78.]

WAC 275-18-200 Client rights. (1) All approved drug treatment centers shall adopt and adhere to written policies and procedures to assuring the right of each client to:

(a) Be treated in a manner that promotes dignity and self-respect;

(b) Be protected from invasion of privacy: *Provided*, That, reasonable searches may be conducted in the client's presence to detect and prevent contraband from being brought in or possessed on the premises;

(c) Have all clinical and personal information treated confidentially in communications with individuals not directly associated with the approved drug treatment center;

(d) Actively participate in the development or modification of the client's own treatment regimen;

(e) Review his or her own treatment records with the responsible treatment staff person upon request once every three months, except medication records;

(f) Be fully informed regarding fees to be charged and methods of payment available;

(g) Be provided reasonable opportunity to practice the religion of his or her choice, alone and in private, insofar as such religious practice does not infringe on the rights and treatment of others, and to be excused from any religious practice;

(h) Not be denied communication with significant others in emergency situations;

(i) Not be subjected to physical abuse, corporal punishment, or denied food, clothing or other basic necessities;

(j) Not be denied the choice to enter into or dissolve a marriage: *Provided*, That, the approved drug treatment center is not obligated to make special provisions for conjugal visits or sleeping quarters.

(2) No posted mail, telegrams, phone calls or other forms of private communication shall be monitored, censored, opened or otherwise reviewed by anyone other than the addressee or intended recipient of same: *Provided*, That, mail, telegrams, phone calls and all other forms of private communication may be prohibited, except as provided in subsection (1)(h), when such prohibition is the policy of the agency. All mail or other tangible forms of communication intended for clients denied said privileges must be returned unopened to the sender, or retained unopened in a secure place for the client when said privileges are reinstated.

(3) No client shall be used to carry the basic responsibility for maintenance of the facility or treatment. However, duties such as household tasks, office work and facility repairs may be performed insofar as they are appropriate to the program and are clearly indicated in the treatment plan as essential for the treatment of the client.

(4) Policy and procedures for fair and impartial hearing of client grievances regarding these rights and agency decisions affecting the client's welfare or status as a client must be adopted and adhered to.

(5) A copy of the agency policy regarding subsections (1), (2), (3) and (4) shall be signed by each client and maintained in the clinical record.

(6) Nothing herein shall restrict or prohibit an agency from providing advice or counsel on matters relating to a client's decision to exercise any of the rights set forth in this section. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-200, filed 7/28/78.]

Chapter 275-20 WAC

COSTS OF CARE OF MENTALLY DEFICIENT PERSONS RESIDING IN STATE INSTITUTIONS

WAC

- 275-20-010 Authority.
- 275-20-020 Repealed.
- 275-20-030 Schedule of per capita cost.
- 275-20-035 Exempt income.
- 275-20-040 Repealed.

- 275-20-050 Repealed.
- 275-20-060 Repealed.
- 275-20-070 Repealed.
- 275-20-080 Judicial review—Appeal procedure.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 275-20-020 Financial responsibility established. [Order 2, § 275-20-020, filed 2/23/68.] Repealed by 78-03-029 (Order 1270), filed 2/17/78. Statutory Authority: RCW 72.01.090.
- 275-20-040 Date Payable—Reserve for personal and special needs—Clothing. [Order 2, § 275-20-040, filed 2/23/68.] Repealed by 78-03-029 (Order 1270), filed 2/17/78. Statutory Authority: RCW 72.01.090.
- 275-20-050 Superintendents to supply information. [Order 2, § 275-20-050, filed 2/23/68.] Repealed by 78-03-029 (Order 1270), filed 2/17/78. Statutory Authority: RCW 72.01.090.
- 275-20-060 Per capita cost—Determination of ability to pay. [Order 2, § 275-20-060, filed 2/23/68.] Repealed by 78-03-029 (Order 1270), filed 2/17/78. Statutory Authority: RCW 72.01.090.
- 275-20-070 Appeal procedure—Judicial review. [Order 2, § 275-20-070, filed 2/23/68.] Repealed by 78-03-029 (Order 1270), filed 2/17/78. Statutory Authority: RCW 72.01.090.

WAC 275-20-010 Authority. The following rules regarding costs of care of mentally/physically deficient persons are hereby adopted under the authority of chapter 72.33 RCW. [Statutory Authority: RCW 72.01.090. 78-03-029 (Order 1270), § 275-20-010, filed 2/17/78; Order 2, § 275-20-010, filed 2/23/68.]

WAC 275-20-020 Repealed. See Disposition Table at beginning of this chapter.

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	\$1,573.76	\$51.74
Rainier School	1,788.50	58.80
Yakima Valley School	1,863.02	61.25
Fircrest School	2,296.46	75.50
Interlake School	2,237.45	73.56
Frances Haddon Morgan	2,758.18	90.68
School for Blind-nonresident	2,023.32	66.52
School for Deaf-nonresident	1,459.70	47.99
Cerebral Palsy Center	3,415.79	112.30

[Statutory Authority: RCW 72.33.660. 79-08-044 (Order 1418), § 275-20-030, filed 7/19/79; 78-10-057 (Order 1341), § 275-20-030, filed 9/22/78. Statutory Authority: RCW 72.01.090. 78-03-029 (Order 1270), § 275-20-030, filed 2/17/78; 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 275-20-035 Exempt income. Residents whose total resources are insufficient to pay the actual cost of care shall be entitled to a monthly exemption from income in the amount of \$25 or such amount as specified

in WAC 388-29-125. [Statutory Authority: RCW 72-.01.090. 78-03-029 (Order 1270), § 275-20-035, filed 2/17/78.]

WAC 275-20-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 275-20-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 275-20-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 275-20-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 275-20-080 Judicial review--Appeal procedure. (1) In all cases where a determination is made that the estate of a mentally or physically deficient person who resides at a state residential school is able to pay all or any portion of the monthly charges for care, support and treatment, a notice and finding of financial responsibility shall be personally served on the guardian of the resident's estate, or if no guardian has been appointed then to his spouse or parents or other person acting in a representative capacity and having property in his possession belonging to the resident of a state school and the superintendent of the state school. In those cases where a resident is an adult acting under no legal disability, such notice and finding of financial responsibility shall be personally served on him or her. The notice shall set forth the amount the department has determined that such estate is able to pay per month, not to exceed the monthly charges fixed in accordance with RCW 72-.33.660, and the responsibility for payment to the department of social and health services shall commence thirty days after personal service of such notice and finding of responsibility.

(2) Appeal from the determination of financial responsibility, as determined pursuant to the foregoing provisions contained in this chapter, may be made by the guardian of the resident's estate or if no guardian has been appointed by his spouse or parents or other person acting in a representative capacity and having property in his possession belonging to a resident of a state school. In those cases involving an adult resident acting under no legal disability, the appeal may be made by such resident personally. Such appeal shall be made to the secretary of the department of social and health services in writing within thirty days of the receipt of the department's notice and finding of financial responsibility. The written notice of appeal shall be served upon the secretary by registered or certified mail. If no appeal is so received by the secretary within this thirty day period, the notice containing the determination of financial responsibility shall be considered final. If an appeal is made as prescribed the execution of the determination and finding of financial responsibility will be held in abeyance, pending a decision on the appeal.

(3) Appeal hearings may be held in any county seat most convenient to the appellant.

(4) The secretary's decision may be appealed to the courts in accordance with existing provisions of the administrative procedures act. [Statutory Authority: RCW 72.33.660. 79-08-044 (Order 1418), § 275-20-080, filed 7/19/79.]

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.
275-25-510	Repealed.
275-25-520	Services--Developmental disabilities.
275-25-525	Repealed.
275-25-700	Mental health programs--WAC section numbers.
275-25-720	Priorities.
275-25-730	Services--Mental health and drugs.
275-25-750	Staffing requirements.
275-25-770	Funding formula--Mental health.
275-25-800	Applicability--WAC section numbers.
275-25-810	Drug abuse services.
275-25-820	Annual performance and status report.
275-25-830	County management.
275-25-840	Funding formulae.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

275-25-510	Definition--Developmental disabilities. [Order 1142, § 275-25-510, filed 8/12/76.] Repealed by 78-04-002 (Order 1278), filed 3/2/78. Statutory Authority: RCW 71.20.030, 71.20.050, and 71.20.070.
275-25-525	Program requirements. [Order 1142, § 275-25-525, filed 8/12/76.] Repealed by 78-04-002 (Order 1278), filed 3/2/78. Statutory Authority: RCW 71.20.030, 71.20.050, and 71.20.070.

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, or

(d) Drug and Alcohol Rehabilitation, Education Program--Drug Treatment Centers (chapter 69.54 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 an urban Indian/Alaskan native community organization.

(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. [Statutory Authority: RCW 69.54.040, 78-08-086 (Order 1322), § 275-25-010, filed 7/28/78; 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 abuse
- (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 or combination of counties 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 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 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 Procedure Act. [Statutory Authority: RCW 69.54.040, 78-08-086 (Order 1322), § 275-25-020, filed 7/28/78; Order 1142, § 275-25-020, filed 8/12/76.]

WAC 275-25-510 Repealed. See Disposition Table at beginning of the chapter.

WAC 275-25-520 Services--Developmental disabilities. Counties may purchase and/or provide any or all of the services listed in chapter 71.20.060 [or] [and] 71.20.070 RCW. However, only the following services are eligible for state funds whenever such services are purchased or provided for developmentally disabled persons who are determined eligible by the department's bureau of developmental disabilities, case services, and in accordance with the approved county plans.

(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) **Recreation:** community recreation activities not included in the developmental center programs designed to:

(a) Help meet individual therapeutic needs in self-expression.

(b) Develop skills leading to enjoyable and instructive use of leisure time.

(c) Integrate the developmentally disabled individual into community sponsored recreational activities.

(4) **Professional Services:** the development and provision of local resources for professional treatment of families of developmentally disabled persons and developmentally disabled individuals. Professional services

may include diagnosis, evaluation, family counseling, medical, dental, and psychiatric services when the developmentally disabled person is unable to obtain such services through private care or public resources available for such purposes.

(5) Program Evaluation: assessment of program quality and measurement of effectiveness.

(6) Planning and Administration: planning, organizing, coordinating, budgeting, staffing, and establishing the direction or controlling the policies, goals and objectives for the county developmental disabilities program with respect to and in conjunction with local, state, and federal policies, goals and objectives. Administration includes requirements for general administration regarding personnel, purchasing, filing, correspondence, clerical, etc.

(7) Consultation and staff development services: activities which provide professional information and improve skills of the developmental center staff and others providing services to developmentally disabled person.

(8) Developmental Center Services:

(a) Early childhood developmental services provided by a developmental center certified as required by chapter 275-27 WAC to developmentally disabled infants and young children.

(b) Social and living skills, prework, or specific job training to developmentally disabled adults provided by a developmental center certified as required by chapter 275-27 WAC to adults.

(c) Counties may continue to contract and receive funding for services from existing agencies without certification until September 30, 1978.

(9) Start-up and Emergency Needs: assistance in establishing new developmental disabilities programs and sustaining existing developmental disabilities programs in times of emergency.

(10) Alternative Living: the development of alternative living resources and assistance with supplemental support services other than direct fiscal support to the client. [Statutory Authority: RCW 71.20.030, 71.20.050, and 71.20.070. 78-04-002 (Order 1278), § 275-25-520, filed 3/2/78; Order 1142, § 275-25-520, filed 8/12/76.]

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 275-25-525 Repealed. See Disposition Table at beginning of this chapter.

WAC 275-25-700 Mental health programs--WAC section numbers. WAC 275-25-700 through 275-25-799 shall apply to the mental health program. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-25-700, filed 7/28/78; Order 1142, § 275-25-700, filed 8/12/76. Formerly chapter 275-12 WAC.]

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 shall ensure that appropriate provisions are made to priority groups before state moneys are allocated to other service needs. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-25-720, filed 7/28/78; 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. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-25-730, filed 7/28/78; Order 1142, § 275-25-730, filed 8/12/76.]

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

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

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

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

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

(5) Of the staff providing direct mental health services at least one must be a mental health specialist;

(6) 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. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-25-750, filed 7/28/78; Order 1142, § 275-25-750, 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, 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. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-25-770, filed 7/28/78; Order 1142, § 275-25-770, filed 8/12/76.]

WAC 275-25-800 Applicability--WAC section numbers. WAC 275-25-800 through 275-25-899 shall apply to drug abuse programs. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-25-800, filed 7/28/78.]

WAC 275-25-810 Drug abuse services. (1) The plan for each county or combination of counties shall address service requirements for each of the following modalities:

- (a) Outpatient treatment services,
- (b) Day treatment services,
- (c) Residential treatment services,
- (d) Inpatient treatment services,
- (e) Prison/jail treatment services,
- (f) Rehabilitation services,
- (g) Intervention services,
- (h) Prevention services, and
- (i) Support services.

Where provision of a service within the county is not appropriate, the plan shall specify how the service will be made available to county residents.

(2) Each preliminary and final county plan shall include all of the following services:

- (a) Outpatient individual therapy,
- (b) Emergency treatment for acute toxicity, and
- (c) Screening and referral to appropriate local or statewide facilities.

(3) Each preliminary and final county plan shall include a prevention effort budgeted to be at least 10% of the amount awarded to the county under WAC 275-25-840. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-25-810, filed 7/28/78.]

WAC 275-25-820 Annual performance and status report. Each county or combination of counties shall submit a performance and status report no later than March 15 of each year, which shall include a report on previous year activity, information on the need for services and descriptions of current service delivery capability. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-25-820, filed 7/28/78.]

WAC 275-25-830 County management. (1) Each county or combination of counties shall designate in the county plan an individual as the county drug abuse coordinator, who shall assist in the preparation of the annual county plan and the annual performance and status report and administer the county drug abuse program.

(2) Each county or combination of counties shall have a county drug abuse board appointed by the county legislative body or bodies, which will advise the county legislative body or bodies and the county drug abuse coordinator on preparation and administration of the annual county plan and the preparation of the annual performance and status report. The county drug abuse board may be the same board designated for the mental health program: *Provided*, That, the board shall have standing drug abuse subcommittee and shall have at least 25% of its membership appointed to represent the drug abuse program and its clients. Counties may propose for department approval alternate board structures, which the department may authorize if the alternate structure is more efficient or effective and meets the intent of this section.

(3) Appointment, terms, composition and expenses of the county drug abuse board shall be as required for mental health boards by RCW 71.24.060. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-25-830, filed 7/28/78.]

WAC 275-25-840 Funding formulae. The annual allocation of funds appropriated from state revenues shall be based on the following criteria:

(1) The department may withhold up to twenty five percent of allocated state funds for statewide programs, special projects and emergency needs.

(2) Each county shall receive five thousand dollars for basic drug abuse services, subject to availability of state funds.

(3) The remainder of allocated state funds shall be distributed on a per capita basis, based on the most recent estimates of population size by the office of financial management. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-25-840, filed 7/28/78.]

Chapter 275-27 WAC

BUREAU OF DEVELOPMENTAL DISABILITIES SERVICES AND HOME AID RESOURCES RULES

WAC

275-27-020	Definitions.
275-27-040	Application for services.
275-27-050	Determination for necessary services.
275-27-060	Individual program plan.
275-27-230	Placement services.
275-27-300	Completion of individual program plan—Residential schools.
275-27-310	Exclusion of child from educational program—Residential schools.
275-27-320	Discipline—Expulsion—Suspension.
275-27-400	Reasonable notice and consultation.
275-27-500	Appeals.
275-27-600	Bureau certification of developmental centers.
275-27-605	Procedures for bureau certification, denial, suspension or revocation—Appeals.
275-27-610	Governing board.
275-27-615	Center structure and maintenance.
275-27-620	Staff training.
275-27-630	Client training.
275-27-635	Reimbursement of clients.
275-27-640	Protection of client rights.
275-27-660	Early childhood developmental centers—Services.

275-27-665 Early childhood developmental center—Staffing.
 275-27-680 Adult developmental training center—Services.
 275-27-685 Adult developmental training center—Staffing.

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 eighteen and exhibiting an intelligence quotient at or below sixty-seven using Stanford-Binet, or at or below sixty-nine using Wechsler, or a social quotient of sixty-nine or below using Vineland Social Maturity Scale: *Provided*, That, other appropriate analogous 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 or division 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 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 following information is necessary to 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;

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

(f) instruction that consent may be withdrawn and participation discontinued 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;

(d) preserve, rehabilitate or reunite families; and

(e) 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. [Statutory Authority: RCW 72.01.090, 72.33.040, 72.33.125, and 72.33.165. 78-04-033 (Order 1280), § 275-27-020, filed 3/16/78; Order 1143, § 275-27-020, filed 8/11/76.]

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

(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 eighteen, or court authorized guardian. If an individual, who is over eighteen years of age and has no guardian, is unable to give informed consent, then consent may be received from next-of-kin. [Statutory Authority: RCW 72.01.090, 72.33.040, 72.33.125, and 72.33.165. 78-04-033 (Order 1280), § 275-27-040, filed 3/16/78; 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 bureau 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 275-27-060. [Statutory Authority: RCW 72.01.090, 72.33.040, 72.33.125, and 72.33.165. 78-04-033 (Order 1280), § 275-27-050, filed 3/16/78; Order 1143, § 275-27-050, filed 8/11/76.]

WAC 275-27-060 Individual program plan. (1) The bureau shall develop a written individual program plan for each person who is determined eligible for bureau 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 training and habilitation goals for the client's progress. To the extent possible, all services shall be goal oriented and time limited.

(3) The program plan shall be reviewed at least annually by the bureau client program coordinator with 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 based on changed circumstances.

(5) Development, review and significant modifications of the individual program plan shall include, to the maximum extent possible, appropriate bureau 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. [Statutory Authority: RCW 72.01.090, 72.33.040, 72.33.125, and 72.33.165. 78-04-033 (Order 1280), § 275-27-060, filed 3/16/78; Order 1143, § 275-27-060, 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 section 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 thirty days.

(4) A temporary admission of any individual to a state school for respite care or diagnostic services shall not exceed 30 days.

(5) Placement by the bureau in a developmental center is limited as follows:

(a) The center must be certified as required by this chapter;

(b) Placement and funding is limited to those cases where the local school district is not responsible for provision of center services: *Provided, That:*

(i) the bureau shall aid the client in obtaining required services from the local school district;

(ii) eligible individual enrolled in a developmental center program on or before December 31, 1977, may continue to receive developmental center services funded by the bureau until September 1, 1978, unless funding for services from the local district is obtained prior to that date;

(iii) exceptions may be granted by the bureau for developmental center services during nonschool months. [Statutory Authority: RCW 72.01.090, 72.33.040, 72.33.125, and 72.33.165. 78-04-033 (Order 1280), § 275-27-230, filed 3/16/78; Order 1143, § 275-27-230, filed 8/11/76.]

WAC 275-27-300 Completion of individual program plan--Residential schools. (1) Upon admission from bureau's case services section, the state residential school shall take actions necessary to review and complete the individual program plan. (WAC 275-27-060). Residents of a common school age shall be placed in an educational program and other programs as deemed appropriate.

(2) The completed individual program plan for residential schools shall include assessment, training and habilitation goals, and long and short term objectives.

(3) Assessment shall include the following:

(a) Scholastic assessment;

(b) Physical assessment;

(c) Adjustment assessment.

(4) Upon completion of assessment the residential school shall determine training and habilitation goals for the resident.

(a) Training and habilitation goals shall be directed to maximizing the resident's potential, stabilizing or ameliorating the resident's disabling condition, and in the resident's best interests.

(b) Training and habilitation goals shall include consideration of future community placement and an estimate as to when such placement is possible.

(c) Training and habilitation goals shall specify in measurable terms the behavioral changes desired, expected results, and necessary resources.

(5) For those residents of common school age as determined by chapter 392-173 WAC completion of the individual program plan shall meet requirements of chapter 392-173 WAC.

(6) The requirements of this section shall be completed within 30 days of admission. Upon completion of the requirements of this section, the parent, legal guardian, or committing court shall be notified of decisions made pursuant to this 500. [Statutory Authority: RCW 72.01.090, 72.33.040, 72.33.125, and 72.33.165. 78-04-033 (Order 1280), § 275-27-300, filed 3/16/78.]

WAC 275-27-310 Exclusion of child from educational program--Residential schools. (1) Exclusion from all or any portion of the education program shall be made only pursuant to one of the following findings:

(a) An education program of benefit to the child cannot be made available at the institution, and no agency, school district, or other institution with whom the institution may contract can accommodate such child if such a determination is made it shall be affirmed by the director of the bureau who shall report any such exclusion and documentation to the secretary of the department of social and health services and the superintendent of public instruction for appropriate action and development of alternative plans to provide an education program of benefit; or

(b) The institution superintendent, through consultation with medical, clinical, and educational staff determines that the child is presently incapable of inclusion for a full school day. A current written medical report shall document the decision for exclusion and be made part of the child's file.

(2) Children excluded shall have assessments at least semi-annually and these assessments will be reviewed on a monthly basis.

(3) In addition to the above determination, a child's absence for more than three consecutive weeks or for more than one-third of his own total regular program over a period of two months except for reasons of illness documented by a physician or extended vacation from the institution shall constitute unjustified exclusion; in such case, the residential school must either take necessary action so that the education program is provided to the student or follow exclusion procedures specified in subsections (1) and (4).

(4) If the institution determines an exclusion from all or a portion of the educational program is appropriate under criteria as specified above, then notification of the decision and right to appeal shall be given pursuant to WAC 275-27-400. [Statutory Authority: RCW 72.01.090, 72.33.040, 72.33.125, and 72.33.165. 78-04-033 (Order 1280), § 275-27-310, filed 3/16/78.]

WAC 275-27-320 Discipline--Expulsion--Suspension. Appropriate discipline in, and expulsion or suspension from, a state residential school and/or an educational or other program provided by a state residential school shall be restricted to established rules of conduct prescribed by the state residential school superintendent in accordance with RCW 28A.58.101: *Provided*, That rules of conduct established by a residential school must be approved by the director of the bureau. Suspension or expulsion may be undertaken only pursuant to notice and administrative hearing as provided for in WAC 275-27-400 and 275-27-500, except that interim suspension may be undertaken for cause specified in WAC 180-40-130. [Statutory Authority: RCW 72.01.090, 72.33.040, 72.33.125, and 72.33.165. 78-04-033 (Order 1280), § 275-27-320, filed 3/16/78.]

WAC 275-27-400 Reasonable notice and consultation. (1) A notification of department decision with respect to eligibility, development, or modification of the individual program plan, proposed services, termination of bureau services, placements and admission or readmission to, or discharge from state schools, shall be delivered 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 thirty 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 thirty 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 eighteen, 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. [Statutory Authority: RCW 72.01.090, 72.33.040, 72.33.125, and 72.33.165. 78-04-033 (Order 1280), § 275-27-400, filed 3/16/78; Order 1143, § 275-27-400, filed 8/11/76.]

WAC 275-27-500 Appeals. (1) Upon receipt of notification pursuant to WAC 275-27-400, the person about whom the decision was made, and/or the

parent(s) of a client under age eighteen, or court authorized guardian of such person shall have thirty days in which to appeal this decision to the secretary for an administrative hearing pursuant to the Administrative Procedure Act, chapter 34.04 RCW.

(2) Appeal shall be undertaken by delivering written notice of appeal in person or by mail to the address specified in the notice of right to appeal.

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

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

(3) Within ten days after receipt of notice of appeal, the department shall schedule the matter for a hearing. Once scheduled, a hearing may not be continued unless the appellant stipulates to continuance or good cause is shown therefor.

(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.

(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. [Statutory Authority: RCW 72.01.090, 72.33.040, 72.33.125, and 72.33.165. 78-04-033 (Order 1280), § 275-27-500, filed 3/16/78; Order 1143, § 275-27-500, filed 8/11/76.]

WAC 275-27-600 Bureau certification of developmental centers. (1) An agency must be certified as a developmental center by the bureau to be eligible for state and/or federal funds provided through the bureau for either:

(a) early childhood developmental service; or

(b) social and living skills, prework, or specific job training to developmentally disable adults. (Effective date of this subsection is October 1, 1978).

(2) In order to be certified as a developmental center, the agency must comply with all certification requirements contained in this chapter: *Provided*, That the bureau may grant provisional certification to an agency which does not meet all requirements contained in this chapter to enable such agency to start serving or continue to serve clients while taking necessary action to comply with all requirements contained herein. Limitations on provisional certification are as follows:

(a) Provisional certification is discretionary and not renewable.

(b) The bureau may specify conditions and time limitations for compliance with these rules as a prerequisite to provisional certification.

(c) Provisional certification cannot exceed six months.

(3) Bureau certification is for a period of two years.

(4) An agency may be certified as an early childhood developmental center and/or an adult developmental training center to provide one of the four options specified in WAC 275-27-680(2).

(5) Facilities certified or requesting certification shall be open to inspection by the bureau during periods of center operation. [Statutory Authority: RCW 72.01.090, 72.33.165, 72.33.800, and 72.33.810. 78-04-003 (Order 1277), § 275-27-600, filed 3/2/78.]

WAC 275-27-605 Procedures for bureau certification, denial, suspension or revocation--Appeals. (1) In order to be certified, an agency must apply on application forms provided by the bureau. Application for renewal shall be made no more than ninety nor less than sixty days prior to the date of expiration of the certificate.

(2) Failure to comply with any of the requirements of this chapter shall be grounds for denial, suspension, or revocation of certification.

(3) Bureau decisions to deny, suspend or revoke certification shall be subject to appeal to administrative hearing pursuant to chapter 34.04 RCW and rules and regulations promulgated thereunder. [Statutory Authority: RCW 72.01.090, 72.33.165, 72.33.800, and 72.33.810. 78-04-003 (Order 1277), § 275-27-605, filed 3/2/78.]

WAC 275-27-610 Governing board. (1) The center shall be the responsibility of a governing board consisting of at least three members. The board shall be responsible for the following:

- (a) Determining and/or carrying out the corporate mission;
- (b) Prioritizing short- and long-term goals and objectives;
- (c) Hiring or designating a director;
- (d) Approving the agency budget;
- (e) Establishing policies and procedures;
- (f) Orienting new members.

(2) The board shall maintain copies of and is responsible for carrying out laws, and rules and regulations that are relevant to the functioning of the agency including:

- (a) Wage and hour regulations;
- (b) Insurance coverage;
- (c) Civil rights compliance;
- (d) Section 504 of the Vocational Rehabilitation Act of 1973. [Statutory Authority: RCW 72.01.090, 72.33.165, 72.33.800, and 72.33.810. 78-04-003 (Order 1277), § 275-27-610, filed 3/2/78.]

WAC 275-27-615 Center structure and maintenance. (1) Facilities shall meet applicable standards for fire, health, and safety.

(2) Facilities shall have at least an annual inspection by the appropriate local fire authority and shall submit a letter or report of compliance to the bureau upon request.

(3) The center structure, its component parts, facilities, equipment and furnishings shall be kept clean and

in good repair and maintained in the interest of the clients' safety and well being. No hazard shall exist from structural conditions. [Statutory Authority: RCW 72.01.090, 72.33.165, 72.33.800, and 72.33.810. 78-04-003 (Order 1277), § 275-27-615, filed 3/2/78.]

WAC 275-27-620 Staff training. (1) Staff training and/or preparation time must be available for all trainers and supervisors at a minimum of one hour for each day of operation.

(2) All centers must have a staff training program. [Statutory Authority: RCW 72.01.090, 72.33.165, 72.33.800, and 72.33.810. 78-04-003 (Order 1277), § 275-27-620, filed 3/2/78.]

WAC 275-27-630 Client training. (1) Each developmental center shall complete a skills and needs assessment for each client within 30 days of attendance in the program and at least annually following the initial assessment. The Progress Assessment Chart is the required reporting tool which shall be submitted to the bureau.

(2) Each center must participate in the individual program plan process coordinated by the bureau for each client. The center's portion of the plan must be prepared within thirty days of attendance at the center, must be in writing, must be based on the client assessment and must include the goals and objectives for the client within the center's program. The center's portion of the plan must be reviewed every six months and rewritten at least annually.

(3) The training activities at a center will be conducted according to written training programs. The training programs must be based upon the assessment and individual program plan. They must be systematized in method of presentation, with a measurable step-by-step process to assist the client in the acquisition of skills and information. [Statutory Authority: RCW 72.01.090, 72.33.165, 72.33.800, and 72.33.810. 78-04-003 (Order 1277), § 275-27-630, filed 3/2/78.]

WAC 275-27-635 Reimbursement of clients. (1) Clients must be reimbursed for work performed while in prework or specific job training, when the agency benefits financially from the clients' involvement on contracts (or direct sales) for products and/or services. The center must obtain the appropriate certificates from the department of labor and/or labor and industries.

(2) Reimbursement of clients for work performed must be based on productivity measured against the established norm, and documentation must include each client's rate of production and earnings. Client rate shall be reassessed at least semi-annually.

(3) The center must maintain evidence of definitive time study procedures for all remunerative work as well as competitive bidding procedures for contract work. [Statutory Authority: RCW 72.01.090, 72.33.165, 72.33.800, and 72.33.810. 78-04-003 (Order 1277), § 275-27-635, filed 3/2/78.]

WAC 275-27-640 Protection of client rights. Each developmental center must have comprehensive written

policies to protect the rights of the developmentally disabled clients enrolled in the program and shall be responsible for the implementation and enforcement of all policies. [Statutory Authority: RCW 72.01.090, 72.33.165, 72.33.800, and 72.33.810. 78-04-003 (Order 1277), § 275-27-640, filed 3/2/78.]

WAC 275-27-660 Early childhood developmental centers--Services. (1) Mandatory minimum services must include educational services, therapeutic intervention, and parent education programs appropriate to the age and needs of infants and young children under six years of age.

(2) An early childhood developmental center shall provide a minimum of one hour training per day each day the child attends. The center must be open and provide a program a minimum of three days each week. Services may be delivered by center staff in the child's residence if an exception is obtained from the bureau. [Statutory Authority: RCW 72.01.090, 72.33.165, 72.33.800, and 72.33.810. 78-04-003 (Order 1277), § 275-27-660, filed 3/2/78.]

WAC 275-27-665 Early childhood developmental center--Staffing. The direct service staff (teachers and aides) ratio must be at a minimum of one staff to five children. Each child shall have one staff member responsible for the coordination of the individual training plan. In addition, for each of the therapy programs (speech, physical, occupational or recreation therapy), there must be at least one therapist for every twenty children who require that particular therapy. [Statutory Authority: RCW 72.01.090, 72.33.165, 72.33.800, and 72.33.810. 78-04-003 (Order 1277), § 275-27-665, filed 3/2/78.]

WAC 275-27-680 Adult developmental training center--Services. (1) An adult developmental training center shall provide a minimum of four hours training per day per client, unless exceptions are included in the individual program plan. The center must be open and provide training a minimum of three days a week. Services may be delivered by center staff at the adult's residence if an exception is obtained from the bureau.

(2) The four options for providing services in an adult developmental center are: living and social skills training only; prework training in conjunction with living and social skills training; specific job training only; and living and social skills training, prework training, and specific job training.

(a) Living and social skills training is a variety of self-help skills training services that will increase the individual's ability to function independently. The living and social skills training program must include training components appropriate to the needs of the client. Appropriate training components may include at least the following: personal care and hygiene, independent living, functional academics, mobility, social behaviors, community awareness, sex education, speech and language development, and recreation training.

(b) Prework training is specialized services that will provide individual with acceptable work habits and attitudes to prepare them for employment or additional vocational training.

(i) The prework training component must be provided in conjunction with living and social skills training. When prework training constitutes the majority of a client's developmental center program, the length of time the client may spend in prework shall be limited to one year. Individual exceptions for additional prework training may be granted by the bureau.

(ii) Prework training must include: work orientation and/or work training and/or job readiness.

(c) Specific job training is vocational or work skill training that will prepare an individual for a particular job either in a workshop setting or in competitive employment.

(i) Specific job training must provide specialized training for a particular job, and may be provided by a center only when sufficient or appropriate DVR services are not available.

(ii) Specific job training shall be limited to one year or less for each client enrolled. Six-month extensions can be granted through the bureau according to the individual program plan. [Statutory Authority: RCW 72.01.090, 72.33.165, 72.33.800, and 72.33.810. 78-04-003 (Order 1277), § 275-27-680, filed 3/2/78.]

WAC 275-27-685 Adult developmental training center--Staffing. Each adult developmental training center must have a person who is responsible for program development (ratio one to sixty). Each client shall have one staff member responsible for the coordination of the individual training plan. Living and social skills training and prework training shall have a minimum ratio of one to seven (direct service staff); and specific job training shall be provided at a one to nine ratio (direct service staff). [Statutory Authority: RCW 72.01.090, 72.33.165, 72.33.800, and 72.33.810. 78-04-003 (Order 1277), § 275-27-685, filed 3/2/78.]

**Chapter 275-32 WAC
SPECIAL SUPERVISION--COUNTY JUVENILE
PROBATION PROGRAMS**

WAC	
275-32-060	Eligible probationers for special supervision.
275-32-115	Treatment plan.
275-32-125	Repealed.
275-32-135	Standard cost and workload standards.
275-32-145	Earning of credits.
275-32-155	County planning process.
275-32-165	County's cooperation with other agencies.
275-32-175	Alternate plans.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS
CHAPTER**

275-32-125	Receipts that exceed program costs. [Statutory Authority: RCW 13.06.030. 78-03-030 (Order 1269), § 275-32-125, filed 2/17/78.] Repealed by 79-06-033 (Order 1401), filed 5/16/79. Statutory Authority: RCW 13.06.030.
------------	---

WAC 275-32-060 Eligible probationers for special supervision. Youth between the ages of 8 and 18 who have been adjudicated as youthful offenders by a juvenile court will be eligible for this program. [Statutory Authority: RCW 13.06.030, 79-06-033 (Order 1401), § 275-32-060, filed 5/16/79; 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 275-32-115 Treatment plan. A written program plan shall be prepared for each youth assigned to a special supervision program. The plan shall include, but not be limited to, an identification of client problems, reasons for referral to a special supervision program, assessment of treatment needs, and a rehabilitation plan. The department may perform periodic reviews to insure that the program plans are developed and followed to the best ability of the court. [Statutory Authority: RCW 13.06.030, 78-03-030 (Order 1269), § 275-32-115, filed 2/17/78.]

WAC 275-32-125 Repealed. See Disposition Table at beginning of this chapter.

WAC 275-32-135 Standard cost and workload standards. The standard cost and workload standards as defined below shall be established biennially by the Bureau of Juvenile Rehabilitation. Standard cost is the per capita cost of providing community treatment services for youths assigned to the special supervision programs. Workload standards is defined as the ratio of youths receiving special supervision services to the commitment reduction number. [Statutory Authority: RCW 13.06.030, 78-03-030 (Order 1269), § 275-32-135, filed 2/17/78.]

WAC 275-32-145 Earning of credits. Earning of credits as identified in RCW 13.06.050(6) will be limited to regular commitments. [Statutory Authority: RCW 13.06.030, 78-03-030 (Order 1269), § 275-32-145, filed 2/17/78.]

WAC 275-32-155 County planning process. Annual application for county participation in the probation subsidy program shall include the county's plan for services to be performed with funds dispensed through the program. During the preparation of such plan, the county shall solicit and consider responsible comments and advice as presented by interested local residents and the region law and justice planning committee as established pursuant to 42 USC 3701 et seq. Prior to the county's adoption of each annual plan, the county shall hold a public hearing whereat all public comments and criticism shall be recorded, considered and preserved. [Statutory Authority: RCW 13.06.030, 78-03-030 (Order 1269), § 275-32-155, filed 2/17/78.]

WAC 275-32-165 County's cooperation with other agencies. In reviewing each submitted application as per WAC 275-32-035, the secretary, shall consider the general coordination of services available in that county.

The secretary may make such county's cooperation with local public and private agencies providing services to juveniles, a condition to the county's receipt of funds under this program. [Statutory Authority: RCW 13.06.030, 78-03-030 (Order 1269), § 275-32-165, filed 2/17/78.]

WAC 275-32-175 Alternate plans. For those counties, who as an alternate plan, elect to receive from the state the salary of one full-time probation officer, the salary level will be the same as the salary schedule adopted by the Washington state department of personnel for compensating juvenile parole counselors. The annual salary will be that in effect on January 1, of each year. In the event a probation officer has a bachelor's degree, preferably with major study in psychology, sociology or other social services and one year of social service experience or graduate training in social work, psychology or closely allied field, he/she will be paid at the level of Juvenile Parole Counselor I; and in the event a probation officer under this plan has the basic qualifying education, plus two years experience in social work, probation, parole, counseling, youth group work, or two years of graduate study in social work, psychology or a closely related field, or a combination of the two, then the Juvenile Parole Counselor II salary schedule will apply. [Statutory Authority: RCW 13.06.030, 78-03-030 (Order 1269), § 275-32-175, filed 2/17/78.]

Chapter 275-34 WAC DIVERSION

WAC

275-34-010	Definitions.
275-34-020	Planning—Committees—Creation of plans.
275-34-030	Planning—Submission of plans—Time limits.
275-34-040	State funding.
275-34-050	Program plan—Required elements.
275-34-060	Diversion unit—Specifications in plans.
275-34-070	Approval of plan by secretary.
275-34-080	Modification of approved plan.
275-34-090	Separate administration—Exceptions.
275-34-100	Exceptions to rules.
275-34-110	Program review and monitoring.

WAC 275-34-010 Definitions. (1) "Department" means department of social and health services.

(2) "Secretary" means the secretary of the department of social and health services or his/her designee.

(3) "Juvenile court" and "court" will have the same meaning as detailed in RCW 13.04.021.

(4) "Diversion unit" means any person or entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of chapter 13.40 RCW.

(5) "Diversion agreement" means a written agreement between a divertee and a diversion unit.

(6) "Divertee" means any alleged juvenile offender who has entered into a diversion agreement with a diversion unit and who is still under the supervision of such unit.

(7) "Restitution" means financial reimbursement by the juvenile offender to the victim(s) in an amount equal to

(a) actual damages sustained by loss of, or injury to, property and

(b) for personal physical injury, the cost of medical treatment and the amount of lost wages.

Restitution shall not include reimbursement for mental anguish, pain and suffering, or other intangible losses. Any restitution assessed by the diversion agreement shall not exceed an amount which the youth could reasonably be expected to pay during the operation of the agreement.

(8) "Juvenile," "youth," and "child," mean any individual who is under the chronological age of eighteen years and who has not previously been transferred to adult court for criminal prosecution. These terms shall also mean an individual over eighteen years of age but who remains under the jurisdiction of a juvenile court as provided in RCW 13.40.300.

(9) "Community service" means compulsory service, without compensation performed by the offender as punishment for committing an offense. Community service shall be performed for private or public nonprofit agencies and services. [Statutory Authority: 1977 ex. sess. c 291. 78-05-020 (Order 1288), § 275-34-010, filed 4/13/78.]

WAC 275-34-020 Planning--Committees--Creation of plans. (1) When requesting state funding of community diversion programs, the administrator of juvenile court services, or the office of the chief county executive or officers shall initiate diversion program planning for their respective judicial districts by selecting members for and organizing planning committee. All planning committees shall, insofar as possible, consist of people representing a broad range of interest in youth. To insure such representation, representatives of the county juvenile court, local law enforcement, the county prosecuting attorney's office, the county executive office, the regional law and justice planning office, and private and public nonprofit youth planning agencies shall be requested to belong to such committee or otherwise participate in such planning. Planning committees shall include and/or seek program planning input from representative ethnic minority groups residing within each planning area. Committee membership shall not exceed ten nor be less than five. Committee members shall serve for a one-year period with reappointment at the pleasure of the juvenile court administrator and/or the chief county executive or officers.

(2) The members of the planning committee shall select a chairperson by a majority vote.

(3) The committee shall be responsible for the preparation of annual written diversion program plans. Plans submitted for funding shall bear the signatures of the juvenile court administrator(s) and the chief county executive(s). Plans shall be in accordance with the requirements of chapter 13.40 RCW and the requirements of this chapter. [Statutory Authority: 1977 ex. sess. c

291. 78-05-020 (Order 1288), § 275-34-020, filed 4/13/78.]

WAC 275-34-030 Planning--Submission of plans--Time limits. (1) Written plans prepared by planning committees shall be submitted to the department for its review and approval. Approved plans will be financed by the department, with the exceptions contained in this chapter, through monies provided the department for this purpose.

(2) The initial plans shall be submitted, together with a formal application for funding in accordance with such plans, on or before May 1, 1978. Program implementation for such plans shall be on or about July 1, 1978.

(3) All subsequent plans and applications shall be submitted on or before June 1 and relate to program implementation on or about January 1 of the following year.

(4) Contracts for programs to begin on or about July 1, 1978 shall extend through December 31, 1978; subsequent contracts will be written on a twelve month calendar year basis. [Statutory Authority: 1977 ex. sess. c 291. 78-05-020 (Order 1288), § 275-34-030, filed 4/13/78.]

WAC 275-34-040 State funding. (1) State funds may be provided by the department and spent for a diversion program for wages of personnel directly responsible for the implementation or operation of a diversion program, necessary operating and equipment expenses, expenses caused by training of community volunteers, and expenses incurred for the program through contracts with third parties for the performance of educational, informational, or counseling interviews with divertees.

(2) The term "necessary operating and equipment expenses" as used herein shall not be construed to include expenses caused by building construction or the creation of substantial capital improvements.

(3) State funds shall not be provided to defray diversion program expenses which were, prior to July 1, 1978, financed with county originated dollars. [Statutory Authority: 1977 ex. sess. c 291. 78-05-020 (Order 1288), § 275-34-040, filed 4/13/78.]

WAC 275-34-050 Program plan--Required elements. The program plan shall

(1) identify all diversion program staff by title and responsibility,

(2) document total cost of program operation by line item cost,

(3) describe the process of divertee assignment to diversion unit,

(4) describe the procedure whereby the divertee's needs and obligations are assessed,

(5) describe the control and monitoring procedures to be used with regard to such program,

(6) describe the process for termination of diversion agreement,

(7) describe the manner by which the amount of restitution due will be decided upon, collected, and paid to the victim,

(8) state whether the program will operate and be administered separate from the court and, if no such separation is anticipated, explain why a connection between the court and the diversion program is necessary and advisable in accordance with WAC 275-34-090,

(9) indicate the estimated number of clients to receive diversion services during the contract period and describe how these figures were derived,

(10) describe how violators of diversion agreements will be returned to or referred to the court for disposition,

(11) justify why this particular plan for diversion was decided upon, and

(12) include a statement indicating the contractors and/or third party contractees willingness to participate in an evaluation program. [Statutory Authority: 1977 ex. sess. c 291, 78-05-020 (Order 1288), § 275-34-050, filed 4/13/78.]

WAC 275-34-060 Diversion unit--Specifications in plans. Proposed plans shall specify that the diversion unit shall

(1) maintain a record system separate and apart from existing juvenile court records,

(2) make provisions to insure that divertees and potential divertees are afforded due process as detailed in RCW 13.40.080(4) through (6),

(3) to the extent possible, involve members of the community in the implementation of community service assignments, restitution, and counseling interviews,

(4) provide for a community services coordinator to monitor and supervise diversion agreement, and

(5) establish a procedure necessary to ensure the confidentiality of client records. [Statutory Authority: 1977 ex. sess. c 291, 78-05-020 (Order 1288), § 275-34-060, filed 4/13/78.]

WAC 275-34-070 Approval of plan by secretary. The secretary will give each application individual consideration and will notify each applicant as to whether the applicant's plan has been approved or disapproved. Notification of approval or disapproval, as to the initial plans submitted on or before May 1, 1978, will be given on or before June 1, 1978. For all subsequent proposed plans and applications, assuming those plans and applications are submitted in a timely fashion, notice of department approval or disapproval shall be given the applicants on or before September 1 of the year in which the proposed plan is submitted. If a proposed plan and application is disapproved, the secretary shall submit in writing the reason(s) therefore. Subsequent to a plan's disapproval, the applicant may request reconsideration by the secretary of the disapproved proposed plan. [Statutory Authority: 1977 ex. sess. c 291, 78-05-020 (Order 1288), § 275-34-070, filed 4/13/78.]

WAC 275-34-080 Modification of approved plan. Approved plans may be modified only with the prior approval of the department. State funds will not be usable to pay expenses incurred prior to the date of approval of

a revised plan if those expenses are not in accord with the approved plan. When modifications are desired, a written statement describing the modification and an explanation of the reasons for modification accompanied by a written endorsement of the planning committee shall be submitted to the department. The secretary shall review the proposed modification and notify the applicant of approval or disapproval within thirty days. [Statutory Authority: 1977 ex. sess. c 291, 78-05-020 (Order 1288), § 275-34-080, filed 4/13/78.]

WAC 275-34-090 Separate administration--Exceptions. Diversion units as funded herein shall be administered and operated separately from the court; provided that, counties other than those in class AA and A may request of the department an exemption from this requirement. Exemptions may be granted by the department if the existence of the following conditions are clearly demonstrated by the applicant:

(1) past efforts at diversion were operated solely by the court,

(2) resources necessary for diversion programs do not exist within the county or judicial district, and

(3) resources for diversion programs cannot reasonably be established within the county or judicial district.

Requests for exemptions shall be included in the annually submitted plans. [Statutory Authority: 1977 ex. sess. c 291, 78-05-020 (Order 1288), § 275-34-090, filed 4/13/78.]

WAC 275-34-100 Exceptions to rules. The secretary may in his or her discretion waive the specific requirements of this chapter. Requests for such a waiver shall be prepared by the applicant and be submitted with the annual written proposed plan. Such requests shall include an explanation of the circumstances which the applicant contends justifies such waiver. The secretary will give each waiver request individual consideration and promptly advise the applicant in writing of the secretary's decision regarding the waiver and explain the basis for such decision. Waivers may also be requested, in a like fashion to the procedure discussed herein, when an applicant submits proposed modifications as per WAC 275-34-070. Nothing herein shall be construed to affect requirements specifically imposed by law on diversion plans or programs. Counties may request a waiver permitting the state to contract directly with private agencies existing within the community for the provision of services for youth who have entered into diversion agreements pursuant to this chapter. [Statutory Authority: 1977 ex. sess. c 291, 78-05-020 (Order 1288), § 275-34-100, filed 4/13/78.]

WAC 275-34-110 Program review and monitoring. A formal inspection of diversion programs will be made at least once a year by the staff of the department and at such other times that the secretary may require. This inspection or inspections shall be made in cooperation with officials responsible for the administration of diversion 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 contractor/grantee and/or any third party contractee and further, that these programs are operated in compliance with the standards established pursuant to Chapter 13.40 RCW and serve to meet the intent of the law. The inspection(s) shall consider all services provided for, and requirements placed on, juveniles assigned to diversion programs. [Statutory Authority: 1977 ex. sess. c 291. 78-05-020 (Order 1288), § 275-34-110, filed 4/13/78.]

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

275-59-020	Definitions.
275-59-030	Mental health division.
275-59-040	Repealed.
275-59-041	Schedule of maximum payment for defendant expert or professional person.
275-59-050	Time limitations and requirements.
275-59-060	Individualized treatment.
275-59-070	Repealed.
275-59-080	Conditional release.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

275-59-040	Court commitment. [Order 846, § 275-59-040, filed 8/9/73.] Repealed by 79-03-038 (Order 1373), filed 3/1/79. Statutory Authority: RCW 72.01.090.
275-59-070	Attendance at hearings. [Order 846, § 275-59-070, filed 8/9/73.] Repealed by 79-03-038 (Order 1373), filed 3/1/79. Statutory Authority: RCW 72.01.090.

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) "Division" means the mental health 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) "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.

(7) "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.

(8) "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. [Statutory Authority: RCW 72.01.090. 79-03-038 (Order 1373), § 275-59-020, filed 3/1/79; Order 846, § 275-59-020, filed 8/9/73.]

WAC 275-59-030 Mental health division. The secretary designates to the division the responsibility for:

(1) Evaluation and treatment of any person committed to the secretary for evaluation or treatment, under chapter 10.77 RCW;

(2) Assisting the court in obtaining nondepartmental mental health professionals to participate in the evaluation or a hearing on behalf of the defendant and supervising the procedure whereby such professionals will be compensated, according to fee schedule if the person being evaluated or treated is an indigent;

(3) Assuring that any nondepartmental mental health professional requesting compensation has maintained adequate evaluation and treatment records which justify compensation;

(4) Assisting the court by designation of professionals to examine the defendant and report to the court when the defendant is not committed to the secretary;

(5) Determination of what treatment center shall have custody of persons committed to the secretary under chapter 10.77 RCW. [Statutory Authority: RCW 72.01.090. 79-03-038 (Order 1373), § 275-59-030, filed 3/1/79; Order 846, § 275-59-030, filed 8/9/73.]

WAC 275-59-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 275-59-041 Schedule of maximum payment for defendant expert or professional person. Department payments to an expert or professional person obtained by an indigent person shall not exceed a payment per hour of fifty dollars nor shall not exceed a total payment of four hundred dollars, unless an exception is approved in writing by the division director. [Statutory Authority:

RCW 72.01.090. 79-03-038 (Order 1373), § 275-59-041, filed 3/1/79.]

WAC 275-59-050 Time limitations and requirements. 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:

(1) The superintendent, if no superintendent then the division, with the assistance of the office of the attorney general where necessary 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.

(2) 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 division, shall notify the committing court and prosecuting attorney of its computation of maximum release date and the requirement that the person must be released on that date unless civil proceedings are instituted or the court determines that the computation of maximum release date is incorrect. [Statutory Authority: RCW 72.01.090. 79-03-038 (Order 1373), § 275-59-050, filed 3/1/79; 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 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.

(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. [Statutory Authority: RCW 72.01.090. 79-03-038 (Order 1373), § 275-59-060, filed 3/1/79; Order 846, § 275-59-060, filed 8/9/73.]

WAC 275-59-070 Repealed. See Disposition Table at beginning of this chapter.

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, if no superintendent, then the director of the division, as the person to receive and act on such application for conditional release.

(3) 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.

(4) 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.

(5) 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 division, the prosecuting attorney, and the treatment facility in which the person was most recently housed.

(6) The following persons are designated to exercise power and authority of the secretary contained in RCW 10.77.190:

(a) The director or designee of the division;

(b) The probation and parole office, if any, supervising the conditionally released person; and

(c) The treatment facility supervising the conditionally released person or from which the person was conditionally released. [Statutory Authority: RCW 72.01.090. 79-03-038 (Order 1373), § 275-59-080, filed 3/1/79; Order 846, § 275-59-080, filed 8/9/73.]

Chapter 275-76 WAC

ADULT CORRECTIONAL INSTITUTIONS-- DETAINER

WAC

275-76-120 Recommendation for withdrawal of detainee.

WAC 275-76-120 Recommendation for withdrawal of detainee. (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) When the superintendent has recommended that the department seek the withdrawal of a detainer, the state administrator, after considering the circumstances of the offense for which the detainer was placed and the justification for the superintendent's recommendation, may

(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. [Statutory Authority: RCW 72.01.090. 79-07-034 (Order 1406), § 275-76-120, filed 6/20/79; Order 797, § 275-76-120, filed 5/10/73.]

Chapter 275-82 WAC

**ADULT CORRECTIONAL INSTITUTIONS--
CLASSIFICATION OF RESIDENTS--
ADMINISTRATIVE SEGREGATION**

WAC

- 275-82-015 Notice of meeting.
- 275-82-025 Conduct of meeting.
- 275-82-030 Decision.

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 witnesses and documentary evidence to the committee subject to the limitations set out in WAC 275-82-025(6). The resident 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. [Statutory Authority: RCW 72.01.090. 78-10-055 (Order 1345), § 275-82-015, filed 9/22/78; Order 1217, § 275-82-015, filed 6/15/77; Order 874, § 275-82-015, 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.

(6) The resident may present witnesses and documentary evidence unless the committee determines that permitting such evidence will be unduly hazardous to institutional safety or correctional goals and/or the information desired to be presented is deemed to be irrelevant, immaterial, unnecessarily duplicative of other information before the committee or found otherwise to be unnecessary to the adequate presentation of the resident's case. [Statutory Authority: RCW 72.01.090. 78-10-055 (Order 1345), § 275-82-025, filed 9/22/78; 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 and the evidence relied on by the committee. [Statutory Authority: RCW 72.01.090. 78-10-055 (Order 1345), § 275-82-030, filed 9/22/78; Order 1217, § 275-82-030, filed 6/15/77; Order 874, § 275-82-030, filed 11/16/73.]

Chapter 275-96 WAC

ADULT CORRECTIONAL INSTITUTIONS-- CORRESPONDENCE AND TELEPHONE USAGE

WAC	
275-96-005	Definitions.
275-96-021	Outgoing mail.
275-96-030	Special rules regarding packages—Limitations and controls.
275-96-055	Legal mail.
275-96-060	Stationery and postage.
275-96-070	Procedure for disapproval of resident mail.

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 mail addressed to or from attorneys, paraprofessionals who have a bona fide association with attorneys or a legal services agency, 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 Office or by other means.

(7) "Packages" are pieces of mail other than letters or publications.

(8) "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.

(9) "Publications" are reproduced written and/or pictorial materials including books, periodicals, newspapers, pamphlets.

(10) "Reception center" means the reception center at the Washington Corrections Center.

(11) "Superintendent" includes the superintendent of a correctional facility and/or his designee(s). [Statutory Authority: RCW 72.01.090. 78-12-052 (Order 1358), § 275-96-005, filed 11/28/78; Order 838, § 275-96-005, 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.

(11) The mail contains contraband. [Statutory Authority: RCW 72.01.090. 78-12-052 (Order 1358), §

275-96-021, filed 11/28/78; Order 1087, § 275-96-021, filed 1/16/76. Formerly WAC 275-96-035 (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 and may increase the weight limitation on soft packages at his discretion provided that the additional allowances will be applicable to all residents of the institution. Packages which are overweight may be delivered or returned. If returned, the procedures in WAC 275-96-030(6) will be followed.

(4) Packages containing materials purchased by mail order by a resident may be admitted subject to limitations in WAC 275-96-021, 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. If a package contains contraband which is not illegal, the package shall be, at the resident's expense, returned to the sender or to another person designated by the resident. If the resident chooses neither of these options, the package may be donated to charity or discarded. The superintendent may, in his discretion, require that only the contraband portion of the package be returned and may allow delivery of noncontraband portions of a package.

(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.

(10) Mail which arrives at an institution with postage due may, at the option of the superintendent, be delivered to the resident with the institution paying the postage due or held for a reasonable period of time so as to allow the resident to arrange for payment of the postage due. If such arrangements are not made within the time provided, the package may be donated to charity or discarded. [Statutory Authority: RCW 72.01.090. 78-12-052 (Order 1358), § 275-96-030, filed 11/28/78; Order 1087, § 275-96-030, filed 1/16/76; Order 838, § 275-96-030, filed 7/26/73. Formerly WAC 275-96-040.]

WAC 275-96-055 Legal mail. Legal correspondence may be opened and inspected for contraband in the presence of the resident only. [Statutory Authority: RCW 72.01.090. 78-12-052 (Order 1358), § 275-96-055, filed 11/28/78; 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 three pieces of first-class domestic mail, each weighing one ounce or less, per week. Postage on additional outgoing mail shall be paid by the resident. Legal mail in excess of this limitation shall be paid for by the institution only if the resident has less than ten dollars in his account. The superintendent may approve exceptions to this limitation.

(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. [Statutory Authority: RCW 72.01.090. 78-12-052 (Order 1358), § 275-96-060, filed 11/28/78; Order 838, § 275-96-060, 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, a written 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 and to the resident, who will also be told the sender's name. Letters disapproved for delivery to a resident will be returned to the sender. Packages will be disposed of in accordance with WAC 275-96-030.

(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) Whenever letters written by residents are withheld from mailing, the letters shall be forwarded to the director of the division of adult corrections for study. The director shall either mail the letters to the addressee within seven days, or, if the letters are deemed objectionable by the director under the standards of these rules, they shall be retained in a separate file for two years and then destroyed.

(5) Any resident who feels aggrieved by the denial of either the sending or receipt of mail may appeal such decision to the superintendent or his designee, who shall be a person other than the person who originally disapproved the correspondence. [Statutory Authority: RCW 72.01.090. 78-12-052 (Order 1358), § 275-96-070, filed 11/28/78; Order 1087, § 275-96-070, filed 1/16/76. Formerly WAC 275-96-035 (part).]