

# Title 275 WAC

## DEPARTMENT OF SOCIAL AND HEALTH SERVICES

### (INSTITUTIONS)

**Chapters**

- 275-16 Liability for costs of care and hospitalization of the mentally ill.
- 275-18 Standards for certification of approval for drug treatment centers.
- 275-19 Alcoholism treatment facilities.
- 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.
- 275-26 Developmentally disabled community training program.
- 275-27 Bureau of developmental disabilities services and home aid resources rules.
- 275-32 Special supervision—County juvenile probation programs.
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- 275-36 Group homes for the mentally and physically handicapped.
- 275-38 IMR program and reimbursement system.
- 275-48 Payments to persons released from correctional institutions.
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- 275-55 Voluntary admission—Involuntary commitment, treatment and/or evaluation of mentally ill persons.
- 275-56 Community mental health programs.
- 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.
- 275-80 Adult correctional institutions—Visits.
- 275-82 Adult correctional institutions—Classification of residents—Administrative segregation.
- 275-85 Resident of adult correctional institution escorted leave of absence.
- 275-88 Adult correctional institutions—Discipline.
- 275-91 Adult correctional institutions—Medical care—Health care.
- 275-92 Adult correctional institutions—Release programs—Work—training.
- 275-110 Impact account—Criminal justice cost reimbursement.
- 275-150 Referendum 37 funding of facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps.

**DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE**

**Chapter 275-12**

**IMPLEMENTATION OF THE COMMUNITY MENTAL HEALTH SERVICES ACT**

- 275-12-005 Definitions. [Order 810, § 275-12-005, filed 7/6/73; Order 68-3, § 275-12-005, filed 3/5/68; Emergency Regulation, § 275-12-005, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75. Later promulgation, see WAC 275-12-220.
- 275-12-010 Annual allocation of funds. [Order 972, § 275-12-010, filed 9/26/74; Order 810, § 275-12-010, filed 7/6/73; Order 68-3, § 275-12-010, filed 3/5/68; Emergency Regulation, § 275-12-010, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75.
- 275-12-015 Formula for allocation of available funds. [Order 810, § 275-12-015, filed 7/6/73; Order 68-3, § 275-12-015, filed 3/5/68; Emergency Regulation, § 275-12-015, filed 1/25/68.] Repealed by Order 972, filed 9/26/74.
- 275-12-020 Submission of county plan. [Order 68-3, § 275-12-020, filed 3/5/68; Emergency Regulation, § 275-12-020, filed 1/25/68.] Repealed by Order 810, filed 7/6/73.
- 275-12-021 Authorization of program. [Order 810, § 275-12-021, filed 7/6/73.] Repealed by Order 1072, filed 12/5/75. Later promulgation, see WAC 275-12-230.
- 275-12-025 Authorization of program by county commissioners. [Order 68-3, § 275-12-025, filed 3/5/68; Emergency Regulation, § 275-12-025, filed 1/25/68.] Repealed by Order 810, filed 7/6/73.
- 275-12-026 Plan—Submission. [Order 810, § 275-12-026, filed 7/6/73.] Repealed by Order 1072, filed 12/5/75.
- 275-12-030 Appointment of program administrative board. [Order 810, § 275-12-030, filed 7/6/73; Order 68-3, § 275-12-030, filed 3/5/68; Emergency Regulation, § 275-12-030, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75. Later promulgation, see WAC 275-12-420.
- 275-12-035 Responsibilities of county commissioners. [Order 810, § 275-12-035, filed 7/6/73; Order 68-3, § 275-12-035, filed 3/5/68; Emergency Regulation, § 275-12-035, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75.
- 275-12-040 Evaluation by administrative board. [Order 810, § 275-12-040, filed 7/6/73; Order 68-3, § 275-12-040, filed 3/5/68; Emergency Regulation, § 275-12-040, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75.
- 275-12-045 Administrative provisions. [Order 810, § 275-12-045, filed 7/6/73; Order 68-3, § 275-12-045, filed 3/5/68; Emergency Regulation, § 275-12-045, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75. Later promulgation, see WAC 275-12-280.
- 275-12-050 Reports required by plan. [Order 68-3, § 275-12-050, filed 3/5/68; Emergency Regulation, § 275-12-050, filed 1/25/68.] Repealed by Order 810, filed 7/6/73.
- 275-12-055 Records—Accessibility. [Order 810, § 275-12-055, filed 7/6/73; Order 68-3, § 275-12-055, filed 3/5/68; Emergency Regulation, § 275-12-055, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75.

## Title 275 WAC

## Title 275 WAC: DSHS (Institutions)

- 275-12-060 Medical records. [Order 810, § 275-12-060, filed 7/6/73; Order 68-3, § 275-12-060, filed 3/5/68; Emergency Regulation, § 275-12-060, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75.
- 275-12-065 Fiscal control and accounting procedures. [Order 810, § 275-12-065, filed 7/6/73; Order 68-3, § 275-12-065, filed 3/5/68; Emergency Regulation, § 275-12-065, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75.
- 275-12-070 Discrimination prohibited. [Order 810, § 275-12-070, filed 7/6/73; Order 68-3, § 275-12-070, filed 3/5/68; Emergency Regulation, § 275-12-070, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75. Later promulgation, see WAC 275-12-450.
- 275-12-075 Uniformity in personnel practices. [Order 68-3, § 275-12-075, filed 3/5/68; Emergency Regulation, § 275-12-075, filed 1/25/68.] Repealed by Order 810, filed 7/6/73.
- 275-12-080 Scope and quality of services. [Order 810, § 275-12-080, filed 7/6/73; Order 68-3, § 275-12-080, filed 3/5/68; Emergency Regulation, § 275-12-080, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75.
- 275-12-085 Annual revision. [Order 810, § 275-12-085, filed 7/6/73; Order 68-3, § 275-12-085, filed 3/5/68; Emergency Regulation, § 275-12-085, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75.
- 275-12-090 Intercounty cooperation. [Order 810, § 275-12-090, filed 7/6/73; Order 68-3, § 275-12-090, filed 3/5/68; Emergency Regulation, § 275-12-090, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75. Later promulgation, see WAC 275-12-460.
- 275-12-095 Supervisor of community mental health and drug abuse services. [Order 810, § 275-12-095, filed 7/6/73; Order 68-3, § 275-12-095, filed 3/5/68; Emergency Regulation, § 275-12-095, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75. Later promulgation, see WAC 275-12-330.
- 275-12-100 Community mental health program coordinator or administrator. [Order 68-3, § 275-12-100, filed 3/5/68; Emergency Regulation, § 275-12-100, filed 1/25/68.] Repealed by Order 810, filed 7/6/73.
- 275-12-105 Contracts for services. [Order 810, § 275-12-105, filed 7/6/73; Order 68-3, § 275-12-105, filed 3/5/68; Emergency Regulation, § 275-12-105, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75. Later promulgation, see WAC 275-12-320.
- 275-12-110 Statewide cooperation. [Order 810, § 275-12-110, filed 7/6/73; Order 68-3, § 275-12-110, filed 3/5/68; Emergency Regulation, § 275-12-110, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75.
- 275-12-112 Reports required by plan. [Order 810, § 275-12-112, filed 7/6/73.] Repealed by Order 1072, filed 12/5/75.
- 275-12-115 Expenditures and payments—State share. [Order 810, § 275-12-115, filed 7/6/73; Order 68-3, § 275-12-115, filed 3/5/68; Emergency Regulation, § 275-12-115, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75. Later promulgation, see WAC 275-12-170.
- 275-12-120 Local share. [Order 810, § 275-12-120, filed 7/6/73; Order 68-3, § 275-12-120, filed 3/5/68; Emergency Regulation, § 275-12-120, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75. Later promulgation, see WAC 275-12-260.
- 275-12-125 Eligible costs. [Order 810, § 275-12-125, filed 7/6/73; Order 68-3, § 275-12-125, filed 3/5/68; Emergency Regulation, § 275-12-125, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75. Later promulgation, see WAC 275-12-170.
- 275-12-130 Expenditures and payments—Ineligible costs. [Order 68-3, § 275-12-130, filed 3/5/68; Emergency Regulation, § 275-12-130, filed 1/25/68.] Repealed by Order 810, filed 7/6/73.
- 275-12-135 Application review. [Order 810, § 275-12-135, filed 7/6/73; Order 68-3, § 275-12-135, filed 3/5/68; Emergency Regulation, § 275-12-135, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75.
- 275-12-136 Appeal procedure. [Order 810, § 275-12-136, filed 7/6/73; Order 68-3, § 275-12-136, filed 3/5/68; Emergency Regulation, § 275-12-136, filed 1/25/68.] Repealed by Order 1072, filed 12/5/75. Later promulgation, see WAC 275-12-310.
- 275-12-200 Appendix I—Mental health service areas. [Order 68-3 (Appendix I), filed 3/5/68.] Repealed by Order 1072, filed 12/5/75.
- 275-12-205 Appendix II—Mental health area priority rating schedule, Table VIII. [Order 68-3 (Appendix II), filed 3/5/68.] Repealed by Order 1072, filed 12/5/75.
- 275-12-210 Purpose. [Order 1072, § 275-12-210, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-12-220 Definitions. [Order 1072, § 275-12-220, filed 12/5/75. Formerly WAC 275-12-005.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-12-230 Authorization of program. [Order 1072, § 275-12-230, filed 12/5/75. Formerly WAC 275-12-021.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-12-240 Eligibility for grants to counties. [Order 1072, § 275-12-240, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-12-250 Annual allocation of funds. [Order 1072, § 275-12-250, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-12-260 Local share. [Order 1072, § 275-12-260, filed 12/5/75. Formerly WAC 275-12-120.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-12-270 Expenditures and payments—State share—Eligible costs. [Order 1072, § 275-12-270, filed 12/5/75. Formerly WAC 275-12-115 and 275-12-125.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-12-280 Administrative procedures. [Order 1072, § 275-12-280, filed 12/5/75. Formerly WAC 275-12-045.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-12-290 Review of plans. [Order 1072, § 275-12-290, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-12-310 Agency appeal procedure. [Order 1072, § 275-12-310, filed 12/5/75. Formerly WAC 275-12-136.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-12-320 Contracts for services. [Order 1072, § 275-12-320, filed 12/5/75. Formerly WAC 275-12-105.] Repealed by Order 1142, filed 8/12/75. Later promulgation, see chapter 275-25 WAC.
- 275-12-330 Supervisor of community mental health and drug treatment services. [Order 1072, § 275-12-330, filed 12/5/75. Formerly WAC 275-12-095.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-12-340 Review of applications for federal funds. [Order 1072, § 275-12-340, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-12-350 Liability. [Order 1072, § 275-12-350, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-12-400 Biennial base plan. [Order 1072, § 275-12-400, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-12-410 Annual plan. [Order 1072, § 275-12-410, filed 12/5/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-12-420 Plan—Appointment of program administrative board. [Order 1072, § 275-12-420, filed 12/5/75. Formerly WAC 275-12-026 and 275-12-030.] Repealed by

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

**Chapter 275-13**

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

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

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

**Chapter 275-14**

**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. 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),

275-14-180 filed 7/28/78. Statutory Authority: RCW 69.54.040. Later promulgation, see chapter 275-18 WAC. 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.

**Chapter 275-15**

**FACILITIES FOR TREATMENT OF ALCOHOLISM**

275-15-010 Purpose. [Order 1193, § 275-15-010, filed 3/3/77; Order 986, § 275-15-010, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-020 Facility services. [Order 1193, § 275-15-020, filed 3/3/77; Order 986, § 275-15-020, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-030 Definitions. [Order 1193, § 275-15-030, filed 3/3/77; Order 986, § 275-15-030, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-040 Department approval and accrediting procedures. [Order 1193, § 275-15-040, filed 3/3/77; Order 986, § 275-15-040, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-050 Suspension, revocation, or restriction of approval and accreditation. [Order 1193, § 275-15-050, filed 3/3/77; Order 986, § 275-15-050, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-060 Inspections. [Order 986, § 275-15-060, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-070 Approved treatment facilities—Availability of services. [Order 986, § 275-15-070, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-080 Court commitments. [Order 986, § 275-15-080, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-100 Purpose. [Order 986, § 275-15-100, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-110 Governing body. [Order 986, § 275-15-110, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-120 Administrator. [Order 986, § 275-15-120, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-130 Personnel. [Order 986, § 275-15-130, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-140 Student practice. [Order 986, § 275-15-140, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-150 Individualized treatment plan. [Order 986, § 275-15-150, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-160 Register and treatment records. [Order 986, § 275-15-160, filed 12/16/74.] Repealed by 80-02-136

(Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-200 Detoxification service—Purpose. [Order 986, § 275-15-200, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-205 Clients. [Order 986, § 275-15-205, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-210 Required services—General. [Order 986, § 275-15-210, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-215 Required services—Domiciliary and health care needs. [Order 986, § 275-15-215, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-220 Required services—Medical screening. [Order 986, § 275-15-220, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-225 Required services—Emergency medical policies and orders. [Order 986, § 275-15-225, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-230 Required services—Provisions for medical coverage. [Order 986, § 275-15-230, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-235 Required services—Nursing. [Order 986, § 275-15-235, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-240 Required services—Counseling. [Order 986, § 275-15-240, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-245 Required services—Social and recreational activities. [Order 986, § 275-15-245, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-250 Required services—Discharge and referral. [Order 986, § 275-15-250, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-255 Transfer agreement. [Order 986, § 275-15-255, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-300 Purpose. [Order 1193, § 275-15-300, filed 3/3/77; Order 986, § 275-15-300, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-305 Clients. [Order 1193, § 275-15-305, filed 3/3/77; Order 986, § 275-15-305, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-310 Required services—General. [Order 1193, § 275-15-310, filed 3/3/77; Order 986, § 275-15-310, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-315 Required services—Domiciliary and health care needs. [Order 986, § 275-15-315, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-320 Required services—Education. [Order 986, § 275-15-320, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-325 Required services—Individual and group counseling. [Order 986, § 275-15-325, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

275-15-330 Required services—Social and recreational activities. [Order 986, § 275-15-330, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

## Title 275 WAC

## Title 275 WAC: DSHS (Institutions)

- 275-15-335 Required services—General health supervision. [Order 986, § 275-15-335, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.
- 275-15-340 Required services—Safety measures. [Order 986, § 275-15-340, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.
- 275-15-345 Required services—Notification regarding change in client's condition. [Order 986, § 275-15-345, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.
- 275-15-350 Required services—Discharge or referral. [Order 986, § 275-15-350, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.
- 275-15-355 Required services—Follow-through on client after discharge or referral. [Order 986, § 275-15-355, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.
- 275-15-360 Written program statement. [Order 986, § 275-15-360, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.
- 275-15-400 Alcoholism long-term treatment service. [Order 1193, § 275-15-400, filed 3/3/77; Order 986, § 275-15-400, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.
- 275-15-500 Alcoholism recovery house service. [Order 1193, § 275-15-500, filed 3/3/77; Order 986, § 275-15-500, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.
- 275-15-600 Alcoholism outpatient treatment—Purpose. [Order 986, § 275-15-600, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.
- 275-15-605 Required services. [Order 986, § 275-15-605, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.
- 275-15-610 Facility standards. [Order 986, § 275-15-610, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.
- 275-15-615 Administration. [Order 1193, § 275-15-615, filed 3/3/77; Order 986, § 275-15-615, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.
- 275-15-620 Program service objectives—Staff. [Order 986, § 275-15-620, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.
- 275-15-625 Records. [Order 986, § 275-15-625, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.
- 275-15-630 Case management. [Order 986, § 275-15-630, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.
- 275-15-700 Information and referral service regulations—Purpose. [Order 986, § 275-15-700, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.
- 275-15-705 Required services. [Order 986, § 275-15-705, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.
- 275-15-710 Community services. [Order 986, § 275-15-710, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.
- 275-15-715 Location. [Order 986, § 275-15-715, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.
- 275-15-800 Alcohol information school regulations—Purpose. [Order 986, § 275-15-800, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.
- 275-15-805 Functions. [Order 986, § 275-15-805, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.
- 275-15-810 Required instruction. [Order 986, § 275-15-810, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.
- 275-15-815 Fees. [Order 1193, § 275-15-815, filed 3/3/77; Order 986, § 275-15-815, filed 12/16/74.] Repealed by 80-02-136 (Order 1486), filed 2/1/80. Statutory Authority: RCW 70.96A.090.

## Chapter 275-17

## DRUG TREATMENT PROGRAMS

- 275-17-010 Program established. [Order 1036, § 275-17-010, filed 7/10/75.] Repealed by Order 1212, filed 5/20/77.
- 275-17-020 Eligible persons. [Order 1036, § 275-17-020, filed 7/10/75.] Repealed by Order 1212, filed 5/20/77.
- 275-17-030 Priorities. [Order 1036, § 275-17-030, filed 7/10/75.] Repealed by Order 1212, filed 5/20/77.
- 275-17-040 Conditions of admission—Documentation required. [Order 1036, § 275-17-040, filed 7/10/75.] Repealed by Order 1212, filed 5/20/77.
- 275-17-050 Scope of program. [Order 1036, § 275-17-050, filed 7/10/75.] Repealed by Order 1212, filed 5/20/77.
- 275-17-060 Discharge from program. [Order 1036, § 275-17-060, filed 7/10/75.] Repealed by Order 1212, filed 5/20/77.
- 275-17-070 Notifications required. [Order 1036, § 275-17-070, filed 7/10/75.] Repealed by Order 1212, filed 5/20/77.
- 275-17-080 Liability for costs of care. [Order 1036, § 275-17-080, filed 7/10/75.] Repealed by Order 1212, filed 5/20/77.

## Chapter 275-24

ADMINISTRATION AND DISTRIBUTION OF PROBATION  
SUBSIDY FUNDS

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

Chapter 275-28

COMMUNITY MENTAL RETARDATION SERVICES ACT

- 275-28-010 Definitions. [Order 6, § 275-28-010, filed 5/13/68; Emergency Regulation, § 275-28-010, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75. Later promulgation, see WAC 275-29-020.
- 275-28-020 Annual allocation of funds. [Order 6, § 275-28-020, filed 5/13/68; Emergency Regulation, § 275-28-020, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75.
- 275-28-030 Allocation of funds. [Order 845, § 275-28-030, filed 8/9/73; Order 6, § 275-28-030, filed 5/13/68; Emergency Regulation, § 275-28-030, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75. Later promulgation, see WAC 275-29-030.
- 275-28-040 Submission of county plan. [Order 6, § 275-28-040, filed 5/13/68; Emergency Regulation, § 275-28-040, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75.
- 275-28-050 Authorization of program by county commissioners. [Order 6, § 275-28-050, filed 5/13/68; Emergency Regulation, § 275-28-050, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75.
- 275-28-060 Appointment of community board. [Order 6, § 275-28-060, filed 5/13/68; Emergency Regulation, § 275-28-060, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75.
- 275-28-070 Responsibilities of county commissioners. [Order 6, § 275-28-070, filed 5/13/68; Emergency Regulation, § 275-28-070, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75.
- 275-28-080 Evaluation by community board. [Order 6, § 275-28-080, filed 5/13/68; Emergency Regulation, § 275-28-080, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75.
- 275-28-090 Administrative provisions of plans. [Order 6, § 275-28-090, filed 5/13/68; Emergency Regulation, § 275-28-090, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75. Later promulgation, see WAC 275-29-210.
- 275-28-100 Reports required by plan. [Order 6, § 275-28-100, filed 5/13/68; Emergency Regulation, § 275-28-100, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75. Later promulgation, see WAC 275-29-230.
- 275-28-110 Nature of records—Generally. [Order 6, § 275-28-110, filed 5/13/68; Emergency Regulation, § 275-28-110, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75. Later promulgation, see WAC 275-29-150.
- 275-28-120 Information from medical and personal records—Confidential. [Order 6, § 275-28-120, filed 5/13/68; Emergency Regulation, § 275-28-120, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75. Later promulgation, see WAC 275-29-160.
- 275-28-130 Fiscal control and accounting procedures. [Order 6, § 275-28-130, filed 5/13/68; Emergency Regulation, § 275-28-130, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75. Later promulgation, see WAC 275-29-240.
- 275-28-140 Discrimination prohibited. [Order 6, § 275-28-140, filed 5/13/68; Emergency Regulation, § 275-28-140, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75. Later promulgation, see WAC 275-29-250.
- 275-28-150 Uniformity in personnel practices. [Order 6, § 275-28-150, filed 5/13/68; Emergency Regulation, § 275-28-150, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75.
- 275-28-160 Scope and quality of services. [Order 6, § 275-28-160, filed 5/13/68; Emergency Regulation, § 275-28-160, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75.
- 275-28-170 Annual revision of county plan. [Order 6, § 275-28-170, filed 5/13/68; Emergency Regulation, § 275-

- 275-28-180 28-170, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75.
- 275-28-180 Intercounty cooperation. [Order 6, § 275-28-180, filed 5/13/68; Emergency Regulation, § 275-28-180, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75. Later promulgation, see WAC 275-29-260.
- 275-28-190 Community mental retardation program coordinator or administrator. [Order 6, § 275-28-190, filed 5/13/68; Emergency Regulation, § 275-28-190, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75.
- 275-28-200 Contracts for services. [Order 6, § 275-28-200, filed 5/13/68; Emergency Regulation, § 275-28-200, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75. Later promulgation, see WAC 275-29-120.
- 275-28-210 State-wide cooperation. [Order 6, § 275-28-210, filed 5/13/68; Emergency Regulation, § 275-28-210, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75. Later promulgation, see WAC 275-29-140.
- 275-28-220 Expenditures and payments—Eligible costs. [Order 6, § 275-28-220, filed 5/13/68; Emergency Regulation, § 275-28-220, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75. Later promulgation, see WAC 275-29-050.
- 275-28-230 Expenditures and payments—Ineligible costs. [Order 6, § 275-28-230, filed 5/13/68; Emergency Regulation, § 275-28-230, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75.
- 275-28-240 Application review. [Order 6, § 275-28-240, filed 5/13/68; Emergency Regulation, § 275-28-240, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75.
- 275-28-250 Appeal procedure. [Order 6, § 275-28-250, filed 5/13/68; Emergency Regulation, § 275-28-250, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75. Later promulgation, see WAC 275-29-100.

Chapter 275-29

COMMUNITY DEVELOPMENTAL DISABILITIES AND MENTAL RETARDATION SERVICES ACT

- 275-29-010 Purpose. [Order 1070, § 275-29-010, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-020 Definitions. [Order 1070, § 275-29-020, filed 11/21/75. Formerly WAC 275-28-010.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-030 Allocation of funds. [Order 1070, § 275-29-030, filed 11/21/75. Formerly WAC 275-28-030.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-040 Department determination of eligibility for state funding. [Order 1070, § 275-29-040, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-050 Expenditures and payments to counties—Eligible costs. [Order 1070, § 275-29-050, filed 11/21/75. Formerly WAC 275-28-220.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-060 Expenditures and payments to day training centers, group training homes, and to the parent or guardian of a retarded or developmentally disabled person. [Order 1070, § 275-29-060, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-070 Certification and licensing of developmental disabilities agencies. [Order 1070, § 275-29-070, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-080 Certification—Developmental centers and group training homes. [Order 1070, § 275-29-080, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.

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<p>275-29-090 Sanctions. [Order 1070, § 275-29-090, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-100 Appeal procedure. [Order 1070, § 275-29-100, filed 11/21/75. Formerly WAC 275-28-250.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-110 Authorization of program by county commissioners. [Order 1070, § 275-29-110, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-120 Contracts for services. [Order 1070, § 275-29-120, filed 11/21/75. Formerly WAC 275-28-200 (part).] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-130 Community developmental disabilities and mental retardation program coordinators or administrators. [Order 1070, § 275-29-130, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-140 Statewide cooperation. [Order 1070, § 275-29-140, filed 11/21/75. Formerly WAC 275-28-210 (part).] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-150 Nature of records—Generally. [Order 1070, § 275-29-150, filed 11/21/75. Formerly WAC 275-28-110 (part).] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-160 Confidential and privileged information. [Order 1070, § 275-29-160, filed 11/21/75. Formerly WAC 275-28-120 (part).] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-170 Liability. [Order 1070, § 275-29-170, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-200 Submission of county plan. [Order 1070, § 275-29-200, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-210 Administrative provisions of plans. [Order 1070, § 275-29-210, filed 11/21/75. Formerly WAC 275-28-090 (part).] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-220 Plan—Community board requirements. [Order 1070, § 275-29-220, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-230 Reports required by plan. [Order 1070, § 275-29-230, filed 11/21/75. Formerly WAC 275-28-100 (part).] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-240 Plan—Fiscal control and accounting procedures. [Order 1070, § 275-29-240, filed 11/21/75. Formerly WAC 275-28-130 (part).] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-250 Plan—Discrimination prohibited. [Order 1070, § 275-29-250, filed 11/21/75. Formerly WAC 275-28-140 (part).] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-260 Plan—Intercounty cooperation. [Order 1070, § 275-29-260, filed 11/21/75. Formerly WAC 275-28-180 (part).] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-270 Plan—Scope and quality of services. [Order 1070, § 275-29-270, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-280 Five-year plan. [Order 1070, § 275-29-280, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-290 Review of the annual county plan and its revisions by the community board. [Order 1070, § 275-29-290,</p>	<p>filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-300 Community organization. [Order 1070, § 275-29-300, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-310 Community program services. [Order 1070, § 275-29-310, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-320 Transportation services. [Order 1070, § 275-29-320, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-330 Information and referral services. [Order 1070, § 275-29-330, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-340 Treatment services. [Order 1070, § 275-29-340, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-350 Diagnostic and evaluation services. [Order 1070, § 275-29-350, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-360 Recreation service. [Order 1070, § 275-29-360, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-370 Family counseling services. [Order 1070, § 275-29-370, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-380 Vocational training and education programs. [Order 1070, § 275-29-380, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-390 Home training and care service. [Order 1070, § 275-29-390, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-400 Medical and dental service. [Order 1070, § 275-29-400, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-410 Consultant services. [Order 1070, § 275-29-410, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-420 Psychiatric services. [Order 1070, § 275-29-420, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-500 Agency administration. [Order 1070, § 275-29-500, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-510 Agency governing board. [Order 1070, § 275-29-510, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-520 Agency director. [Order 1070, § 275-29-520, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-530 Financial management. [Order 1070, § 275-29-530, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-540 Agency planning for program. [Order 1070, § 275-29-540, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-550 Individual support system. [Order 1070, § 275-29-550, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.</p> <p>275-29-560 Components of all services. [Order 1070, § 275-29-560, filed 11/21/75.] Repealed by Order 1142, filed</p>
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- 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-570 Staff. [Order 1070, § 275-29-570, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-580 Program measurement. [Order 1070, § 275-29-580, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-590 Population movement. [Order 1070, § 275-29-590, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-600 Facilities. [Order 1070, § 275-29-600, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-610 Program evaluation. [Order 1070, § 275-29-610, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.

Chapter 275-39

MEDICALLY FRAGILE CHILDREN'S FACILITIES

- 275-39-005 Authority. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-005, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-010 Facility certification. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-010, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-015 Purpose. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-015, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-020 Eligibility for services of a MFCF. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-020, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-025 Definitions. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-025, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-030 Medically fragile child. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-030, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-035 Intensive support medical services. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-035, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-040 Philosophy, objectives, and goals. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-040, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-045 Policy and procedure manuals. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-045, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-050 Governing body. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-050, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-055 Chief executive officer. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-055,

- filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-056 Qualified mental retardation professional. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-056, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-060 Organization chart. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-060, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-065 Management audit plan. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-065, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-070 Research statement. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-070, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-075 Written policies. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-075, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-080 Licensure and professional standards. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-080, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-085 Suspension and dismissal. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-085, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-090 Sufficient staffing and resident work. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-090, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-100 Staff training program. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-100, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-105 Staff treatment of residents. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-105, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-110 Admission criteria and evaluations. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-110, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-115 Availability of rules and procedures. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-115, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-120 Number of residents. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-120, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-125 Review of preadmission evaluation. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-125, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-130 Quarterly review of resident's status. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-130, filed 10/21/80.] Repealed by

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- 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-135 Record and reports of reviews. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-135, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-140 Release from the MFCF. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-140, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-145 Transfer to another facility. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-145, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-150 Emergencies or death of a resident. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-150, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-155 Resident's civil rights. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-155, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-160 Residents' bill of rights. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-160, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-165 Delegation of rights and responsibilities. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-165, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-170 Resident finances. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-170, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-175 Staff-resident communications. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-175, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-180 Communication with residents and parents. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-180, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-185 Dental services—Diagnostic services. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-185, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-190 Dental services—Treatment. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-190, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-195 Dental services—Oral health education and training. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-195, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-200 Dental services—Records. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-200, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-205 Dental services—Formal arrangements. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-205, filed 10/21/80.] Repealed by
- 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-210 Dental services—Staff. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-210, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-211 Educational services. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-211, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-215 Food and nutrition services—Required services. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-215, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-220 Food and nutrition services—Diet requirements. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-220, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-225 Food and nutrition services—Meal service. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-225, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-230 Food and nutrition services—Menus. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-230, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-235 Food and nutrition services—Food storage. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-235, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-240 Food and nutrition services—Work areas. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-240, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-245 Food and nutrition services—Dining areas and service. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-245, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-250 Food and nutrition services—Training of residents and direct-care staff. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-250, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-255 Food and nutrition services—Staff. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-255, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-260 Food and nutrition services—Dietitian (qualified consultant). [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-260, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-265 Medical services—Required services. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-265, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-270 Medical services—Goals and evaluations. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-270, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.

- 275-39-275 Medical services—Arrangements with outside resources. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-275, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-280 Medical services—Preventive health services. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-280, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-285 Medical services—Physician (qualified consultant). [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-285, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-290 Nursing services—Required services. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-290, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-295 Nursing services—Inservice training. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-295, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-300 Nursing services—Staff. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-300, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-305 Nursing services—Supervision of health services. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-305, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-310 Nursing services—Director of nursing services. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-310, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-315 Nursing services—A staff nurse. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-315, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-320 Pharmacy services—Required services. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-320, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-325 Pharmacy services—Pharmacist. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-325, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-330 Pharmacy services—Drugs and medications. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-330, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-335 Pharmacy services—Drug storage. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-335, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-340 Physical and occupational therapy services—Required services. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-340, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-345 Physical and occupational therapy services—Records and evaluations. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-345, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-350 Physical and occupational therapy services—Staff and facilities. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-350, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-355 Physical and occupational therapy services—Occupational therapist (qualified consultant). [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-355, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-360 Physical and occupational therapy services—Occupational therapy assistant. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-360, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-365 Physical and occupational therapy services—Physical therapist (qualified consultant). [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-365, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-370 Physical and occupational therapy services—Physical therapist assistant. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-370, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-375 Psychological services—Required services. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-375, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-380 Psychological services—Psychologist. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-380, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-385 Recreational services—Required services. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-385, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-390 Recreational services—Records. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-390, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-395 Recreational services—Staff. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-395, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-400 Residential services—Responsibilities of living unit staff. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-400, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-405 Residential services—Resident evaluation and program plans. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-405, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-410 Residential services—Resident activities. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-410, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-415 Residential services—Personal possessions. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-415, filed 10/21/80.] Repealed by

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	82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.		1557), § 275-39-485, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
275-39-420	Residential services—Control and discipline of residents. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-420, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.	275-39-490	Residential services—Heating and ventilation in living units. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-490, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
275-39-425	Residential services—Physical restraint of residents. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-425, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.	275-39-495	Residential services—Floors in living units. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-495, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
275-39-430	Residential services—Mechanical devices used for physical restraint. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-430, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.	275-39-500	Residential services—Emergency lighting. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-500, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
275-39-435	Residential services—Chemical restraint of residents. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-435, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.	275-39-505	Respiratory therapy services—Respiratory therapist (qualified consultant). [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-505, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
275-39-440	Residential services—Behavior modification programs. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-440, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.	275-39-510	Training and habilitation services—Required services. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-510, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
275-39-445	Residential services—Resident clothing. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-445, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.	275-39-515	Training and habilitation services—Staff. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-515, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
275-39-450	Residential services—Health, hygiene, grooming and toilet training. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-450, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.	275-39-520	Training and habilitation services—Needed services. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-520, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
275-39-455	Residential services—Grouping and organization of living units. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-455, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.	275-39-525	Training and habilitation services—Agreements with outside resources. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-525, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
275-39-460	Residential services—Resident living staff. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-460, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.	275-39-530	Training and habilitation services—Quality standards for outside resources. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-530, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
275-39-465	Residential services—Resident living areas. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-465, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.	275-39-535	Training and habilitation services—Planning and evaluation. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-535, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
275-39-470	Residential services—Resident bedrooms—Space and occupancy. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-470, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.	275-39-545	Speech pathology and audiology services—Required services. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-545, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
275-39-475	Residential services—Resident bedrooms—Furniture and bedding. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-475, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.	275-39-550	Speech pathology and audiology services—Evaluations and assessments. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-550, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
275-39-480	Residential services—Storage space in living units. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-480, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.	275-39-555	Speech pathology and audiology services—Staff and facilities. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-555, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
275-39-485	Residential services—Resident bathrooms. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order		

- 275-39-560 Speech pathology and audiology services—Speech pathologist or audiologist (qualified consultant). [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-560, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-565 Social services—Required services. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-565, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-570 Social services—Social workers. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-570, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-575 Social services—Social worker (qualified consultant). [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-575, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-580 Records—Maintenance of resident records. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-580, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-585 Records—Admission records. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-585, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-590 Records—Record entries during residence. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-590, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-595 Records—Confidentiality. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-595, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-600 Records—Central record service. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-600, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-605 Records—Staff and facilities. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-605, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-610 Facility support services—Administrative support services. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-610, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-615 Facility support services—Communication system. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-615, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-620 Facility support services—Engineering and maintenance. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-620, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-625 Facility support services—Laundry services. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-625, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-630 Facility requirements—Equipment. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-630, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-635 Safety and sanitation—Emergency plan and procedures. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-635, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-640 Safety and sanitation—Evacuation drills. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-640, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-645 Safety and sanitation—Fire protection. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-645, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-655 Safety and sanitation—Fire protection waivers. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-655, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-660 Safety and sanitation—Paint. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-660, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-665 Safety and sanitation—Building accessibility and use. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-665, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-670 Safety and sanitation—Sanitation records and reports. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-670, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.
- 275-39-675 Safety and sanitation—Health and safety laws. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 1557), § 275-39-675, filed 10/21/80.] Repealed by 82-23-058 (Order 1906), filed 11/17/82. Statutory Authority: RCW 74.26.040.

**Chapter 275-40**

**ANNUAL INSPECTION OF ALL JAILS AND DETENTION FACILITIES BY THE DIRECTOR OF INSTITUTIONS OR HIS DESIGNEE**

- 275-40-010 Annual inspection. [Order 9, § 275-40-010, filed 12/5/69.] Repealed by 82-04-023 (Order 82-3), filed 1/26/82. Statutory Authority: RCW 42.17.250.
- 275-40-020 Reports. [Order 9, § 275-40-020, filed 12/5/69.] Repealed by 82-04-023 (Order 82-3), filed 1/26/82. Statutory Authority: RCW 42.17.250.
- 275-40-030 Special subjects of inspection and reports. [Order 9, § 275-40-030, filed 12/5/69.] Repealed by 82-04-023 (Order 82-3), filed 1/26/82. Statutory Authority: RCW 42.17.250.
- 275-40-040 Inspection results and ratings. [Order 9, § 275-40-040, filed 12/5/69.] Repealed by 82-04-023 (Order 82-3), filed 1/26/82. Statutory Authority: RCW 42.17.250.
- 275-40-050 Training programs. [Order 9, § 275-40-050, filed 12/5/69.] Repealed by 82-04-023 (Order 82-3), filed 1/26/82. Statutory Authority: RCW 42.17.250.
- 275-40-060 Annual report to legislature. [Order 9, § 275-40-060, filed 12/5/69.] Repealed by 82-04-023 (Order 82-3), filed 1/26/82. Statutory Authority: RCW 42.17.250.
- 275-40-070 Review and revision. [Order 9, § 275-40-070, filed 12/5/69.] Repealed by 82-04-023 (Order 82-3), filed 1/26/82. Statutory Authority: RCW 42.17.250.

## Chapter 275-44

FURLOUGHS FOR PERSONS CONFINED IN STATE  
CORRECTIONAL INSTITUTIONS

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

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

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

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

## Chapter 275-52

INSTITUTIONAL INDUSTRIES COMMISSION HEARINGS--  
SALE OF PRODUCTS

275-52-010 Hearings. [Order 756, § 275-52-010, filed 12/14/72.] Repealed by 82-04-023 (Order 82-3), filed 1/26/82. Statutory Authority: RCW 42.17.250.

275-52-015 Subject of hearings. [Order 756, § 275-52-015, filed 12/14/72.] Repealed by 82-04-023 (Order 82-3), filed 1/26/82. Statutory Authority: RCW 42.17.250.

275-52-020 Sale of produce. [Order 740, § 275-52-020, filed 11/22/72.] Repealed by 82-04-023 (Order 82-3), filed 1/26/82. Statutory Authority: RCW 42.17.250.

## Chapter 275-87

ADULT CORRECTIONAL INSTITUTIONS--RESIDENTS'  
PROPERTY

275-87-005 Contraband—Definitions. [Order 845, § 275-87-005, filed 8/9/73.] Repealed by 83-20-035 (Order 83-08), filed 9/27/83. Statutory Authority: 72.08.103, 72.09.050, 72.13.080 and 72.15.040. Later promulgation, see WAC 137-36-020.

275-87-010 Confiscation. [Order 845, § 275-87-010, filed 8/9/73.] Repealed by 83-20-035 (Order 83-08), filed 9/27/83. Statutory Authority: 72.08.103, 72.09.050, 72.13.080 and 72.15.040.

275-87-015 Disposition of illegal items. [Order 845, § 275-87-015, filed 8/9/73.] Repealed by 83-20-035 (Order 83-08), filed 9/27/83. Statutory Authority: 72.08.103, 72.09.050, 72.13.080 and 72.15.040.

275-87-020 Disposition of other items. [Order 845, § 275-87-020, filed 8/9/73.] Repealed by 83-20-035 (Order 83-08), filed 9/27/83. Statutory Authority: 72.08.103, 72.09.050, 72.13.080 and 72.15.040. Later promulgation, see WAC 137-36-040.

275-87-025 Records. [Order 845, § 275-87-025, filed 8/9/73.] Repealed by 83-20-035 (Order 83-08), filed 9/27/83. Statutory Authority: 72.08.103, 72.09.050, 72.13.080 and 72.15.040.

## Chapter 275-93

ADULT CORRECTIONAL INSTITUTIONS--RELEASE  
PROGRAMS--FURLOUGH

275-93-005 Furlough of person confined in state correctional institution—Definitions. [Order 805, § 275-93-005, filed 5/31/73.] Repealed by 82-07-006 (Order 82-04), filed 3/4/82. Statutory Authority: RCW 72.66.080. Later promulgation, see WAC 137-60-010.

275-93-010 Furlough of person confined in state correctional institution—Secretary's authority to grant or deny. [Order 805, § 275-93-010, filed 5/31/73.] Repealed

by 82-07-006 (Order 82-04), filed 3/4/82. Statutory Authority: RCW 72.66.080. Later promulgation, see WAC 137-60-020.

275-93-020 Furlough of person confined in state correctional institution—Purposes. [Order 805, § 275-93-020, filed 5/31/73.] Repealed by 82-07-006 (Order 82-04), filed 3/4/82. Statutory Authority: RCW 72.66.080. Later promulgation, see WAC 137-60-030.

275-93-040 Furlough of person confined in state correctional institution—Who may apply. [Statutory Authority: RCW 72.66.080. 81-03-076 (Order 1590), § 275-93-040, filed 1/21/81; Order 805, § 275-93-040, filed 5/31/73.] Repealed by 82-07-006 (Order 82-04), filed 3/4/82. Statutory Authority: RCW 72.66.080. Later promulgation, see WAC 137-60-040.

275-93-050 Furlough of person confined in state correctional institution—Conditions imposed. [Order 805, § 275-93-050, filed 5/31/73.] Repealed by 82-07-006 (Order 82-04), filed 3/4/82. Statutory Authority: RCW 72.66.080. Later promulgation, see WAC 137-60-050.

275-93-060 Furlough of person confined in state correctional institution—Duration. [Order 805, § 275-93-060, filed 5/31/73.] Repealed by 82-07-006 (Order 82-04), filed 3/4/82. Statutory Authority: RCW 72.66.080. Later promulgation, see WAC 137-60-060.

275-93-070 Furlough of person confined in state correctional institution—Sponsor's responsibilities. [Order 805, § 275-93-070, filed 5/31/73.] Repealed by 82-07-006 (Order 82-04), filed 3/4/82. Statutory Authority: RCW 72.66.080. Later promulgation, see WAC 137-60-070.

275-93-080 Furlough of person confined in state correctional institution—Criteria for evaluating application. [Order 805, § 275-93-080, filed 5/31/73.] Repealed by 82-07-006 (Order 82-04), filed 3/4/82. Statutory Authority: RCW 72.66.080. Later promulgation, see WAC 137-60-080.

275-93-090 Furlough of person confined in state correctional institution—Application for furlough. [Order 805, § 275-93-090, filed 5/31/73.] Repealed by 82-07-006 (Order 82-04), filed 3/4/82. Statutory Authority: RCW 72.66.080. Later promulgation, see WAC 137-60-090.

275-93-100 Furlough of person confined in state correctional institution—Notifying resident of decision on application. [Order 805, § 275-93-100, filed 5/31/73.] Repealed by 82-07-006 (Order 82-04), filed 3/4/82. Statutory Authority: RCW 72.66.080. Later promulgation, see WAC 137-60-100.

275-93-110 Furlough of person confined in state correctional institution—Escape. [Order 878, § 275-93-110, filed 11/29/73; Order 805, § 275-93-110, filed 5/31/73.] Repealed by 82-07-006 (Order 82-04), filed 3/4/82. Statutory Authority: RCW 72.66.080. Later promulgation, see WAC 137-60-110.

275-93-120 Furlough of person confined in state correctional institution—Revocation or suspension. [Order 805, § 275-93-120, filed 5/31/73.] Repealed by 82-07-006 (Order 82-04), filed 3/4/82. Statutory Authority: RCW 72.66.080. Later promulgation, see WAC 137-60-120.

275-93-130 Furlough of person confined in state correctional institution—Law enforcement officers to be notified. [Order 805, § 275-93-130, filed 5/31/73.] Repealed by 82-07-006 (Order 82-04), filed 3/4/82. Statutory Authority: RCW 72.66.080. Later promulgation, see WAC 137-60-130.

275-93-140 Furlough of person confined in state correctional institution—Exceptions to rules. [Order 845, § 275-93-140, filed 8/9/73.] Repealed by 82-07-006 (Order 82-04), filed 3/4/82. Statutory Authority:

RCW 72.66.080. Later promulgation, see WAC 137-60-140.

**Chapter 275-96**

**ADULT CORRECTIONAL INSTITUTIONS—CORRESPONDENCE AND TELEPHONE USAGE**

- 275-96-005 Definitions. [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.] Repealed by 83-20-036 (Order 83-09), filed 9/27/83. Statutory Authority: RCW 72.08.380, 72.09.050 and 72.12.140. Later promulgation, see WAC 137-48-020.
- 275-96-010 Communication—Purpose. [Order 1087, § 275-96-010, filed 1/16/76; Order 838, § 275-96-010, filed 7/26/73.] Repealed by 83-20-036 (Order 83-09), filed 9/27/83. Statutory Authority: RCW 72.08.380, 72.09.050 and 72.12.140.
- 275-96-015 Communication—General limitations. [Order 1087, § 275-96-015, filed 1/16/76; Order 838, § 275-96-015, filed 7/26/73.] Repealed by 83-20-036 (Order 83-09), filed 9/27/83. Statutory Authority: RCW 72.08.380, 72.09.050 and 72.12.140.
- 275-96-020 Incoming letters—Limitations and controls. [Order 838, § 275-96-020, filed 7/26/73.] Repealed by Order 1087, filed 1/16/76. For later promulgations, see WAC 275-96-022 and 275-96-025.
- 275-96-021 Outgoing mail. [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).] Repealed by 83-20-036 (Order 83-09), filed 9/27/83. Statutory Authority: RCW 72.08.380, 72.09.050 and 72.12.140. Later promulgation, see WAC 137-48-040.
- 275-96-022 Incoming mail. [Order 1087, § 276-96-022, filed 1/16/76. Formerly WAC 275-96-020 (part).] Repealed by 83-20-036 (Order 83-09), filed 9/27/83. Statutory Authority: RCW 72.08.380, 72.09.050 and 72.12.140. Later promulgation, see WAC 137-48-040.
- 275-96-025 Special rules—Incoming publication limitations and controls. [Order 1087, § 275-96-025, filed 1/16/76; Order 838, § 275-96-025, filed 7/26/73. Formerly WAC 275-96-020 (part).] Repealed by 83-20-036 (Order 83-09), filed 9/27/83. Statutory Authority: RCW 72.08.380, 72.09.050 and 72.12.140.
- 275-96-030 Special rules regarding packages—Limitations and controls. [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.] Repealed by 83-20-036 (Order 83-09), filed 9/27/83. Statutory Authority: RCW 72.08.380, 72.09.050 and 72.12.140.
- 275-96-035 Outgoing letters—Limitations and controls. [Order 838, § 275-96-035, filed 7/26/73.] Repealed by Order 1087, filed 1/16/76. For later promulgations, see WAC 275-96-021 and 275-96-070.
- 275-96-040 Outgoing packages—Limitations and controls. [Order 1002, § 275-96-040, filed 1/14/75; Order 838, § 275-96-040, filed 7/26/73.] Repealed by Order 1087, filed 1/16/76. Later promulgation, see WAC 276-96-030.
- 275-96-045 Handling of mail. [Order 838, § 275-96-045, filed 7/26/73.] Repealed by 83-20-036 (Order 83-09), filed 9/27/83. Statutory Authority: RCW 72.08.380, 72.09.050 and 72.12.140.
- 275-96-050 Treatment of cash and checks. [Order 838, § 275-96-050, filed 7/26/73.] Repealed by 83-20-036 (Order 83-09), filed 9/27/83. Statutory Authority: RCW 72.08.380, 72.09.050 and 72.12.140.
- 275-96-055 Legal mail. [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.] Repealed

- 275-96-060 Stationery and postage. [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.] Repealed by 83-20-036 (Order 83-09), filed 9/27/83. Statutory Authority: RCW 72.08.380, 72.09.050 and 72.12.140. Later promulgation, see WAC 137-48-060.
- 275-96-065 Use of telephone. [Order 838, § 275-96-065, filed 7/26/73.] Repealed by 83-20-036 (Order 83-09), filed 9/27/83. Statutory Authority: RCW 72.08.380, 72.09.050 and 72.12.140. Later promulgation, see WAC 137-48-080.
- 275-96-070 Procedure for disapproval of resident mail. [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).] Repealed by 83-20-036 (Order 83-09), filed 9/27/83. Statutory Authority: RCW 72.08.380, 72.09.050 and 72.12.140. Later promulgation, see WAC 137-48-050.

**Chapter 275-102**

**ADULT PROBATION AND PAROLE—INTERSTATE COMPACT**

- 275-102-475 Definitions. [Order 1011, § 275-102-475, filed 2/28/75.] Repealed by 83-01-139 (Order 82-20), filed 12/22/82. Statutory Authority: RCW 9.95.270. Later promulgation, see WAC 137-68-010.
- 275-102-480 Detained or arrested probationer or parolee—Right to preliminary hearing. [Order 1011, § 275-102-480, filed 2/28/75.] Repealed by 83-01-139 (Order 82-20), filed 12/22/82. Statutory Authority: RCW 9.95.270. Later promulgation, see WAC 137-68-020.
- 275-102-485 Preliminary hearing—Preparation. [Order 1011, § 275-102-485, filed 2/28/75.] Repealed by 83-01-139 (Order 82-20), filed 12/22/82. Statutory Authority: RCW 9.95.270. Later promulgation, see WAC 137-68-030.
- 275-102-490 Preliminary hearing—Conduct. [Order 1011, § 275-102-490, filed 2/28/75.] Repealed by 83-01-139 (Order 82-20), filed 12/22/82. Statutory Authority: RCW 9.95.270. Later promulgation, see WAC 137-68-040.
- 275-102-495 Preliminary hearing—Disposition of decision. [Order 1011, § 275-102-495, filed 2/28/75.] Repealed by 83-01-139 (Order 82-20), filed 12/22/82. Statutory Authority: RCW 9.95.270. Later promulgation, see WAC 137-68-050.

**Chapter 275-120**

**WASHINGTON SOLDIERS' HOME AND COLONY—WASHINGTON VETERANS' HOME**

- 275-120-010 Definitions. [Order 1065, § 275-120-010, filed 11/10/75.] Repealed by 80-09-069 (Order 80-01), filed 7/17/80. Statutory Authority: RCW 43.60A.070.
- 275-120-015 Application for membership. [Order 1065, § 275-120-015, filed 11/10/75.] Repealed by 80-09-069 (Order 80-01), filed 7/17/80. Statutory Authority: RCW 43.60A.070.
- 275-120-020 Conditions of eligibility for admission. [Order 1065, § 275-120-020, filed 11/10/75.] Repealed by 80-09-069 (Order 80-01), filed 7/17/80. Statutory Authority: RCW 43.60A.070.
- 275-120-025 Eligibility—State residency. [Order 1065, § 275-120-025, filed 11/10/75.] Repealed by 80-09-069 (Order 80-01), filed 7/17/80. Statutory Authority: RCW 43.60A.070.
- 275-120-030 Eligibility—Military service. [Order 1065, § 275-120-030, filed 11/10/75.] Repealed by 80-09-069 (Order 80-01), filed 7/17/80. Statutory Authority: RCW 43.60A.070.

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

- 275-120-035 Eligibility—Transfer of property. [Order 1065, § 275-120-035, filed 11/10/75.] Repealed by 80-09-069 (Order 80-01), filed 7/17/80. Statutory Authority: RCW 43.60A.070.
- 275-120-040 Eligibility—Property resources. [Order 1065, § 275-120-040, filed 11/10/75.] Repealed by 80-09-069 (Order 80-01), filed 7/17/80. Statutory Authority: RCW 43.60A.070.
- 275-120-045 Eligibility—Indigency as inability to earn support. [Order 1065, § 275-120-045, filed 11/10/75.] Repealed by 80-09-069 (Order 80-01), filed 7/17/80. Statutory Authority: RCW 43.60A.070.
- 275-120-050 Eligibility—Income. [Order 1065, § 275-120-050, filed 11/10/75.] Repealed by 80-09-069 (Order 80-01), filed 7/17/80. Statutory Authority: RCW 43.60A.070.
- 275-120-055 Eligibility—Surviving spouse of veteran. [Order 1065, § 275-120-055, filed 11/10/75.] Repealed by 80-09-069 (Order 80-01), filed 7/17/80. Statutory Authority: RCW 43.60A.070.
- 275-120-060 Eligibility—Married couple. [Order 1065, § 275-120-060, filed 11/10/75.] Repealed by 80-09-069 (Order 80-01), filed 7/17/80. Statutory Authority: RCW 43.60A.070.
- 275-120-065 Use of income by member. [Order 1065, § 275-120-065, filed 11/10/75.] Repealed by 80-09-069 (Order 80-01), filed 7/17/80. Statutory Authority: RCW 43.60A.070.
- 275-120-070 Veterans home or soldiers home revolving fund. [Order 1065, § 275-120-070, filed 11/10/75.] Repealed by 80-09-069 (Order 80-01), filed 7/17/80. Statutory Authority: RCW 43.60A.070.
- 275-120-075 Aid and attendance account. [Order 1065, § 275-120-075, filed 11/10/75.] Repealed by 80-09-069 (Order 80-01), filed 7/17/80. Statutory Authority: RCW 43.60A.070.
- 275-120-080 Members' rights and responsibilities—Notification. [Order 1065, § 275-120-080, filed 11/10/75.] Repealed by 80-09-069 (Order 80-01), filed 7/17/80. Statutory Authority: RCW 43.60A.070.
- 275-120-085 Supplementary rules—Promulgation. [Order 1065, § 275-120-085, filed 11/10/75.] Repealed by 80-09-069 (Order 80-01), filed 7/17/80. Statutory Authority: RCW 43.60A.070.
- 275-120-090 Supplementary policies and procedures. [Order 1065, § 275-120-090, filed 11/10/75.] Repealed by 80-09-069 (Order 80-01), filed 7/17/80. Statutory Authority: RCW 43.60A.070.
- 275-120-095 Violation—Investigation. [Order 1065, § 275-120-095, filed 11/10/75.] Repealed by 80-09-069 (Order 80-01), filed 7/17/80. Statutory Authority: RCW 43.60A.070.
- 275-120-100 Penalties. [Order 1065, § 275-120-100, filed 11/10/75.] Repealed by 80-09-069 (Order 80-01), filed 7/17/80. Statutory Authority: RCW 43.60A.070.
- 275-120-105 Fair hearing. [Order 1065, § 275-120-105, filed 11/10/75.] Repealed by 80-09-069 (Order 80-01), filed 7/17/80. Statutory Authority: RCW 43.60A.070.
- 275-120-110 Furlough. [Order 1065, § 275-120-110, filed 11/10/75.] Repealed by 80-09-069 (Order 80-01), filed 7/17/80. Statutory Authority: RCW 43.60A.070.
- 275-120-115 Discharge. [Order 1065, § 275-120-115, filed 11/10/75.] Repealed by 80-09-069 (Order 80-01), filed 7/17/80. Statutory Authority: RCW 43.60A.070.
- 275-120-120 Discharge—Honorable. [Order 1065, § 275-120-120, filed 11/10/75.] Repealed by 80-09-069 (Order 80-01), filed 7/17/80. Statutory Authority: RCW 43.60A.070.
- 275-120-125 Discharge—Disciplinary. [Order 1065, § 275-120-125, filed 11/10/75.] Repealed by 80-09-069 (Order 80-01), filed 7/17/80. Statutory Authority: RCW 43.60A.070.

- 275-120-130 Transfer. [Order 1065, § 275-120-130, filed 11/10/75.] Repealed by 80-09-069 (Order 80-01), filed 7/17/80. Statutory Authority: RCW 43.60A.070.
- 275-120-135 Readmission. [Order 1065, § 275-120-135, filed 11/10/75.] Repealed by 80-09-069 (Order 80-01), filed 7/17/80. Statutory Authority: RCW 43.60A.070.
- 275-120-140 Burial. [Order 1065, § 275-120-140, filed 11/10/75.] Repealed by 80-09-069 (Order 80-01), filed 7/17/80. Statutory Authority: RCW 43.60A.070.
- 275-120-145 Population level. [Order 1065, § 275-120-145, filed 11/10/75.] Repealed by 80-09-069 (Order 80-01), filed 7/17/80. Statutory Authority: RCW 43.60A.070.
- 275-120-150 Administrative appeal. [Order 1065, § 275-120-150, filed 11/10/75.] Repealed by 80-09-069 (Order 80-01), filed 7/17/80. Statutory Authority: RCW 43.60A.070.

**Chapter 275-216****STATE INSTITUTIONS OTHER THAN ADULT CORRECTIONAL INSTITUTIONS—TRIAL VISIT TO COMMUNITY—RESIDENT NEEDING PUBLIC ASSISTANCE**

- 275-216-010 Trial visits—Definitions. [Order 874, § 275-216-010, filed 11/16/73.] Repealed by 81-19-084 (Order 1699), filed 9/17/81. Statutory Authority: RCW 72.01.090.
- 275-216-020 Trial visits—Client needing public assistance—Institution's responsibility. [Order 874, § 275-216-020, filed 11/16/73.] Repealed by 81-19-084 (Order 1699), filed 9/17/81. Statutory Authority: RCW 72.01.090.

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

- 275-16-010 Authority.
- 275-16-015 Definitions.
- 275-16-030 Schedule of charges.
- 275-16-035 Available assets of estate of patients and responsible relatives.
- 275-16-045 Exempt income.
- 275-16-055 Notice of finding of responsibility (NFR).
- 275-16-065 Determination of liability.
- 275-16-075 Unusual and exceptional circumstances.
- 275-16-085 Other pertinent factors.
- 275-16-095 Failure to cooperate with department.
- 275-16-105 Petition for review.

**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.
- 275-16-040 Factors in determining ability to pay. [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.] Repealed by 81-08-020 (Order 1627), filed 3/25/81. Statutory Authority: RCW 81.02.412[71.02.412].
- 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.** The following rules regarding hospitalization charges are hereby adopted under the authority of Title 71 RCW. [Statutory Authority: RCW 81.02.412 [71.02.412]. 81-08-020 (Order 1627), § 275-16-010, filed 3/25/81. 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 275-16-015 Definitions.** (1) "Adjusted charges" are those charges levied upon a patient who is or has been confined to a state hospital for the mentally ill, either by voluntary or involuntary admission, and their estates and responsible relatives, which are less than the actual cost of hospitalization as reflected in the schedule of charges herein and which has been established by the issuance of a notice of finding of responsibility.

(2) "Adjusted gross income" is that gross income of the estate of the patient and responsible relatives less any deductions, contributions or payments mandated by law including, but not necessarily limited to, income tax and social security.

(3) "Dependent" means any spouse, minor son or daughter, or permanently disabled son or daughter, of the patient living in the patient's household. If the patient is a minor, then the same definitions shall apply in determining the dependency of members of the parent's household. If a minor son or daughter is not living in the patient's household, that son or daughter shall not be considered a dependent unless the patient is in fact contributing more than fifty percent of that child's support in accordance with a court order or court-recognized agreement.

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

(5) "Determination officer" is that duly appointed and qualified claims investigator who is delegated authority by the secretary to conduct or cause to have

conducted an investigation of the financial condition of the estate of the patient and responsible relatives; to evaluate the results of such investigations; to make determinations of the ability to pay hospitalization charges from such investigations and evaluations; and to issue notices of findings of responsibility to the responsible parties.

(6) "Estate of patient and responsible relative" means the total assets available to the patient and his responsible relatives to reimburse the department for hospitalization charges incurred by the patient in a state hospital for the mentally ill in accordance with these regulations.

(7) "Gross income" means the total assets available to the estate of the patient and responsible relatives expressed in terms of their cash equivalent on a monthly basis. It includes gross wages for service; net earnings from self-employment; and all other assets of the estate prior to any mandatory deductions.

(8) "Secretary" means the secretary of the department of social and health services. [Statutory Authority: RCW 81.02.412 [71.02.412]. 81-08-020 (Order 1627), § 275-16-015, filed 3/25/81.]

**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
<b>(a) INPATIENT SERVICES -</b>			
Per diem			
Hospital Costs	\$107.61	\$156.90	\$127.15
Physician Costs	4.09	9.46	6.36
Total	111.70	166.36	133.51
<b>(b) OUTPATIENT SERVICES -</b>			
Per diem			
Outpatient Day Care	—	41.59	—
<b>(c) ANCILLARY SERVICES -</b>			
Per Relative Value Unit <sup>1</sup>			
Radiology	6.92	6.92	7.89
Pathology	.51	.51	.49
Medical Clinics	1.85	1.85	1.00
Electroencephalogram	2.22	2.22	7.40
Electrocardiogram	—	—	.42
Inhalation Therapy	—	—	7.37
Physical Therapy	1.94	1.94	1.03
Occupational Therapy	—	—	22.87
Speech Therapy	—	—	10.91
Dental	—	—	44.96
Podiatry	1.09	1.09	1.38
Optometry	—	—	1.00

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

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

[Statutory Authority: RCW 71.02.412. 83-18-029 (Order 2019), § 275-16-030, filed 8/31/83; 82-17-070 (Order 1866), § 275-16-030, filed 8/18/82; 80-06-087 (Order 1508), § 275-16-030, filed 5/28/80. 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 275-16-035 Available assets of estate of patients and responsible relatives.** (1) The department will include, but not necessarily be limited to, in their determination of the assets of the estates of present and former patients of state hospitals for the mentally ill and their responsible relatives, cash, stocks, bonds, savings, security interests, insurance benefits, guardianship funds, trust funds, governmental benefits, pension benefits and personal property.

(2) Real property shall also be an available asset to the estate: *Provided*, That the patient's home shall not be considered an available asset if that property is owned by the estate and serves as the principal dwelling and actual residence of the patient, the patient's spouse, and/or minor children and disabled sons or daughters: *Provided further*, That if the home is not being used for residential purposes by the patient, the patient's spouse, and/or minor children and disabled sons or daughters, and in the opinion of two physicians, there is no reasonable expectancy that the patient will be able to return to the home during the remainder of his life, the home shall be considered an asset available to the estate.

(3) In determining if a particular asset is available to the estate of a patient who is eligible or potentially eligible for Medicaid, the determination officer will apply the standards of WAC 388-92-045. [Statutory Authority: RCW 81.02.412 [71.02.412]. 81-08-020 (Order 1627), § 275-16-035, filed 3/25/81.]

**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 275-16-055 Notice of finding of responsibility (NFR).** The determination officer's assessment of the ability and liability of the estate to pay hospitalization charges shall be issued in the form of a notice of finding of responsibility, hereinafter referred to as an NFR, as prescribed by RCW 71.02.413. The NFR will be served

upon those responsible parties as otherwise required by law, will indicate the charges being assessed, and explain the procedure for appeal therefrom. When the NFR is for full hospitalization charges as specified in WAC 275-16-030, the financially responsible person will be informed of the current charges and that those charges are periodically recomputed by the department in accordance with RCW 71.02.410. When the NFR is for adjusted charges, those charges will be expressed in a daily rate. Charges for ancillary services will be set aside when the NFR is for adjusted charges. [Statutory Authority: RCW 81.02.412 [71.02.412]. 81-08-020 (Order 1627), § 275-16-055, filed 3/25/81.]

**WAC 275-16-065 Determination of liability.** (1) In determining the ability of the estate of the patient and responsible relative to pay hospitalization charges, first priority shall be given to any third party benefits which might be available. The availability of third party benefits, such as medical insurance, health insurance, Medicare, Medicaid, CHAMPUS, CHAMPVA, shall be considered as an available asset of the estate and shall justify a finding for actual costs of hospitalization during such period as the coverage is in effect.

(2) In the absence of third party benefits, charges shall be based upon the available assets of the estate giving consideration to any unusual and exceptional circumstances and other pertinent factors. No financial determination of the ability of the estate to pay hospitalization charges shall conflict with the eligibility requirements for Medicaid for those patients who are eligible or potentially eligible for such benefits.

(3) The ability of the estate to pay adjusted charges will be determined by applying the following formula:

$$X = (Z-E)F$$

$$\text{Where } Z = (A-Y-N-R) \div D$$

Z = available income per family member

X = adjusted charges (daily)

A = gross income

Y = mandatory deductions

N = allowance for unusual and exceptional circumstances

R = allowance for other pertinent factors

D = number of dependents

E = exempt income

F = a factor which converts the monthly figures to a daily rate (.0328767).

All calculations are expressed in monthly terms except the final adjusted charge which is converted to a daily rate. All final figures are rounded out to the nearest cent.

(4) The adjusted gross income (A-Y) is determined by first developing the gross income of the estate. Gross income (A) includes not only gross wages for services rendered, and/or net earnings from self-employment, but all other available assets converted to some reasonable monthly figure. All mandatory deductions (Y), such as income tax and social security, are deducted from the gross income to arrive at the adjusted gross income.

(5) Approved allowances for unusual and exceptional circumstances (N) and for other pertinent factors (R) are then subtracted from the adjusted gross income.

(6) The available income (A-Y-N-R) is then divided by the number of dependents in the household of the patient (D) to determine the available income per family member.

(7) Exempt income (E) as defined in WAC 275-16-045 is then subtracted from the available income per family member to arrive at the monthly adjusted charges.

(8) The monthly adjusted charges are multiplied by the factor of .0328767 which converts the monthly figure to a daily rate. [Statutory Authority: RCW 81.02.412 [71.02.412]. 81-08-020 (Order 1627), § 275-16-065, filed 3/25/81.]

**WAC 275-16-075 Unusual and exceptional circumstances.** Unusual and exceptional circumstances for these purposes will cover those expenses other than usual or common; rare and extraordinary; that are of a medical nature and must be supplied to the patient for his health, medical or physical well being. Such expenses do not include those expenses that are reimbursable from insurance benefits or can be reasonably obtained from welfare agencies, health maintenance organizations, free clinics, or other free private or governmental sources. The existence and necessity of such unusual and exceptional circumstances must be attested to in writing, by the institution superintendent, that those expenses resulting therefrom are an integral part of the patient's treatment plan and that allowance for such circumstances is necessary for the medical and/or mental well-being of the patient. Upon such written certification, the resources necessary to meet the unusual and exceptional circumstances will not be considered as an asset available to the estate of the patient and responsible relatives for these purposes: *Provided*, That any such attestation by the institution superintendent must conform with the eligibility criteria of Medicaid if the patient is eligible or potentially eligible for such benefits. [Statutory Authority: RCW 81.02.412 [71.02.412]. 81-08-020 (Order 1627), § 275-16-075, filed 3/25/81.]

**WAC 275-16-085 Other pertinent factors.** In considering other pertinent factors in determining the ability of the estate of the patient and responsible relatives to pay, the determination officer may consider those factors related to the well-being, education and training, child support obligations set by court order or by administrative finding under chapter 74.20A RCW, and/or rehabilitation of the patient and his or her immediate family, to whom the patient owes a duty of support. The patient and/or responsible relatives must show the existence and the necessity for the pertinent factors as defined. Upon such a showing, the determination officer may consider such resources necessary to reasonably provide for such pertinent factors as assets not available to the estate of the patient and responsible relatives: *Provided*, That any allowance for other pertinent factors must not conflict with Medicaid eligibility

requirements for those patients who are eligible or potentially eligible for such benefits. [Statutory Authority: RCW 81.02.412 [71.02.412]. 81-08-020 (Order 1627), § 275-16-085, filed 3/25/81.]

**WAC 275-16-095 Failure to cooperate with department.** Any patient, former patient, guardian, or other responsible party or parties who, after diligent effort by the department, has been shown to have failed to cooperate with the financial investigation by the department; or fails to comply with, or ignores, departmental correspondence; or supplies false or misleading information; or willfully conceals assets or potential assets; will be subject to a determination by the department that the estate of the patient and responsible relatives has the ability to pay full hospitalization charges: *Provided*, That no person adjudged incompetent by a court of this state at the time of said investigation shall be penalized by his or her actions: *Provided further*, That such a finding of liability to pay full hospitalization charges shall in no way diminish the responsible party's right to appeal such a finding of responsibility. [Statutory Authority: RCW 81.02.412 [71.02.412]. 81-08-020 (Order 1627), § 275-16-095, filed 3/25/81.]

**WAC 275-16-105 Petition for review.** (1) After a finding of responsibility becomes final in accordance with RCW 71.02.413, the responsible party may petition for a review of such findings to the secretary. The petitioner must show a substantial change in the financial ability of the estate to pay the charges in a petition for review. The burden of proof of a change in financial ability rests with the petitioner.

(2) A petition for review shall be in writing and to the following address:

Secretary, DSHS  
Attn: Determination Officer  
P.O. Box 9768  
Olympia, WA 98504

(3) The determination officer, upon receipt of the petition for review, may conduct or cause to have conducted such investigation as may be necessary to verify the alleged changes in financial status or to determine any other facts which would bear upon the financial ability of the estate to pay.

(4) Based upon the review of the facts, the determination officer may modify or vacate the NFR under the provisions of RCW 71.02.415.

(5) The NFR will not be modified or vacated, if such modification or vacation inflicts or causes the loss of Medicaid eligibility; jeopardizes the eligibility for other third-party benefits; or has the potential end result of diminishing or jeopardizing the recovery of hospitalization cost by the department without a clear showing of real benefit, financial or otherwise, to the patient and/or responsible relatives.

(6) Nothing herein is intended to preclude the reinvestigation and/or review of the finding of responsibility

by the department of its own volition. [Statutory Authority: RCW 81.02.412 [71.02.412]. 81-08-020 (Order 1627), § 275-16-105, filed 3/25/81.]

### Chapter 275-18 WAC

#### STANDARDS FOR CERTIFICATION OF APPROVAL FOR DRUG TREATMENT CENTERS

##### WAC

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**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 275-19 WAC

#### ALCOHOLISM TREATMENT FACILITIES

##### WAC

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

275-19-090	All facilities—Court commitments. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-090, filed 2/1/80.] Repealed by 81-24-081 (Order 1727), filed 12/2/81. Statutory Authority: RCW 70.96A.090.
275-19-120	All facilities—Administration. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-120, filed 2/1/80.] Repealed by 81-24-081 (Order 1727), filed 12/2/81. Statutory Authority: RCW 70.96A.090.
275-19-330	Intensive inpatient treatment facilities—Written program statement. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-330, filed

- 2/1/80.] Repealed by 81-24-081 (Order 1727), filed 12/2/81. Statutory Authority: RCW 70.96A.090.
- 275-19-340 Intensive inpatient treatment facilities—Social and recreational activities. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-340, filed 2/1/80.] Repealed by 81-24-081 (Order 1727), filed 12/2/81. Statutory Authority: RCW 70.96A.090.
- 275-19-350 Intensive inpatient treatment facilities—Discharge or referral. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-350, filed 2/1/80.] Repealed by 81-24-081 (Order 1727), filed 12/2/81. Statutory Authority: RCW 70.96A.090.
- 275-19-420 Alcoholism long-term treatment facilities—Written program statement. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-420, filed 2/1/80.] Repealed by 81-24-081 (Order 1727), filed 12/2/81. Statutory Authority: RCW 70.96A.090.
- 275-19-440 Alcoholism long-term treatment facilities—Discharge or referral. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-440, filed 2/1/80.] Repealed by 81-24-081 (Order 1727), filed 12/2/81. Statutory Authority: RCW 70.96A.090.
- 275-19-520 Alcoholism recovery house facilities—Written program statement. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-520, filed 2/1/80.] Repealed by 81-24-081 (Order 1727), filed 12/2/81. Statutory Authority: RCW 70.96A.090.
- 275-19-540 Alcoholism recovery house facilities—Discharge and referral. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-540, filed 2/1/80.] Repealed by 81-24-081 (Order 1727), filed 12/2/81. Statutory Authority: RCW 70.96A.090.

**WAC 275-19-010 Purpose.** Rules and regulations relating to alcoholism treatment facilities are hereby adopted pursuant to chapter 70.96A RCW. The purpose is to provide standards and procedures for departmental approval of public and private alcoholism treatment facilities, to fix fees to be charged by the department for inspections of approved facilities or facilities seeking approval, and to set forth rules for the acceptance of persons into approved public treatment programs. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-010, filed 2/1/80.]

**WAC 275-19-020 Facility services.** (1) The department shall approve alcoholism treatment facilities pursuant to these rules and regulations to provide the following services:

(a) Alcohol detoxification: Care and/or treatment of persons intoxicated or incapacitated by alcohol during the period in which the person recovers from the transitory effects of acute intoxication.

(b) Alcoholism intensive inpatient treatment: Provided to the detoxified alcoholic in a residential setting.

(c) Alcoholism long-term treatment: Provided on a long-term basis (ninety days or more) in a residential care setting with personal care services for alcoholics with impaired self-maintenance capabilities needing personal guidance and assistance to maintain sobriety and good health.

(d) Alcoholism recovery house: Provides an alcohol-free residential setting with social and recreational activities for detoxified alcoholics to aid their adjustment

to sobriety and their engagement in occupational training, gainful employment, or other types of community activities.

(e) Alcoholism outpatient treatment: A variety of diagnostic and primary alcoholism treatment services provided according to a prescribed plan in a nonresidential setting.

(f) Alcohol information and referral: A community-based resource for information concerning alcohol, alcohol abuse and alcoholism; assess the individual's and/or family's involvement with alcohol, assist the individual and/or family in designing a continuum of care, and coordinate referrals to and from the appropriate alcoholism treatment programs or other community resources.

(g) DWI client assessment: A diagnostic service designed to evaluate client's involvement with alcohol and other drugs, and recommend an appropriate course of action. All persons arrested for a violation of driving while under the influence of intoxicating liquor or drugs (RCW 46.61.502), or actual physical control of a motor vehicle while under the influence of intoxicating liquor or drugs (RCW 46.61.504), or petitioning for a deferred prosecution (chapter 10.05 RCW) for those offenses shall be evaluated by this service.

(h) Alcohol information school: An educational program providing students with information regarding the use and abuse of alcohol. The goal of the school is to help students not currently presenting a significant alcohol problem to make informed decisions about the use of alcohol.

(i) Emergency service patrol: Gives assistance in the streets and in other public places to persons who are intoxicated.

(2) A facility may be approved for more than one service if the facility complies with the specific requirements for approval of each service provided. [Statutory Authority: RCW 70.96A.040. 83-23-008 (Order 2044), § 275-19-020, filed 11/4/83. Statutory Authority: RCW 70.96A.090. 81-24-081 (Order 1727), § 275-19-020, filed 12/2/81; 80-02-136 (Order 1486), § 275-19-020, filed 2/1/80.]

**WAC 275-19-030 Definitions.** For the purpose of these rules and regulations, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise:

(1) "Acute detoxification" means detoxification service provided to individuals for whom the consequences of withdrawal from alcohol are so severe as to merit assistance from medical and/or nursing personnel.

(2) "Administrator" means the individual appointed as the chief executive officer by the governing body of a facility to act in the facility's behalf in the overall management of the alcoholism treatment facility.

(3) "Alcoholic" means a person with alcoholism.

(4) "Alcoholism" means an illness characterized by lack of control as to the consumption of alcoholic beverages or the consumption of alcoholic beverages to the extent a person's health is substantially impaired or endangered or his or her social and economic function is substantially disrupted.

(5) "Alcoholism treatment facility" means a place where the primary function is the treatment of alcoholism and/or alcohol abuse.

(6) "Approved" means having met the standards of the department contained in these rules and regulations and having been certified pursuant to RCW 70.96A.090.

(7) "Approved public treatment facility" means a treatment facility operating under the direction and control of the department, or a treatment facility providing treatment for the department either through contract with the department or through a county subcontract, approved by the department pursuant to these rules and regulations and chapter 70.96A RCW.

(8) "Approved treatment facility" means an alcoholism treatment facility, either public or private, profit or nonprofit, having been approved by the department pursuant to these rules and regulations and chapter 70.96A RCW.

(9) "Bureau" means the Washington state department of social and health services bureau of alcohol and substance abuse.

(10) "Bureau of alcohol and substance abuse" means the Washington state department of social and health services bureau of alcohol and substance abuse.

(11) "Cancel" means a permanent invalidation of the approval of an alcoholism treatment facility.

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

(13) "Department of licensing" means the Washington state department of licensing.

(14) "Detoxification" means care and treatment of an intoxicated person during the period in which the person recovers from the transitory effects of acute intoxication.

(15) "Detoxified" means withdrawn from the consumption of alcohol, and recovered from the transitory effects of intoxication, and any associated acute physiological withdrawal reactions.

(16) "Facilities" means rooms, areas, and equipment to serve a specific function.

(17) "Governing body" means the individual or group legally responsible for the conduct of an alcoholism treatment facility.

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

(19) "Intensive outpatient treatment" means a concentrated, nonresidential program consisting of a combination of education sessions, individual therapy, group therapy, and related activities provided to detoxified alcoholics and their families.

(20) "Intoxication" means acute alcohol poisoning or temporary impairment of a person's mental or physical functioning caused by alcohol in his or her body.

(21) "Licensed nurse" means either a registered nurse per chapter 18.88 RCW or a licensed practical nurse per chapter 18.78 RCW.

(22) "Physician" means a person duly licensed to practice medicine or osteopathic medicine in the state of Washington.

(23) "Probation alcohol assessment facility" means a qualified probation department for a district or municipal court within the state of Washington meeting the standards contained in these rules and regulations governing the operation of a DWI client assessment service as defined in WAC 275-19-020 (1)(g).

(24) "Qualified alcoholism counselor" means a person who has adequate education, experience, and knowledge regarding the nature and treatment of alcoholism, is knowledgeable about community resources providing services alcoholics may need, knows and understands the principles and techniques of alcoholism counseling, and is skilled in the application of these principles and techniques. A qualified alcoholism counselor shall:

(a) Have no history of alcohol or other drug misuse for a period of two years immediately prior to the time of employment as an alcoholism counselor, and no misuse of alcohol or other drugs while employed as an alcoholism counselor.

(b) Possess these professional attributes:

(i) Show evidence of a genuine interest in helping alcoholic persons, and of dedication to helping alcoholic persons help themselves as much as possible.

(ii) The ability to maintain confidentiality of all records, materials, and communications concerning the identity of clients.

(iii) The ability to work under supervision and to cooperate with other personnel, as well as to function effectively on one's own.

(iv) The ability to assess one's own personal and vocational strengths and limitations, biases, and effectiveness.

(v) The ability and willingness to recognize when it is in the client's best interest to refer or release him or her to another individual or program.

(vi) Show responsibility for self-evaluation and continued growth through further education or training.

(vii) Show respect for the client by avoidance of any intrusion into the client's personal life outside of a professional relationship.

(viii) Show respect for rights and reputation of other alcoholism workers and workers of other professions.

(ix) Show no discrimination among clients or professionals on the basis of race, color, creed, sex, or age.

(c) Possess these qualifications:

(i) A high school diploma or equivalent.

(ii) Satisfactory completion of a minimum twelve quarter credits or eight semester credits of course work in an accredited institution of higher learning (college or university), of which:

(A) At least six quarter (four semester) credits must be specialized alcoholism courses, and

(B) The remaining six quarter (four semester) credits may be in either such courses or counseling, psychology, sociology, or social work.

NOTE: Effective January 1, 1984, this requirement, (ii), shall change to read: "Satisfactory completion of a minimum of twenty-four quarter (sixteen semester) credits, of course working in an accredited institution of higher learning (college or university) of which twelve quarter (eight semester) credits must be specialized alcoholism courses exclusive of field experience credit, and which must include distinct courses in: (A) Introduction to, or survey of alcoholism, (B) Physiological actions of alcohol and other drugs, and (C) Alcoholism counseling. The remaining twelve quarter (eight semester) credits may be in alcoholism, multi-drug abuse, counseling, psychology, social work, human services, or social services."

#### Grandfather clause

Persons who are qualified alcoholism counselors prior to January 1, 1984, will not be required to meet these new education standards.

(iii) Two thousand hours (approximately one year) of supervised work experience, in a counseling capacity, in an approved alcoholism agency or facility (may include hours spent in supervised field experience under academic supervision).

(d) Possess adequate knowledge and competence in the following areas:

(i) Communications:

(A) Demonstrated communication skills in writing and speaking.

(B) Demonstrated ability to maintain clinical records and write reports.

(C) Demonstrated ability to establish communication readily with incoming referrals in order to evaluate, screen and record pertinent information.

(ii) Knowledge of alcoholism:

(A) Physiological, e.g., ingestion, absorption, metabolism, effects of alcohol blood level, organic damage, acute alcoholism, long-range management of the illness.

(B) Psychological, e.g., dependency, patterns of progression (denial, projection, rationalization collapse), psychiatric complications, patterns of recovery, personal and social reconstruction.

(C) Social/cultural, e.g., history of alcohol use and abuse, family ramifications, value system of subcultures, spiritual, industrial, and legal aspects, including new legislation.

(iii) Evaluation and assessment:

(A) A thorough knowledge of the symptoms of early, middle, and late stages of alcoholism.

(B) Strategies for assessing the individual in regard to the degree of alcoholism.

(C) Ability to recognize other medical/behavioral problems.

(D) Case history method.

(E) Ability to assess the effectiveness of various treatment and program modalities.

(iv) Referral:

(A) Knowledge of appropriate referral resources, their eligibility requirements, treatment philosophy, admission and contact procedures.

(B) Skill in evaluating a client's problem, reporting the problem to him or her at the client's level of understanding, and making a referral to a suitable program. This includes ability to work with persons, groups, or agencies with different treatment philosophies.

(C) Ability to assist clients and families with alcohol-related problems, with referrals for public assistance, medical or health needs, pastoral counseling, etc.

(D) Demonstrate exposure to Alcoholics Anonymous, Alanon, and/or Alateen, as well as other community programs, through direct contact.

(v) Counseling principles and procedures, including:

(A) Crisis intervention.

(B) Establishing a working relationship with a variety of clients.

(C) Establishing treatment goals.

(D) Use of techniques designed to educate the client regarding alcoholism, elicit feelings, facilitate self-understanding in the client, and motivate the client for treatment.

(E) Knowledge of different counseling philosophies and theories.

(F) Skill in individual and group counseling appropriate to alcoholism.

(G) Appropriate termination of session.

(H) An understanding and adherence to the ethics of counseling.

(vi) Treatment:

(A) A knowledge of various inpatient and outpatient methods and their rationale, their relation to other methods, and their limitations.

(B) Skill in managing the transition between detoxification and treatment, and the transition between intensive treatment and rehabilitation.

(C) Understanding of the steps and traditions of Alcoholics Anonymous, Alanon, and Alateen, their relations to various treatments, and their functions and limitations.

(D) Knowledge of long-range rehabilitative processes, including awareness of the need for medical care, post-treatment crisis, relapse, and new problems arising from sobriety.

(e) Maintain the qualified counselor status by completing the following requirements within each two years of service.

(i) Sixty clock hours of continuing education, including at least fifteen clock hours in which alcoholism or counseling alcoholic people or families is the primary part of the course content, as evidenced by the course description and/or syllabus. The remaining forty-five clock hours may be in subject areas that will increase the counselor's knowledge and skills in counseling and aiding the alcoholic person or family to recover.

(ii) For any portion of these sixty clock hours of continuing education, college credit-bearing courses will have the value of one and one-half, i.e., one college credit contact hour will equal one and one-half hours of continuing education.

(iii) No course or workshop previously taken may be repeated to meet these requirements.

(iv) An acceptable workshop must be conducted by an instructor who is either qualified as an alcoholism counselor or has state approval as a trainer.

(v) In-service training does not satisfy this requirement, but short courses, retreats, or workshops meeting the conditions in subsection (24)(e) of this section may be used.

(25) "Residential facilities" means facilities providing board and room as part of their treatment program.

(26) "Revoke" means a permanent invalidation of the approval of an alcoholism treatment facility.

(27) "Secretary" means the secretary of the Washington state department of social and health services or his or her designee.

(28) "Shall" means compliance is mandatory.

(29) "Subacute detoxification" means detoxification service provided to individuals in a supportive, homelike environment within which a person can recover from the effects of intoxication. Prescription medication is not provided for the management of withdrawal discomfort.

(30) "Substantial compliance" means being in conformity with the requirements of the major components of each section of chapter 275-19 WAC applying to the class or classes of alcoholism treatment services for which an alcoholism treatment facility is approved or has applied for approval.

(31) "Suspend" means invalidation of the approval of an alcoholism treatment facility for any period less than one calendar year or until the agency is notified of reinstatement. [Statutory Authority: RCW 70.96A.040, 83-23-008 (Order 2044), § 275-19-030, filed 11/4/83. Statutory Authority: RCW 70.96A.090, 81-24-081 (Order 1727), § 275-19-030, filed 12/2/81; 80-02-136 (Order 1486), § 275-19-030, filed 2/1/80.]

**WAC 275-19-040 Department approval and accrediting procedures.** (1) Alcoholism treatment facilities seeking department approval of one or more of the services listed in WAC 275-19-020 shall submit written application to the office on alcoholism on a form provided by the office.

(a) Such application shall document the need for the requested services and evidence that the agency meets the requirements of these rules and regulations.

(b) The applicant shall send a copy of the application to the county alcoholism administrative board in each county where services are to be provided. The county alcoholism administrative board may review the application and send written comments to the office on alcoholism with a copy to the applicant. County administrative board comments should address the issue of the county's need for this new service. If the office on alcoholism does not receive a response from the county alcoholism administrative board within a sixty-day period, the office shall proceed in processing the application without said response.

(c) After processing the application, the office shall send written notification of approval or denial of approval to the applicant with a copy to the county alcoholism administrative board.

(2) The department may grant provisional approval to alcoholism treatment facilities when office on alcoholism staff are unable to determine whether the facility, without a period of operation, will comply with chapter 70.96A RCW and these rules and regulations. Provisional approval shall be granted for a maximum period of six months and may not be renewed.

(3) If an approved alcoholism treatment facility plans to move its program to a different location, open a branch office or change ownership, it shall submit a written application to the office on alcoholism. Such application shall be submitted in accordance with WAC 275-19-040(1).

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

(5) All exemptions granted pursuant to the foregoing provisions shall be in writing and filed with the department and the alcoholism treatment facility.

(6) The office on alcoholism shall issue a certificate of approval, valid for not more than two years, to those approved alcoholism treatment facilities which remain in substantial compliance with these rules and regulations and chapter 70.96A RCW. This certificate shall be framed and displayed in a conspicuous place in the facility.

(7) Fees shall be set and charged by the office on alcoholism for inspections and certification of each applicant organization. Such fees shall be reasonably based upon the cost to the office on alcoholism of the inspections and maintenance of certification and shall not exceed the actual costs. Only one such fee shall be charged to an agency during any twelve-month period, regardless of the number of inspections which may be made. [Statutory Authority: RCW 70.96A.090, 81-24-081 (Order 1727), § 275-19-040, filed 12/2/81; 80-02-136 (Order 1486), § 275-19-040, filed 2/1/80.]

**WAC 275-19-050 Suspension or revocation of approval.** (1) Each approved public or private treatment facility shall file with the department within thirty days of request, data, statistics, schedules, and information the department reasonably requires.

(2) Failure to be in substantial compliance with the requirements of chapter 70.96A RCW or these rules and regulations shall constitute grounds for the suspension or revocation of the approval in accordance with RCW 34.04.170.

(3) The department may cancel approval if an agency ceases to provide the class or classes of services for which it has been approved.

(4) When the department intends to suspend, revoke or cancel approval, the chief of the office on alcoholism

or his/her designee shall have served upon the approved treatment facility a notice of intent to suspend, revoke or cancel their approval. Such notice shall provide for an administrative hearing and meet the requirements of RCW 34.04.090. The subsequent hearing and judicial review shall follow administrative procedures as specified in the Administrative Procedure Act, chapter 34.04 RCW and the rules and regulations promulgated thereunder. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-050, filed 2/1/80.]

**WAC 275-19-060 Inspections.** Any approved public or private treatment facility and any facility seeking departmental approval shall be open to departmental inspection. The facility, its programs, all individual and group counseling sessions and general records of operation shall be open for inspection in accordance with federal and state confidentiality laws. Such records shall include all policy and procedure documents required herein, personnel records, clinical records, fiscal records, meeting minutes and such other documents as may be needed to verify the provision of services and compliance with these regulations, and chapter 70.96A RCW. Department inspection may be made during any time in which the facility is serving clients, provided, that such inspection shall not unduly disrupt client activity. Inspection fees shall be set and charged in accordance with office on alcoholism policy. These fees shall not exceed the actual cost of the inspection. [Statutory Authority: RCW 70.96A.090. 81-24-081 (Order 1727), § 275-19-060, filed 12/2/81; 80-02-136 (Order 1486), § 275-19-060, filed 2/1/80.]

**WAC 275-19-070 All facilities--Availability of services.** (1) Approved alcoholism treatment facilities shall provide services to persons with alcohol and alcohol-related problems or to their families without regard to race, color, creed, national origin, religion, sex, sexual preference, age or handicap.

(2) Services for men and women shall reflect an awareness of the special needs of each gender. All residential facilities shall provide equivalent, clearly defined, and well supervised sleeping quarters and bath accommodations for the male and female clients. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-070, filed 2/1/80.]

**WAC 275-19-075 All facilities--Clients' rights.** All approved alcoholism treatment facilities shall take reasonable efforts to assure each client:

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

(2) Be treated without regard to race, color, creed, national origin, religion, sex, sexual preference, or age.

(3) Be treated without regard to disability unless such disability makes treatment afforded by the facility nonbeneficial or hazardous. Reasonable actions shall be taken to accommodate disabled persons within the treatment program.

(4) Be protected from invasion of privacy: *Provided*, That, reasonable searches may be conducted to detect

and prevent contraband from being brought in or possessed on the premises.

(5) Have all clinical and personal information treated confidentially in communications with individuals not directly associated with the approved alcoholism treatment center.

(6) Review his or her own treatment record with a treatment staff person upon request.

(7) Be fully informed regarding fees to be charged and methods of payment available.

(8) 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, or the treatment program. The client also has the right to be excused from any religious practice.

(9) Not be denied communication with significant others in emergency situations.

(10) Not be subjected by facility staff to physical abuse, corporal punishment, or other forms of abuse administered against their will including being denied food, clothing or other basic necessities. [Statutory Authority: RCW 70.96A.090. 81-24-081 (Order 1727), § 275-19-075, filed 12/2/81; 80-02-136 (Order 1486), § 275-19-075, filed 2/1/80.]

**WAC 275-19-080 All facilities--Facilities standards.** (1) Alcoholism treatment facilities shall meet all applicable state and county requirements.

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

(3) There shall be private space for personal consultation. [Statutory Authority: RCW 70.96A.090. 81-24-081 (Order 1727), § 275-19-080, filed 12/2/81; 80-02-136 (Order 1486), § 275-19-080, filed 2/1/80.]

**WAC 275-19-100 All facilities--Purpose and applicability.** (1) The purpose of WAC 275-19-100 through 275-19-199 is to provide standards for administrative procedures, personnel, records, and case management for all approved alcoholism treatment facilities.

(2) All approved alcoholism treatment facilities shall meet the provisions of WAC 275-19-110 through 275-19-199. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-100, filed 2/1/80.]

**WAC 275-19-110 All facilities--Governing body.**

(1) A facility providing alcoholism treatment services shall have a governing body which is legally responsible for the conduct of the alcoholism service or services provided.

(2) The governing body shall:

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

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

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

(d) Provide for the personnel, facilities, equipment, and supplies necessary for the care of clients and the maintenance and operation of the facility in accordance with applicable laws and regulations.

(e) Review and approve written personnel policies.

(f) Ensure that the administration and operation of the facility is in compliance with all applicable federal, state, and local laws and regulations. [Statutory Authority: RCW 70.96A.090, 81-24-081 (Order 1727), § 275-19-110, filed 12/2/81; 80-02-136 (Order 1486), § 275-19-110, filed 2/1/80.]

**WAC 275-19-130 All facilities--Administrator.** (1) There shall be a chief administrator at least twenty-one years of age who is directly responsible for the operation of the alcoholism treatment facility.

(2) The administrator shall possess the knowledge and skills in fiscal accounting, personnel management, and other administrative functions necessary to provide adequate supervision to the facility.

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

(4) The administrator shall ensure that there is a free-flow of managerial and clinical information to facilitate the delivery of services.

(5) The administrator shall ensure that a written program manual(s) is developed. This manual shall be reviewed and revised as necessary, but no less than once each year. This annual review shall be evidenced by a cover sheet which notes the date of the last review and update and shall be signed by the person(s) making the review. The manual shall be readily available to the governing body and the staff of the facility. The program manual(s) shall include:

(a) A plan of organization which includes all positions and delineates the functions, authority, and relationships of all positions, including volunteers, within the facility.

(b) Policies and procedures to govern the following:

(i) Personnel.

(ii) Care of clients in the facility and every distinct part thereof. These policies and procedures shall govern the screening and admission of clients, the type and scope of services, the length of treatment, the transfer or discharge of clients and the continuing evaluation of the program.

(iii) Client's rights and client grievances. A copy of these documents shall be posted in a conspicuous place in the facility.

(iv) Case file management.

(v) Implementation of the federal confidentiality of alcohol and drug abuse patient records regulations (42 CFR part 2).

(vi) Provision of client transportation in accordance with RCW 70.96A.110(4).

(vii) Coordination with ancillary services which include hospital, medical, and psychological back-up services.

(c) A written description of each modality of treatment within the treatment program. These descriptions shall include a current outline for all educational sessions.

(d) A copy of the organization's bylaws as required by WAC 275-19-110 (2)(a).

(e) A copy of the philosophy and overall objectives of the organization as required by WAC 275-19-110 (2)(c).

(6) The administrator shall ensure that a fiscal accounting system is developed which reflects the fiscal experience and current financial position of the facility. [Statutory Authority: RCW 70.96A.090, 81-24-081 (Order 1727), § 275-19-130, filed 12/2/81; 80-02-136 (Order 1486), § 275-19-130, filed 2/1/80.]

**WAC 275-19-140 All facilities--Personnel.** (1) There shall be sufficient qualified alcoholism counselors, clerical, and other support staff who are not of the present client population, to ensure the attainment of program service objectives and properly maintain the alcoholism treatment facility. This shall not preclude the assignment of work to a client when the assignment is part of the client's treatment program, the client's work assignment has therapeutic value, and the client works under the immediate supervision of a member of the staff.

(a) Personnel employed as alcoholism counselors shall be qualified alcoholism counselors as defined in WAC 275-19-030, or there shall be an individualized training and educational plan developed for any person employed as an alcoholism counselor who is not a qualified alcoholism counselor as defined in WAC 275-19-030. This training and educational plan shall be designed to bring the individual up to the required standards within two years from the date of employment as an alcoholism counselor. This plan shall be placed in the individual's personnel file.

(b) Counselor trainees and counselor aides working in counselor staff roles shall have no history of alcohol or other drug misuse for a period of one year immediately prior to the time of employment and no misuse of alcohol or other drugs while employed or in training.

(2) All noncounselor staff members who, as part of their job assignment, have frequent contact with clients and the public shall have adequate training regarding alcoholism and alcohol abuse.

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

(a) An application which includes or is supplemented by a resume and verification (transcripts, certificates, licenses, etc.) that documents the employee's qualifications for the assigned position.

(b) A copy of the employee's current job description, signed and dated by the employee, which includes: The job title, a summary of the duties and responsibilities, the minimum qualifications, and the title of the immediate supervisor.



(c) A record of a planned, supervised, orientation acquainting the person with the organization of the facility, the physical plant layout, his or her particular duties and responsibilities, the policies, procedures and equipment which are pertinent to his or her work, the staff ethical standards, and the disaster plan for the facility.

(d) Written performance evaluations for the initial six months of employment and for each year of employment thereafter. The completed evaluation form shall be signed and dated by the evaluator and the employee.

(e) Evidence of a tuberculin skin test or chest x-ray, and a record of any accidents occurring on duty.

(f) A current record of all training and education which the employee has completed since the date of employment. There shall be sufficient evidence in the counselors records to determine whether or not the counselor has received the training and education necessary to maintain the qualified status required by WAC 275-19-030.

(g) An assurance of confidentiality certification which has been signed and dated by the employee.

(4) Employees with a communicable disease in an infectious stage shall not be on duty. [Statutory Authority: RCW 70.96A.090. 81-24-081 (Order 1727), § 275-19-140, filed 12/2/81; 80-02-136 (Order 1486), § 275-19-140, filed 2/1/80.]

**WAC 275-19-145 All facilities--Qualified counselors, instructors, and assessment officers.** (1) A "qualified alcoholism counselor" is a person meeting the requirements outlined in WAC 275-19-030(24).

(2) A "qualified alcohol information school instructor" is a person possessing a certificate of completion of the alcohol information school instructor's training course offered or authorized by the bureau of alcohol and substance abuse.

(3) A "qualified alcohol assessment officer" is a person who:

(a) Is employed as a probation officer for a district or municipal court within the state of Washington;

(b) Meets the requirements of a qualified alcoholism counselor as defined in WAC 275-19-030(24), except that the two thousand hours of supervised work may be satisfied by completing an equivalent number of hours of supervised work doing alcohol assessments within a probation department.

(4) Alcohol assessment officer interns (trainees) may be employed by an approved probation alcohol assessment facility provided the following conditions are met:

(a) The intern has no history of alcohol or other drug misuse for a period of one year immediately prior to the time of employment as an alcohol assessment officer intern.

(b) Each intern must be directly supervised and tutored by a qualified alcohol assessment officer. The qualified alcohol assessment officer must:

(i) Observe the intern in conducting alcohol assessments.

(ii) Instruct the intern in alcohol assessment techniques, attitudes, and theories.

(iii) Assign and review all alcohol assessments prepared by the intern.

(iv) Review all client files prepared by the intern. A note giving the results of the review must be placed in each client file.

(c) An individualized training and education plan shall be prepared by the probation alcohol assessment facility administrator for each person employed as an alcohol assessment officer intern. The training and education plan shall be designed to bring the intern up to the qualified alcohol assessment officer status within two years of the date the person is employed as an alcohol assessment officer intern. [Statutory Authority: RCW 70.96A.040. 83-23-008 (Order 2044), § 275-19-145, filed 11/4/83.]

**WAC 275-19-150 All facilities--Student practice.** If an alcoholism treatment facility provides a setting for student practice in a formal educational or training program, there shall be a written agreement with the educational agency or institution concerned. This agreement shall define the nature and scope of student activities within the facility, and ensure supervision of student activities in the interest of clients' welfare. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-150, filed 2/1/80.]

**WAC 275-19-160 All facilities--Volunteers.** (1) Volunteers working in counselor staff roles shall be directly supervised by a qualified alcoholism counselor.

(2) Volunteers working in counselor staff roles (counselors, counselor aides, co-therapists, etc.) shall have at least one year of continuous freedom from the abuse of alcohol or other substances.

(3) Programs using volunteers shall have a written plan describing how volunteers will be utilized and a written job description for each position filled by a volunteer.

(4) Each volunteer shall sign an assurance of confidentiality certification which shall be kept on file by the agency. [Statutory Authority: RCW 70.96A.090. 81-24-081 (Order 1727), § 275-19-160, filed 12/2/81; 80-02-136 (Order 1486), § 275-19-160, filed 2/1/80.]

**WAC 275-19-170 All facilities--Records.** (1) All alcoholism treatment facilities shall have an accurate and complete record system:

(a) Providing for maintenance of a current and complete record for each client.

(b) Providing a systematic method of identifying and filing client's records so each record can be located readily.

(c) Ensuring confidentiality of patients' case records by storing and handling the records under conditions meeting all pertinent federal, state, and local regulations governing such records.

(d) Including all required state and county data.

(e) Reflecting all financial transactions of the facility. The accounting system shall meet all federal, state, and county requirements.

(2) Client file records required in this section shall be retained by the treatment facility for a minimum of five years following the discharge or transfer of the client.

In the event an approved alcoholism treatment facility is closed, clinical records may be forwarded to any other approved alcoholism 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 alcoholism treatment facility) required to be maintained pursuant to WAC 275-19-170, until a date not later than December 31, (insert year)." 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.

(3) Residential and outpatient facilities shall have individual case records which include the following:

(a) An intake form including the client's full name; sex; birthdate; home address; date of admission; name, address, and telephone number of the client's next of kin or other responsible person; name and city of the client's personal physician, if any.

(b) A record of the evaluation and assessment (diagnostic impression) of the client's involvement with alcohol.

(c) An individualized treatment plan designed to help the person understand his or her alcohol problem taking into account all case history and diagnostic information. The plan shall include the specific problems to be addressed, the objectives to be accomplished in treating the problems, and the time-linked means to be used in achieving the objectives.

(d) Progress notes on the client's response to treatment relating to the treatment plan and noting all significant events during treatment.

(e) Each entry in a client's record shall be dated and shall be signed by the person making the entry.

(f) The client's signed voluntary consent to treatment.

(g) A properly completed authorization for release of information form, which meets all federal and state requirements, for each disclosure of information.

(h) At completion of treatment, a discharge summary including the date of discharge, and a summary of the client's progress in meeting the objectives outlined in the treatment plan.

(i) Medical records in accordance with chapter 248-22 WAC.

(4) Information and referral facilities shall have individual case records including:

(a) Identifying sociological data including the client's full name, sex, birthdate, and home address.

(b) The date of contact or contacts.

(c) A record of the client's problem statement.

(d) A record of the evaluation and assessment (diagnostic impression).

(e) A record of any referral.

(f) A properly completed authorization for release of information form, which meets all federal and state requirements, for each disclosure of information concerning the client.

(g) Each entry in a client's record shall be dated and signed by the person making the entry.

(5) DWI client assessment service facilities including probation alcohol assessment facilities shall have individual case records including at a minimum:

(a) An intake form including the client's full name, sex, birthdate, and home address.

(b) The dates of contacts.

(c) A copy of the completed Washington alcohol screening inventory showing the client's score.

(d) When available, a record of the client's blood alcohol level at the time of arrest on any alcohol-related offense, driving record, alcoholism treatment history, and drug treatment history.

(e) The court referring the client for assessment, including the name of the specific court and the presiding judge.

(f) A record of the evaluation and assessment of the client's involvement with alcohol and other drugs as required by WAC 275-19-185.

(g) A record of the referral of the client to an alcoholism or drug abuse treatment center or alcohol information school.

(h) A properly completed authorization for the release of confidential information form, which meets all federal and state requirements, for each disclosure of information.

(i) Copies of any assessment reports sent to the department of licensing, referring court, the client's attorney, or other person or agency.

(j) Copies of all correspondence relating to the client.

(k) Each entry in a client's record shall be dated and signed by the person making the entry.

(6) Alcohol information schools shall have individual case records including:

(a) Identifying sociological data including the client's full name, sex, birthdate, and home address.

(b) Dates in attendance.

(c) Source of referral.

(d) Copies of all reports, letters, certificates, and other correspondence sent to attorneys, courts, department of licensing, or any other agency.

(e) A record of any referral.

(f) A properly completed authorization for release of information form, which meets all federal and state requirements, for each disclosure of information concerning the client.

(g) A copy of the completed post-test as written in An Instructor's Guide to Alcohol Information School, published January 1980.

(h) Each entry in a client's record shall be dated and signed by the person making the entry.

(7) Emergency service patrols shall maintain a log including:

(a) The time and origin of the call received.

(b) The time of arrival at the scene.

(c) The location of the pickup.

- (d) The name and sex of the person transported.
- (e) The destination of transport (either home or detox facility).
- (f) The time of transport completion.
- (g) In nonpickup cases, notation shall be made of the reason why said pickup was not made.

(h) Each entry in the log shall be dated and signed by the person making the entry. [Statutory Authority: RCW 70.96A.040. 83-23-008 (Order 2044), § 275-19-170, filed 11/4/83. Statutory Authority: RCW 70.96A.090. 81-24-081 (Order 1727), § 275-19-170, filed 12/2/81; 80-02-136 (Order 1486), § 275-19-170, filed 2/1/80.]

**WAC 275-19-180 Residential and outpatient facilities--Case management.** (1) The treatment rationale shall be designed to achieve total abstinence for all diagnosed alcoholics.

(2) Concurrent drug abuse patterns or tendencies toward other drug abuse shall be explored with each client. The client shall be warned of the danger of mixing drugs and alcohol and be warned of the tendency to cross-addiction.

(3) Medications shall be secured and disbursed in accordance with the requirements of chapter 248-22 WAC. In addition, any treatment that includes the use of disulfiram shall be directly supervised by a qualified alcoholism counselor.

(4) For each client there shall be a case manager who will be responsible for completeness of records and documentation of progress toward an attainment of the treatment objectives.

(5) Case managers shall be:

(a) Qualified alcoholism counselors in all intensive inpatient, long-term treatment, recovery house, and outpatient facilities.

(b) Qualified alcoholism counselors or licensed nurses in detoxification facilities.

(6) The case manager shall review each active case in his or her caseload regularly to ensure that the treatment plan is valid and that there is movement toward treatment goals. This review shall be evidenced in the individual case files by a progress note. Case managers shall review each active case at least:

(a) Once each shift in detoxification facilities.

(b) Once each week in intensive inpatient facilities.

(c) Once each month in long term, recovery house and outpatient alcoholism treatment facilities.

(7) Case managers shall be responsible to follow up on clients who have missed appointments and to pursue all opportunities to keep the client in treatment. In the event a client, who has been court ordered to a treatment program aborts the treatment program, that fact shall be promptly reported to the committing authority.

(8) Upon completion of the course of treatment, the client shall be counseled to establish contact with such services or agencies as the staff has determined will assist in maintaining sobriety. The client shall be assisted in identifying and making contact with any agencies as may be necessary. If the facility is discharging a client to another agency for after care services, a copy of the

discharge summary shall be forwarded, with the client's permission, to the said agency. [Statutory Authority: RCW 70.96A.090. 81-24-081 (Order 1727), § 275-19-180, filed 12/2/81; 80-02-136 (Order 1486), § 275-19-180, filed 2/1/80.]

**WAC 275-19-185 Assessment procedures.** (1) The procedures for assessing client's involvement with alcohol shall include as a minimum the following:

(a) A diagnostic interview with each client which gathers as a minimum:

(i) A history of the client's involvement with alcohol and drugs, including frequency of use, volume, and type of substance used.

(ii) The client's statement concerning his or her current physical condition.

(iii) Sociological data describing the client's most recent living situation (e.g., family, environment, employment, and school).

(b) When available, the client's blood alcohol level at the time of arrest on any alcohol-related offense, previous criminal record, driving record, alcoholism treatment history, and drug treatment history.

(c) A written test of each client, using as a minimum, the Washington alcohol screening inventory.

(2) A written assessment, based upon the information collected per WAC 275-19-185(1), shall be completed. It shall include as a minimum the following:

(a) The client's raw score and percentile score from the Washington alcohol screening inventory.

(b) The client's own assessment of his or her involvement with alcohol or other drugs.

(c) The qualified alcoholism counselor's or the qualified alcoholism assessment officer's evaluation of the information required by WAC 275-19-185 (2)(a) and (b), a diagnostic statement specifically describing the client's involvement with alcohol or other drugs, and the signs and symptoms leading to that assessment.

(3) If the assessment concludes the person has an alcohol or drug problem requiring treatment, the person shall be referred to an appropriate approved alcoholism treatment facility or approved drug treatment center. If the assessment concludes the person requires only alcohol education, the person shall be referred to an approved alcohol information school.

(4) All reports required by the courts and the department of licensing shall be properly completed and shall be submitted in a timely manner. [Statutory Authority: RCW 70.96A.040. 83-23-008 (Order 2044), § 275-19-185, filed 11/4/83.]

**WAC 275-19-190 Treatment register--Residential facilities.** All residential treatment facilities shall have a permanent, current register of all persons admitted for care or treatment. This shall include at a minimum: The date of admission, full name, and the date of discharge or transfer. Data on clients shall be entered into the register in chronological order according to the date and time of admission. When an alcoholism treatment facility provides more than one category of alcoholism treatment service, there shall be a separate register for each

distinct part of the facility. [Statutory Authority: RCW 70.96A.090. 81-24-081 (Order 1727), § 275-19-190, filed 12/2/81; 80-02-136 (Order 1486), § 275-19-190, filed 2/1/80.]

**WAC 275-19-200 All detoxification services--Purpose.** The purpose of WAC 275-19-200 through 275-19-299 is to provide program standards and procedures for residential facilities offering detoxification services to individuals incapacitated and/or intoxicated by alcohol as described in WAC 275-19-020. To be approved as an alcoholism treatment facility to provide alcoholism detoxification services, the facility must comply with the requirements of WAC 275-19-010 through 275-19-299 and chapter 70.96A RCW. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-200, filed 2/1/80.]

**WAC 275-19-210 All detoxification services--Clients.** (1) Admission of clients to an alcoholism detoxification facility shall be limited to persons who need detoxification services and do not manifest signs and symptoms of a condition which warrants treatment in a hospital.

(2) Public detoxification facilities shall provide services to all incapacitated persons unless uncontrollable because of violent behavior. [Statutory Authority: RCW 70.96A.090. 81-24-081 (Order 1727), § 275-19-210, filed 12/2/81; 80-02-136 (Order 1486), § 275-19-210, filed 2/1/80.]

**WAC 275-19-220 All detoxification services--General.** There shall be an organized treatment program and staff which shall provide the following services:

(1) Screening of each person prior to admission to determine whether he or she manifests signs or symptoms of serious illnesses or severe trauma which warrant treatment in a hospital and whether he or she needs detoxification.

(2) Detoxification of intoxicated persons.

(3) Counseling of alcoholics regarding their illness.

(4) Referral of detoxified alcoholics to other appropriate alcoholism treatment programs. [Statutory Authority: RCW 70.96A.090. 81-24-081 (Order 1727), § 275-19-220, filed 12/2/81; 80-02-136 (Order 1486), § 275-19-220, filed 2/1/80.]

**WAC 275-19-230 All detoxification services--Admission screening.** All clients shall be screened prior to admittance by a person who is knowledgeable about alcoholism, skilled in observation and in eliciting information pertinent to assessment of a health problem, and competent to recognize significant signs and symptoms of illness or trauma. [Statutory Authority: RCW 70.96A.090. 81-24-081 (Order 1727), § 275-19-230, filed 12/2/81; 80-02-136 (Order 1486), § 275-19-230, filed 2/1/80.]

**WAC 275-19-240 All detoxification services--Counseling.** (1) There shall be on staff at least one qualified alcoholism counselor and such additional qualified

counselors as necessary to provide the alcoholism counseling services needed by clients. The alcoholism treatment facility may meet this requirement by having in effect a written agreement with another approved alcoholism treatment facility.

(2) Counseling services shall be designed to facilitate motivation of the person to accept referral into a continuum of care for alcoholism. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-240, filed 2/1/80.]

**WAC 275-19-250 All detoxification services--Social and recreational activities.** There shall be definite provision for social and recreational activities to promote and assist a client's engagement in normal activities in accordance with his or her interests, needs and potential. Such service may be provided by a day room or lounge in which persons can watch television, participate in games, or engage in social and recreational activities. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-250, filed 2/1/80.]

**WAC 275-19-260 All detoxification services--Discharge and referral.** Clients discharged shall be referred to an approved alcoholism treatment facility when appropriate and/or other health care facility when necessary. The client should be assisted to these agencies or to his or her home when necessary. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-260, filed 2/1/80.]

**WAC 275-19-270 Acute detoxification--Additional requirements.** Any alcoholism treatment facility which provides acute detoxification services shall comply with the following additional requirements:

(1) The client's physical and health care needs shall be met by practices that meet the standards set forth in chapter 248-22 WAC. The facility may provide juices, snack foods, and other like foods capable of being ingested by a person undergoing detoxification in lieu of formal menus as specified in chapter 248-22 WAC.

(2) All personnel other than physicians and licensed nurses who are providing client care in the absence of licensed physicians or nurses in the facility shall possess a valid and current red cross card or certificate for first aid, and cardiopulmonary resuscitation or the equivalent. [Statutory Authority: RCW 70.96A.090. 81-24-081 (Order 1727), § 275-19-270, filed 12/2/81; 80-02-136 (Order 1486), § 275-19-270, filed 2/1/80.]

**WAC 275-19-280 Subacute detoxification--Additional requirements.** Alcoholism treatment facilities which provide sub-acute detoxification services shall comply with the following additional requirements:

(1) Sub-acute detoxification facilities shall meet the requirements set forth in chapter 248-22 WAC.

(2) No more than twenty clients shall be served in any one facility.

(3) The facility shall be located within five miles driving distance of a hospital or shall have physician

trained mobile intensive care paramedic services as defined in chapter 248-15 WAC available within ten minutes.

(4) Prescription medication shall not be provided for management of withdrawal discomfort.

(5) If a client admitted to the facility has in his/her possession any prescription medications, the staff shall attempt to contact the prescribing physician to check on the accuracy of the prescription, its usage and document the attempts in the client file.

(6) All personnel providing client care shall have completed, prior to employment, standard first aid class and a class on cardio-pulmonary resuscitation.

All personnel providing client care shall have completed a minimum of forty hours of classroom training in alcoholism prior to or within six months of the date of employment.

(7) All furnishings and the general decor shall reflect a home-like environment. Each of the following areas shall be provided and structured as stated:

(a) The dining area shall have provisions for family-type eating arrangements.

(b) Sleeping areas shall be arranged so as to permit observation of residents and encourage resident communication.

(c) A lounge shall have adequate space for relaxation, group discussion, and peer group interaction.

(d) The reception area shall be separate from living areas in order to maintain the comfort and privacy of residents. There shall be a client reception desk and a comfortable chair for use by those seeking entry. [Statutory Authority: RCW 70.96A.090. 81-24-081 (Order 1727), § 275-19-280, filed 12/2/81; 80-02-136 (Order 1486), § 275-19-280, filed 2/1/80.]

**WAC 275-19-300 Intensive inpatient treatment facilities--Purpose.** The purpose of WAC 275-19-300 through 275-19-399 is to provide specific program standards for facilities providing intensive inpatient alcoholism treatment services as defined in WAC 275-19-020. To be approved as an alcoholism treatment facility to provide intensive alcoholism treatment services, the facility must comply with the requirements of WAC 275-19-010 through 275-19-199, chapter 248-22 WAC, the rules and regulations in this section, and chapter 70.96A RCW. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-300, filed 2/1/80.]

**WAC 275-19-310 Intensive inpatient treatment facilities--Clients.** Persons needing detoxification shall not be admitted or retained but shall be referred or transferred to an alcoholism detoxification facility unless they manifest signs and symptoms of a condition that warrants acute care and treatment in a hospital. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-310, filed 2/1/80.]

**WAC 275-19-320 Intensive inpatient treatment facilities--Required services.** There shall be an organized

treatment program and staff sufficient to provide the following services:

(1) Education of clients regarding alcohol and alcoholism;

(2) Intensive individual and group counseling;

(3) Social and recreational activities;

(4) Discharge and referral to necessary supportive organizations and agencies;

(5) A client follow-up program that provides for periodic supportive and evaluative contact for a period of one year following discharge;

(6) An invitation and encouragement to family members to participate in their own treatment program and in the treatment of the alcoholic. Family members shall be informed of the desirability of participation in family counseling, Alanon, Alateen and other self-help or specific group or individual resources and be encouraged to pursue these upon return to their home communities in those instances when the treatment staff or family member determines a need for those services. [Statutory Authority: RCW 70.96A.090. 81-24-081 (Order 1727), § 275-19-320, filed 12/2/81; 80-02-136 (Order 1486), § 275-19-320, filed 2/1/80.]

**WAC 275-19-400 Alcoholism long-term treatment facilities--Purpose.** The purpose of WAC 275-19-400 through 275-19-499 is to provide specific operational program standards for facilities providing alcoholism long-term treatment services as described in WAC 275-19-020. To be approved as an alcoholism treatment facility to provide alcoholism long-term treatment services, the facility must comply with the specific requirements of WAC 275-19-010 through 275-19-199, chapter 248-22 WAC, the rules and regulations in this section and chapter 70.96A RCW. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-400, filed 2/1/80.]

**WAC 275-19-410 Alcoholism long-term treatment facilities--Clients.** Persons needing detoxification shall not be admitted or retained but shall be referred or transferred to an alcoholism detoxification treatment facility unless they manifest signs and symptoms of a condition that warrants acute care and treatment in a hospital. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-410, filed 2/1/80.]

**WAC 275-19-430 Alcoholism long-term treatment facilities--Required services.** There shall be an organized program and staff sufficient to provide the following services:

(1) Education of clients regarding alcohol and alcoholism;

(2) Individual and group counseling;

(3) Education concerning social and life coping skills;

(4) Social and recreational activities;

(5) Occupational training through cooperation with government and/or private occupational training programs for those clients who need this assistance;

(6) Discharge referral to necessary supportive organizations and agencies;

(7) A client follow-up program that provides periodic supportive and evaluative contact after discharge for a period of one year. [Statutory Authority: RCW 70.96A.090. 81-24-081 (Order 1727), § 275-19-430, filed 12/2/81; 80-02-136 (Order 1486), § 275-19-430, filed 2/1/80.]

**WAC 275-19-500 Alcoholism recovery house facilities--Purpose.** The purpose of WAC 275-19-500 through 275-19-599 is to provide specific operational program standards for facilities providing alcoholism recovery house services as described in WAC 275-19-020. To be approved as an alcoholism treatment facility to provide alcoholism recovery house services, the facility must comply with the specific requirements of WAC 275-19-010 through 275-19-199, chapter 248-22 WAC, the requirements of this section, and chapter 70.96A RCW. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-500, filed 2/1/80.]

**WAC 275-19-510 Alcoholism recovery house facilities--Clients.** Persons needing detoxification shall not be admitted or retained but shall be referred or transferred to an alcoholism detoxification facility unless they manifest signs and symptoms of a condition that warrants acute care and treatment in a hospital. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-510, filed 2/1/80.]

**WAC 275-19-530 Alcoholism recovery house facilities--Required services.** There shall be an organized program and staff sufficient to provide the following services:

- (1) Education of clients regarding alcohol and alcoholism;
- (2) Individual and group counseling;
- (3) Social and recreational activities;
- (4) Assistance in registering and participating in educational and/or occupational training programs when appropriate for clients;
- (5) Assistance, when needed, to clients in seeking and obtaining gainful employment;
- (6) Referral to necessary supportive organizations and agencies;
- (7) A client follow-up program that provides periodic supportive evaluative contact after discharge for a period of one year. [Statutory Authority: RCW 70.96A.090. 81-24-081 (Order 1727), § 275-19-530, filed 12/2/81; 80-02-136 (Order 1486), § 275-19-530, filed 2/1/80.]

**WAC 275-19-550 Alcoholism recovery house facilities--Extended care services.** To be approved as an extended care alcoholism recovery house facility, the treatment program shall meet the following additional requirements:

- (1) The program shall be designed to provide treatment services to alcoholics meeting one of the following admissions criteria:
  - (a) Received detoxification services three or more times within the last three months prior to the referral

agency's current client evaluation date. Detoxification services must have been received in a licensed hospital or in a state-approved detoxification facility.

(b) Received intensive inpatient alcoholism treatment in a state-approved treatment facility for a period of seven days or more within six months prior to the referral agency's current client evaluation date.

(c) Received long term or recovery house extended care alcoholism treatment in a state-approved treatment facility for a period of seven days or more within six months prior to the referral agency's current client evaluation date.

(d) Accepted voluntary treatment in lieu of being involuntarily committed to recovery house extended care alcoholism treatment. A copy of the signed, dated, and completed involuntary commitment petition having been filed with the superior court; the client's signed voluntary admission to treatment, and any other supporting information must accompany these clients sent to a recovery house extended care treatment facility. These documents must be placed in the client's file at the recovery house extended care facility.

(e) Has been involuntarily committed to an alcoholism recovery house extended care treatment facility per RCW 70.96A.140.

(2) The program shall be designed to provide client care and treatment for a period of ninety days or more. [Statutory Authority: Chapter 70.96A RCW. 83-18-027 (Order 2017), § 275-19-550, filed 8/31/83.]

**WAC 275-19-600 Alcoholism outpatient treatment--Purpose.** The purpose of WAC 275-19-600 through 275-19-699 is to provide specific program standards and objectives for approval of facilities providing alcoholism outpatient treatment services as described in WAC 275-19-020. To be approved as an alcoholism treatment facility to provide alcoholism outpatient treatment services, the facility must comply with the requirements of WAC 275-19-010 through 275-19-199 and the rules and regulations in this section and chapter 70.96A RCW. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-600, filed 2/1/80.]

**WAC 275-19-610 Alcoholism outpatient treatment--Required services.** There shall be an organized program and staff sufficient to provide the following services:

- (1) Assessment of each client's needs regarding specific alcohol-related problems as perceived by the client, center staff, and involved others.
- (2) Immediate evaluation for persons in a crisis.
- (3) Individual, group counseling, and educational services on a scheduled basis conducted by a qualified alcoholism counselor or other treatment staff person under the direct supervision of a qualified alcoholism counselor.
- (4) Referral of clients for ancillary services as necessary and follow-up efforts to ensure the efficacy of such referrals.

(5) A client follow-up program for those completing treatment that maintains periodic supportive and evaluative contact for a period of one year following discharge. [Statutory Authority: RCW 70.96A.040. 83-23-008 (Order 2044), § 275-19-610, filed 11/4/83. Statutory Authority: RCW 70.96A.090. 81-24-081 (Order 1727), § 275-19-610, filed 12/2/81; 80-02-136 (Order 1486), § 275-19-610, filed 2/1/80.]

**WAC 275-19-630 Alcoholism outpatient--Intensive outpatient treatment.** To be approved for intensive outpatient treatment services as defined in WAC 275-19-030, the treatment program shall meet the following additional requirements.

(1) Screening criteria shall be developed and applied including such diagnostic techniques as needed to assure the appropriateness of placement in this treatment modality. The diagnosis shall, at a minimum, include an assessment of the clients:

(a) Progression in the disease of alcoholism and other chemical dependency.

(b) Motivation for recovery and the ability to attain and maintain abstinence on an outpatient basis.

(c) Social support systems, including family or significant others, financial condition, and employment status.

(d) Physical health and general mental status.

(2) Program requirements. The following services shall be provided to clients and their families:

(a) The program shall deliver a minimum of seventy-two hours of treatment services within a maximum of twelve weeks. During the course of the program, three sessions of at least one hour each must be conducted on three separate days of each week.

(b) A review of each active case by the client's case manager not less than once in every twenty hours of treatment. This review shall be noted in the client's case file.

(c) Individual counseling sessions with each client every twenty hours of treatment and additionally as needed.

(d) Education of clients regarding alcohol and alcoholism. No more than twenty percent of treatment time shall be taken up by film presentations.

(e) Group therapy sessions. Sessions shall be limited in attendance to no more than twelve clients per counselor.

(f) Whenever possible, the client's family or other social support system shall be substantially involved in the treatment program.

(g) Upon completion of intensive outpatient treatment, the client shall be referred to a structured after care program.

(h) All clients and their families shall be encouraged to participate in Alcoholics Anonymous, Alanon, and Alateen. [Statutory Authority: RCW 70.96A.040. 83-23-008 (Order 2044), § 275-19-630, filed 11/4/83.]

**WAC 275-19-700 Information and referral services--Purpose.** The purpose of WAC 275-19-700 through 275-19-749 is to provide specific program

standards and objectives for approval of facilities providing alcoholism information and referral services as described in WAC 275-19-020. To be approved as an alcoholism treatment facility to provide alcoholism information and referral services, the facility must comply with the requirements of WAC 275-19-010 through 275-19-199, 275-19-700 through 275-19-749, and chapter 70.96A RCW. [Statutory Authority: RCW 70.96A.040. 83-23-008 (Order 2044), § 275-19-700, filed 11/4/83. Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-700, filed 2/1/80.]

**WAC 275-19-710 Information and referral services--Required services.** (1) Approved facilities providing alcohol information and referral services shall provide for the following direct services to clients and their families:

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

(b) Determine which agency might best serve his or her needs.

(c) Assist the client in designing a continuum of care.

(d) Coordinate the referral of persons experiencing problems with the excessive use of alcohol and his or her family to and from appropriate treatment resources.

(2) The treatment rationale shall be designed to achieve total abstinence from alcohol for all alcoholics. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-710, filed 2/1/80.]

**WAC 275-19-720 Information and referral services--Community services.** (1) Facilities providing information and referral services shall provide the communities which they serve with information and education concerning alcohol, alcohol abuse, alcoholism, and their related problems and shall serve as consultant to community agencies.

(2) The facilities shall develop a priority list of services to be provided in the community. [Statutory Authority: RCW 70.96A.090. 81-24-081 (Order 1727), § 275-19-720, filed 12/2/81; 80-02-136 (Order 1486), § 275-19-720, filed 2/1/80.]

**WAC 275-19-750 DWI client assessment services--Purpose.** The purpose of WAC 275-19-750 through 275-19-799 is to provide specific program standards for approval of facilities providing DWI client assessment services as described in WAC 275-19-020. To be approved as an alcoholism treatment facility to provide DWI client assessment services, the facility must comply with the requirements of WAC 275-19-010 through 275-19-199, 275-19-750 through 275-19-799, and chapter 70.96A RCW. [Statutory Authority: RCW 70.96A.040. 83-23-008 (Order 2044), § 275-19-750, filed 11/4/83.]

**WAC 275-19-760 DWI client assessment services--Clients.** Admission of clients to a treatment facility providing DWI client assessment services shall be limited to persons who have been arrested for a violation of driving while under the influence of intoxicating liquor or drugs

(RCW 46.61.502), or actual physical control of a motor vehicle while under the influence of intoxicating liquor or drugs (RCW 46.61.504), or petitioning for a deferred prosecution (chapter 10.05 RCW) for those offenses. [Statutory Authority: RCW 70.96A.040. 83-23-008 (Order 2044), § 275-19-760, filed 11/4/83.]

**WAC 275-19-770 DWI client assessment services--Required services.** The following direct services shall be provided to clients by qualified alcoholism counselors or qualified alcohol assessment officers as defined in WAC 275-19-145:

(1) Assess the client's involvement with alcohol and other drugs using, as a minimum, a diagnostic interview and the Washington alcohol screening inventory as described in WAC 275-19-185.

(2) Provide a written report of the diagnostic evaluation and a recommended education or treatment program to the court of jurisdiction and forward a copy of the report to the department of licensing.

(3) Provide the client with appropriate referral information. [Statutory Authority: RCW 70.96A.040. 83-23-008 (Order 2044), § 275-19-770, filed 11/4/83.]

**WAC 275-19-800 Alcohol information school--Purpose.** The purpose of WAC 275-19-800 through 275-19-899 is to provide specific program standards and objectives for approval of facilities providing alcohol information school services, as described in WAC 275-19-020. To be approved as an alcoholism treatment facility to provide alcohol information school services, the facility must comply with the requirements of WAC 275-19-010 through 275-19-199, the rules and regulations in this section, and chapter 70.96A RCW. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-800, filed 2/1/80.]

**WAC 275-19-810 Alcohol information school--School requirements.** (1) The course shall be taught by a qualified alcohol information school instructor as defined in WAC 275-19-145. This requirement shall become effective July 1, 1984.

(2) Prior to beginning the first lesson, the instructor shall:

(a) Advise the students the course:

(i) Does not assume they are all alcoholics or drug addicts.

(ii) Is not a therapy session.

(b) Clearly identify and share the class rules with the students.

(c) Share the course objectives with the students.

(3) Seating shall be adequate and comfortable.

(4) Rooms shall be well-lit and well-ventilated.

(5) All reports required by the courts and the department of licensing shall be properly completed and shall be submitted in a timely manner. [Statutory Authority: RCW 70.96A.040. 83-23-008 (Order 2044), § 275-19-810, filed 11/4/83. Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-810, filed 2/1/80.]

**WAC 275-19-820 Alcohol information school--Curriculum.** (1) The course must be taught following the content and objectives outlined in An Instructor's Guide to Alcohol Information School, published January 1980.

(2) The alcohol information school curriculum shall include the following:

(a) Adequate information regarding alcohol, alcohol abuse, and alcoholism.

(b) Information on the current laws addressing drinking alcoholic beverages and driving a motor vehicle.

(c) Information on the effect of the use of alcohol on driving ability.

(d) Information regarding the availability of alcoholism treatment resources, for the primary alcoholic and his or her family.

(e) Information on the dangers of the use of alcohol in combination with other drugs.

(f) Information on the impact of alcohol abuse and alcoholism on the family.

(3) The curriculum shall consist of not less than eight nor more than twelve hours of classroom instruction.

(4) Not more than three hours of instruction shall be conducted in any one day.

(5) The post-test as written in An Instructor's Guide to Alcohol Information School, published January 1980, shall be administered to each enrolled student. [Statutory Authority: RCW 70.96A.040. 83-23-008 (Order 2044), § 275-19-820, filed 11/4/83. Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-820, filed 2/1/80.]

**WAC 275-19-830 Alcohol information school--Fees.** All students shall be advised of the designated fees at the time of enrollment for the school. [Statutory Authority: RCW 70.96A.040. 83-23-008 (Order 2044), § 275-19-830, filed 11/4/83. Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-830, filed 2/1/80.]

**WAC 275-19-900 Emergency service patrol--Purpose.** The purpose of WAC 275-19-900 through 275-19-999 is to provide the specific standards and objectives for approval of facilities providing emergency service patrol services, as described in WAC 275-19-020. To be approved as an alcoholism treatment facility to provide emergency service patrol services, the facility must comply with the requirements of WAC 275-19-010 through 275-19-199, the rules and regulations in this section, and chapter 70.96A RCW. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-900, filed 2/1/80.]

**WAC 275-19-910 Emergency service patrol--Clients.** Service shall be limited to those persons in the state of intoxication and/or incapacitated by alcohol. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-910, filed 2/1/80.]

**WAC 275-19-920 Emergency service patrol--Required services.** There shall be an organized program and staff which shall provide the following services:



(1) Respond to calls from police, merchants and other interested persons for assistance with intoxicated persons who are in a public place.

(2) Patrol an assigned area and give direct assistance to those who are intoxicated in a public place.

(3) A general assessment of the client's condition with regard to his/her state of inebriation.

(a) If a person is intoxicated but subdued and is willing to accept this service, transport him/her to his/her home, approved alcoholism treatment facility or other health facility.

(b) If the person appears to be incapacitated, unconscious or who has threatened, or inflicted physical harm on another, every reasonable effort shall be made to take the person into protective custody and transport the person to an approved alcoholism treatment facility or other health facility. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-920, filed 2/1/80.]

**WAC 275-19-930 Emergency service patrol--Staff.** Those persons providing emergency service patrol pickup duties shall:

(1) Possess a current valid Washington state driver's license with the proper endorsements.

(2) Possess a current and valid Red Cross card or certificate for first aid and cardiopulmonary resuscitation.

(3) Be trained and skilled in handling crisis situations with intoxicated persons. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-930, filed 2/1/80.]

**Chapter 275-20 WAC**

**COSTS OF CARE OF MENTALLY DEFICIENT PERSONS RESIDING IN STATE INSTITUTIONS**

WAC	
275-20-010	Authority.
275-20-030	Schedule of per capita cost.
275-20-035	Exempt income.
275-20-080	Judicial review--Appeal procedures.

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

	Per Capita Daily Rate
Lakeland Village	\$118.89
Rainier School	\$117.03
Yakima Valley School	\$ 96.94
Fircrest School	\$113.25
Interlake School	\$104.68
Frances Haddon Morgan	\$117.19

[Statutory Authority: RCW 72.33.600. 83-18-028 (Order 2018), § 275-20-030, filed 8/31/83; 82-20-022 (Order 1885), § 275-20-030, filed 9/29/82; 81-17-025 (Order 1690), § 275-20-030, filed 8/12/81; 81-06-004 (Order 1611), § 275-20-030, filed 2/19/81; 80-12-011 (Order 1535), § 275-20-030, filed 8/25/80; 80-02-060 (Order 1480), § 275-20-030, filed 1/18/80; 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 275-20-080 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.
- 275-25-030 Program operation—General provisions.
- 275-25-040 Appeal procedure.
- 275-25-300 Alcoholism program—WAC section numbers.
- 275-25-310 Approved treatment facilities.
- 275-25-330 Service priority.
- 275-25-340 Funding formula—Alcoholism.
- 275-25-500 Developmental disabilities program—WAC section numbers.
- 275-25-520 Services—Developmental disabilities.
- 275-25-527 Rights—Health and safety assured.
- 275-25-530 Funding formula—Developmental disabilities.
- 275-25-755 Client rights—Notification of client.
- 275-25-800 Applicability—WAC section numbers.
- 275-25-810 Drug abuse services.
- 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.
- 275-25-700 Mental health programs—WAC section numbers. [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.] Repealed by 83-03-011 (Order 1936), filed 1/12/83. Statutory Authority: RCW 69.54.040 and 71.24.190.
- 275-25-710 Definitions—Mental health and drug treatment. [Order 1142, § 275-25-710, filed 8/12/76.] Repealed by 83-03-011 (Order 1936), filed 1/12/83. Statutory Authority: RCW 69.54.040 and 71.24.190.
- 275-25-720 Priorities. [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.] Repealed by 83-03-011 (Order 1936), filed 1/12/83. Statutory Authority: RCW 69.54.040 and 71.24.190.
- 275-25-730 Services—Mental health and drugs. [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.] Repealed by 83-03-011 (Order 1936), filed 1/12/83. Statutory Authority: RCW 69.54.040 and 71.24.190.
- 275-25-740 Clinical requirements. [Order 1142, § 275-25-740, filed 8/12/76.] Repealed by 83-03-011 (Order 1936), filed 1/12/83. Statutory Authority: RCW 69.54.040 and 71.24.190.
- 275-25-750 Staffing requirements. [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.] Repealed by 83-03-011 (Order 1936), filed 1/12/83. Statutory Authority: RCW 69.54.040 and 71.24.190.
- 275-25-760 State hospitals—Referral. [Order 1142, § 275-25-760, filed 8/12/76.] Repealed by 83-03-011 (Order 1936), filed 1/12/83. Statutory Authority: RCW 69.54.040 and 71.24.190.
- 275-25-770 Funding formula—Mental health. [Statutory Authority: RCW 71.24.190. 81-23-043 (Order 1719), § 275-25-770, filed 11/18/81. Statutory Authority: RCW 69.54.040. 80-02-120 (Order 1484), § 275-25-770, filed 1/30/80; 78-08-086 (Order 1322), § 275-25-770, filed 7/28/78; Order 1142, § 275-25-770, filed 8/12/76.] Repealed by 83-03-011 (Order 1936), filed 1/12/83. Statutory Authority: RCW 69.54.040 and 71.24.190.
- 275-25-820 Annual performance and status report. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-25-820, filed 7/28/78.] Repealed by 83-03-011 (Order 1936), filed 1/12/83. Statutory Authority: RCW 69.54.040 and 71.24.190.
- 275-25-830 County management. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-25-830, filed 7/28/78.] Repealed by 83-03-011 (Order 1936), filed 1/12/83. Statutory Authority: RCW 69.54.040 and 71.24.190.

**WAC 275-25-010 Definitions.** (1) All terms used in this chapter 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) Drug and alcohol rehabilitation, education programs—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 enrolled in or 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 considered to be an Indian by a federally or nonfederally recognized Indian tribe or by an urban Indian/Alaska community organization.

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

(7) "Population" means the most recent estimate of the aggregate number of persons located in the designated county as computed by the office of financial 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 and 71.24.190. 83-03-011 (Order 1936), § 275-25-010, filed 1/12/83; 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 twelve-month period prior to the start of the state fiscal biennium.

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

- (a) Drug abuse,
- (b) Developmental disabilities, and
- (c) Alcoholism.

(3) The secretary shall announce the amount of funds included in the department's biennial budget request to each county for each program area no later than December 15. The secretary shall announce the actual amount of funds appropriated and available to each county as soon as possible after final passage of the Biennial Appropriations Act.

(4) Each county shall submit a plan for each program area for the subsequent state fiscal biennium to the secretary no later than March 1, in the form and manner prescribed by the secretary in written guidelines issued no later than November 1. The plan shall include the following:

- (a) A statement of priorities;

(b) A work statement, including a listing of program components, anticipated service volume, and other activities to be undertaken during the period covered by the plan;

(c) The relationship between the work statement and the priority statement;

(d) The method(s) for administering the various program components and services;

(e) A proposed budget;

(f) An evaluation of progress in meeting the work statement in the current contract; and

(g) Such other information as the secretary may require in the written guidelines.

(5) The secretary shall send a written review of the plan to each county within thirty days after receipt of the plan. The review shall set forth the secretary's findings and conditions for final approval of the plan.

(6) Each county shall submit a response to the written review for each program area by May 15, or thirty days after receipt of the secretary's written review, whichever is later. The response to the written review shall include:

(a) Responses to all conditions set forth in the secretary's review of the plan;

(b) Any amendments to the plan desired by the county; and

(c) A letter by the county governing body or county executive indicating adoption of the plan as modified by the county's response to the written review.

(7) The secretary shall review the response submitted by the county pursuant to subsection (6) of this section and approve the plan if the response meets the conditions set forth in the written review. The secretary shall advise the county of approval or denial of approval within fifteen days after receipt of the response. The county may submit amendments or additional responses and ask for reconsideration at any time.

(8) Each county shall submit a contract proposal for each program area within forty-five days of the announcement by the secretary of the actual amount of funds appropriated and available, pursuant to subsection (3) of this section. The contract proposal shall include:

(a) A work statement, as described in subsection (4)(b) of this section;

(b) A list of the intended subcontractors, if any, and the services to be provided by each;

(c) A budget for the contract period; and

(d) A letter from the county governing body or county executive indicating approval of the contract proposal.

(9) The secretary may modify deadlines for submission of plans, responses to written reviews or contract proposals when, in the secretary's judgment, the modification would enable the county to improve the program or planning process.

(10) The secretary may authorize the county to continue providing services in accordance with the previous plan and contract, and reimburse at the average level of the previous contract, in order to continue services until the contract is executed. [Statutory Authority: RCW 69.54.040 and 71.24.190. 83-03-011 (Order 1936), § 275-25-020, filed 1/12/83. 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 275-25-030 Program operation--General provisions.** (1) The provisions of this section shall apply to all programs operated under authority of the act(s).

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

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

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

**(5) Funding.**

(a) A contract must be negotiated and executed between the department and the county prior to any reimbursement by the department for services to be provided under the contract, except as provided in WAC 275-25-020(10). The department shall not execute the contract unless the county's plan has been approved pursuant to WAC 275-25-020(7).

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

(c) The secretary may make advance payments to counties, where such payments would facilitate sound program management. The secretary shall withhold advance payments from counties failing to meet the requirements of WAC 275-25-020 until such requirements are met. Any county failing to meet the requirements of WAC 275-25-020 after advance payments have been made shall repay said advance payment within thirty days of notice by the department that the county is not in compliance.

(d) If the department receives evidence a county or subcontractor performing under the contract is:

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

(ii) Not in substantial compliance with the contract; or

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

(6) **Subcontracting.** A county may subcontract for the performance of any of the services specified in the contract. All subcontracts shall include:

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

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

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

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

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

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

(8) **Liability.** Neither the promulgation of these rules nor anything contained in these rules shall be construed as affecting the relative status or civil rights or liabilities between the county and community agency, and/or any other person, partnership, corporation, association, or other organization performing services under a contract or required herein and their employees, persons receiving services, or the public generally; nor shall the use or implied use herein of the word "duty" or "responsibility" or both import or imply liability other than provided for by the statutes or general laws of the state of Washington, to any person for injuries due to negligence predicated upon failure to perform on the part of an applicant, or a board established under the act(s), or an agency, or said agency's employees, or persons performing services on said agency's behalf, but failure to comply with any compulsory rules shall be cause for the department to refuse to provide funds under the contract. [Statutory Authority: RCW 69.54.040 and 71.24.190. 83-03-011 (Order 1936), § 275-25-030, filed 1/12/83; Order 1142, § 275-25-030, filed 8/12/76.]

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

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

(3) All requests for administrative reviews shall:

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

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

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

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

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

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

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

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

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

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

**WAC 275-25-340 Funding formula--Alcoholism.** (1) For the purposes of this section, "county" shall mean the legal subdivision of the state, regardless of any agreement with another county to provide alcoholism services jointly.

(2) Of the state funds appropriated by the legislature for alcoholism services, the department may allocate funds for state-wide services, special projects, emergency needs, and not more than nine percent to the department for administration.

(3) The remainder is to be allocated to the counties based on the ratio of county population to state population: *Provided*, That each county shall be allocated at least fifty-one thousand two hundred dollars each biennium, subject to availability of appropriated funds. The minimum sum shall be adjusted each biennium in proportion to the general inflation allowance authorized by the legislature. [Statutory Authority: RCW 69.54.040 and 71.24.190. 83-03-011 (Order 1936), § 275-25-340, filed 1/12/83. Statutory Authority: RCW 69.54.040. 81-24-073 (Order 1726), § 275-25-340, filed 12/2/81; Order 1142, § 275-25-340, filed 8/12/76.]

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

**WAC 275-25-520 Services--Developmental disabilities.** Counties may purchase and/or provide any or all of the services listed in RCW 71.20.060 and/or 71.20.070. However, only the following services are eligible for division of developmental disabilities 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 approved county plans and with service definitions, standards and guidelines issued by the division.

(1) Direct services may be provided in the following areas:

- (a) Child development services,
- (b) Employment services,
- (c) Community integration services, and
- (d) Residential services.

(2) Indirect services may be provided in the following areas:

- (a) Program evaluation,
- (b) County planning and administration, and
- (c) Consultation and staff development. [Statutory Authority: RCW 71.20.070, 72.33.125 and 72.33.850. 82-06-034 (Order 1771), § 275-25-520, filed 3/1/82. 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.]

**WAC 275-25-527 Rights--Health and safety assured.** A county, when contracting for specific services, must assure that client rights and client health and safety are protected. [Statutory Authority: RCW 71.20.070, 72.33.125 and 72.33.850. 82-06-034 (Order 1771), § 275-25-527, filed 3/1/82.]

**WAC 275-25-530 Funding formula--Developmental disabilities.** (1) For the purposes of this section, "county" shall mean the legal subdivision of the state, regardless of any agreement with another county to provide developmental disabilities services jointly.

(2) The allocation of funds to counties shall be based on the following criteria:

(a) 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.

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

(c) The remainder of the funds shall be distributed either on a county per capita basis or on a rate per client basis, whichever will more equitably support developmental disabilities programs. [Statutory Authority: RCW 69.54.040 and 71.24.190. 83-03-011 (Order

1936), § 275-25-530, filed 1/12/83; Order 1142, § 275-25-530, filed 8/12/76.]

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

- (a) Be treated with dignity;
- (b) Be protected from invasion of privacy;
- (c) Have information about him/her treated confidentially;
- (d) Actively participate in the development or modification of his/her treatment program;
- (e) Be provided treatment in accordance with accepted quality-of-care standards and which is responsive to his/her best interests and particular needs;
- (f) Review his/her treatment records with the therapist at least bimonthly: *Provided*, That information confidential to other individuals shall not be reviewed by the client;

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

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

**WAC 275-25-800 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 shall address service requirements for each of the following modalities:

- (a) Outpatient treatment services,
- (b) Methadone treatment services,
- (c) Residential treatment services,
- (d) Inpatient treatment services,
- (e) Emergency treatment services,
- (f) Court evaluations, and
- (g) Prevention services.

(2) 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. [Statutory Authority: RCW 69.54.040 and 71.24.190, 83-03-011 (Order 1936), § 275-25-810, filed 1/12/83. Statutory Authority: RCW 69.54.040, 81-24-073 (Order 1726), § 275-25-810, filed 12/2/81; 78-08-086 (Order 1322), § 275-25-810, filed 7/28/78.]

**WAC 275-25-840 Funding formulae.** (1) For the purposes of this section, "county" shall mean the legal subdivision of the state, regardless of any agreement with another county to provide drug abuse services jointly.

(2) The allocation of funds appropriated from state revenues for drug abuse services shall be based on the following criteria:

(a) The department may withhold up to twenty-five percent of appropriated state funds for state-wide programs, special projects, and emergency needs.

(b) Each county shall be allocated ten thousand dollars for community drug abuse services each biennium, subject to availability of state funds.

(c) The remainder of appropriated state funds shall be allocated to counties based on the ratio of county population to state population. [Statutory Authority: RCW 69.54.040 and 71.24.190, 83-03-011 (Order 1936), § 275-25-840, filed 1/12/83. Statutory Authority: RCW 69.54.040, 78-08-086 (Order 1322), § 275-25-840, filed 7/28/78.]

## Chapter 275-26 WAC

### DEVELOPMENTALLY DISABLED COMMUNITY TRAINING PROGRAM

#### WAC

275-26-005	Purpose.
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275-26-012	Tenant support agencies.
275-26-015	Initial and interim certification.
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275-26-540	Administration of alternative living services.
275-26-550	Alternative living services.
275-26-560	Provider requirements.
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**WAC 275-26-005 Purpose.** (1) The division of developmental disabilities, for the purpose of enabling certain developmentally disabled persons as defined in WAC 275-26-025 and 275-26-520 to live in an independent setting, may provide a training and support service to clients living in the client's own home.

(2) The generally expected outcome of such services is the client's need for tenant support or alternative living services will be substantially decreased over time, depending upon the client's individual need. [Statutory Authority: Chapter 72.33 RCW, 83-05-017 (Order 1945), § 275-26-005, filed 2/9/83.]

**WAC 275-26-010 Definitions.** (1) "Administrative hours" is a measure of time devoted to the function of administration and management of the organization. Administrative hours include time spent with employees related to the employee's overall job performance or other work management functions, but does not include

the time spent by administrators relating to individual tenants.

(2) "Alternative living services" means the provision of training and support services to clients renting, buying or owning living accommodations.

(3) "Average monthly staff hours" is a measure of the average number of staff hours devoted to serving participating tenants. Average monthly staff hours is calculated by dividing the sum of staff and supervisory hours (excluding any hours devoted to administrative functions) by the tenant months.

(4) "Client" means a person determined by the division to be eligible for services funded by the division.

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

(6) "Division" means the division of developmental disabilities of the department of social and health services.

(7) "Individual direct service hours" is a measure of the hours of one-to-one tenant support services received by a participating tenant, and is calculated for each service event by dividing the number of provider staff delivering a service event by the number of participating tenants in the event and multiplying by the duration of the event.

(8) "Participating tenants" means a person eligible for services from the division of developmental disabilities, referred to the provider by the division and placed in an independent living setting by the provider, receiving thirty or more individual direct service hours during the billing month, provided that a tenant entering or leaving the program during any billing month is considered a "participating tenant" if he or she received an average of one hour of individual direct service hours per day in the program.

(9) "Provider" means the tenant support agency, alternative living agency or alternative living individual provider contracted by the department to provide training and support services to clients.

(10) "Secretary" means the secretary of the department or such officer the secretary may designate to carry out in whole or in part the administration of this chapter.

(11) "Supervisory hours" is a measure of time devoted to the function of certain tenant related supervisory tasks such as consultation with employees related to individual tenants or groups of tenants and specific program services.

(12) "Support" means:

(a) Assistance to the tenant or client in performance of necessary functions or performance of necessary functions on behalf of the tenant or client. Where the client's skill has not been developed, support is provided as a substitute in those areas affecting the client's survival.

(b) Assistance to the client in the fostering and development of typical relationships in the community.

(13) "Tenant" means a person eligible for services from the division, referred by the division to and receiving services from a tenant support agency, living or preparing to live, in his or her own independent living setting.

(14) "Tenant month" represents the average number of participating tenants attending the tenant support program during the billing month. A tenant month is calculated by multiplying the number of participating tenants attending the program for the full month by the number of days in the billing month; adding the number of days attended by participating tenants leaving or entering the program (providing the tenants attending for a partial month average one hour per day of individual direct service hours); dividing the sum by the number of days of the billing month. In the event the number of tenant months results in a fraction, the number shall be rounded to two decimal places.

(15) "Tenant support agency" means the entity certified by the department to provide training and support services to tenants who are or will be renting, buying or owning an apartment or home.

(16) "Tenant support services" means the provision of an average of forty-four hours monthly of training and support services to participating tenants served by a tenant support agency.

(17) "Training" means goal-oriented instruction targeting the skills not yet developed and enhancing the skill proficiencies affecting a tenant's or client's survival or independence.

(18) "Work day" means the day or days the local division of developmental disabilities field services office is open for business. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-010, filed 2/9/83.]

**WAC 275-26-012 Tenant support agencies.** The rules in WAC 275-26-015 through 275-26-097 apply exclusively to the tenant support program. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-012, filed 2/9/83.]

**WAC 275-26-015 Initial and interim certification.** Initial certification or interim renewal certification may be granted if the tenant support agency has been examined pursuant to WAC 275-26-030 and upon assurance the tenant support agency will comply with these rules and regulations within a specified period of time acceptable to the secretary not to exceed one hundred eighty days.

(1) If the provider does not comply with the requirements of chapter 275-26 WAC within the one hundred eighty-day period the department shall initiate a process of withdrawing the tenant support initial or interim certification.

(2) Revocation, suspension or denial shall be done in accord with the rules governing administrative review (WAC 275-26-022) and the laws of the state of Washington (chapter 34.04 RCW). [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-015, filed 2/9/83.]

**WAC 275-26-020 Certification.** (1) Upon determination by the department of compliance with WAC 275-26-030, the division may certify a tenant support agency as approved for referral of and service provision to tenants under the provision of chapter 72.33 RCW. This certification is required annually. Initial application or proposal for certification shall be reviewed by the county and recommendations shall be forwarded by the county to the division. The county may submit recommendations to the division prior to annual certification by the department.

(2) An agency found to be substantially out of compliance with the provisions of this WAC chapter shall be subject to interim certification and revocation procedures as outlined in WAC 275-26-015. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-020, filed 2/9/83.]

**WAC 275-26-022 Administrative review conference process.** (1) All agencies providing tenant support services must abide by chapter 275-36 WAC as it pertains to decertification action. Any party who feels aggrieved by this decertification may request an administrative review. The request shall be signed by the provider, shall identify the challenged determination and the date thereof, and shall state as specifically as practicable the grounds for the provider's contention that the determination was erroneous. Copies of any documentation the provider intends to rely on to support the provider's position shall be included with the request.

(2) After receiving a request meeting the criteria in subsection (1) of this section, the director of the division of developmental disabilities will contact the provider to schedule a conference for the earliest mutually convenient time. The conference shall be scheduled for no later than thirty days after a properly completed request is received unless both parties agree in writing to a specific later date.

(3) The provider and appropriate representatives of the department shall attend the conference. In addition, representatives selected by the provider may attend and participate. The provider shall bring to the conference, or provide to the department in advance of the conference, any documentation the provider intends to rely on to support the provider's contentions. The parties shall clarify and attempt to resolve the issues at the conference. If additional documentation is needed to resolve the issues, a second session of the conference shall be scheduled for not later than thirty days after the initial session unless both parties agree in writing to a specific later date.

(4) Unless informal agreement has been reached at the conference, a written decision by the director of the division of developmental disabilities will be furnished to the provider within sixty days after the conclusion of the conference.

(5) If the provider desires review of an adverse decision of the director of the division of developmental disabilities, the provider shall within thirty days following receipt of such decision request a fair hearing in writing

in accordance with the Administrative Procedure Act, chapter 34.04 RCW. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-022, filed 2/9/83.]

**WAC 275-26-025 Eligibility for tenant support services.** In order to participate in tenant support services, the eligible person must:

- (1) Be eighteen years of age or older;
- (2) Already live or be prepared to move into an apartment or private community housing;
- (3) Have sufficient earned or unearned income to pay his or her housing, food, and other incidental costs;
- (4) Be able to identify emergencies independently and seek assistance;
- (5) Be able to be alone during night-time hours;
- (6) Be able to use or learn to use a telephone; may use adaptive equipment;
- (7) Does not consistently behave in a manner disruptive to the community;
- (8) Demonstrates basic self-help skills, such as eating, dressing, grooming, and toileting;
- (9) Demonstrates ability to use or learn to use public transportation independently and safely. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-025, filed 2/9/83.]

**WAC 275-26-030 Evaluation and supervision.** (1) The secretary shall review and/or evaluate the tenant support agency's operation to ensure that proper standards of operation, as set forth by law, or this chapter, are maintained. If, during the evaluation process, the provider is found not in compliance with the standards and regulations contained in chapter 275-26 WAC, the secretary shall cause a report to be filed. The report shall specify the corrective action to be implemented with specific time limits not to exceed one hundred eighty days for corrective action completion. If such corrective actions are not implemented within the specified times the tenant support agency certification, initial certification or interim certification may be withdrawn.

(2) The secretary may conduct an audit of the tenant support agency, as deemed necessary by the department.

(3) The secretary may review, as deemed necessary, each tenant's individual adjustment to ensure tenant's needs, interests, and welfare continue to be served. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-030, filed 2/9/83.]

**WAC 275-26-032 Emergency and other services.** (1) The tenant support agency shall inform the division when the tenant requires services beyond levels described in WAC 275-26-005 through 275-26-090. Services described include, but are not limited to:

- (a) Medical services;
  - (b) Dental services;
  - (c) Behavioral intervention services.
- (2) In emergencies, the tenant support agency shall inform the division of a tenant's need for services described in subsection (1) of this section within seventy-two hours or the next work day, whichever is earlier.



(3) Payment for any services described in subsection (1) of this section may be provided by the department, if not prohibited by law: *Provided however*, That other resources do not exist or have been exhausted. Such other resources shall include:

- (a) Private or public insurance;
  - (b) The tenant's assets;
  - (c) Assistance from private service organizations.
- [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-032, filed 2/9/83.]

**WAC 275-26-050 Tenant remuneration.** Whenever appropriate or required by law, individual tenants performing work for the tenant support agency shall be given remuneration in accordance with the minimum wage law unless exemption has been granted to the minimum wage under applicable laws of the federal department of labor and state department of labor and industries. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-050, filed 2/9/83.]

**WAC 275-26-055 Administration.** (1) The tenant support agency shall have written statements approved by the division including, but not limited to, the following:

- (a) Agency philosophy, objectives, and goals;
- (b) Description of the tenant support agency's program, admission, and discharge criteria;
- (c) Policies and procedures protecting the financial interests of the tenants;
- (d) Policies and procedures describing designation of authority in the absence of the administrator and the agency's chain of authority;
- (e) Policies and procedures describing methods of responding to emergencies including, but not limited to:
  - (i) Natural or other disaster;
  - (ii) Medical problems;
  - (iii) Involvement of the tenant with law enforcement agencies.
- (f) Policies and procedures for notification of tenant's guardian and/or relatives in case of tenant's personal emergency.

(2) The tenant support agency director shall complete and file with the department the document entitled Division of Developmental Disabilities Administrative Policy Number 1, dated July 2, 1973, provided by the department prohibiting mistreatment, neglect or abuse of tenants. All staff working with tenants shall sign a similar document, approved by the department, compiled by the provider and kept in the staff's personnel file.

(3)(a) The tenant support agency will notify the division immediately of any serious incident involving a tenant, such as, when a tenant is missing, has had a serious injury or accident, or has been a victim or perpetrator of a felonious action, etc.

(b) Such notification will be followed by a written report of the incident submitted to the division on the next work day, unless an exception is granted by the division. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-055, filed 2/9/83.]

**WAC 275-26-060 Personnel.** (1) The provider shall maintain current written personnel policies and practices which shall be made available to all employees.

(2) Requirements for staff employed by the tenant support agency shall include, but not be limited to, the following:

- (a) Be eighteen years of age or older;
- (b) Demonstrate capacity to be an appropriate role model;
- (c) Exhibit mature behavior and the ability to make independent judgments.

(3) The performance of each employee shall be evaluated in writing at least annually by the tenant support agency.

(4) Personnel policies and practices shall not discriminate against staff or prospective staff based upon a person's age, sex, marital status, race, creed, color, national origin or the presence of any sensory, mental or physical handicap: *Provided*, That such sensory, mental or physical handicap does not prevent the specific performance of the job. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-060, filed 2/9/83.]

**WAC 275-26-065 Staffing.** (1) The tenant support agency shall provide sufficient staff to administer the program, perform training, supervision, and support services.

(2) The tenant support agency must provide the client with immediate accessibility to tenant support agency staff twenty-four hours per day, seven days each week. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-065, filed 2/9/83.]

**WAC 275-26-070 Staff training.** The tenant support agency shall ensure that staff receive a minimum of twelve hours of training during the first thirty days of employment. Such training will involve a combination of instruction and supervised experience (working) with tenants. A minimum of four hours per month training shall be provided each direct service staff person during the first six months of employment. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-070, filed 2/9/83.]

**WAC 275-26-075 Tenant records.** (1) The tenant support agency shall maintain and keep current a record, including health and training records, for each tenant served as a basis for review, study, and evaluation of the overall programs provided by the agency to the participating tenants.

(2) All information contained in a tenant's record shall be:

- (a) Considered privileged and confidential;
- (b) Used in the best interest of the tenant;
- (c) Available to all training and support staff, the department and, pursuant to RCW 71.20.075, the county community developmental disabilities board.

(3) Any transfer or inspection of records, except pursuant to subsection (2) of this section, shall be authorized by a release of information form, which is signed by the tenant or, if incompetent by the guardian. [Statutory

Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-075, filed 2/9/83.]

**WAC 275-26-080 Health services.** The tenant support agency shall provide training, guidance and/or support to the tenant for the purpose of health services by:

- (1) Assisting the tenant to be aware of the need for health services;
- (2) Assisting the tenant with arranging appointments with health professionals;
- (3) Assisting and ensuring transportation for the tenant to health services;
- (4) Monitoring the tenant's implementation of medical treatment prescribed by health professionals;
- (5) Communicating directly with health professionals, when indicated. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-080, filed 2/9/83.]

**WAC 275-26-085 Tenant support program plan.** The tenant support agency shall develop a written tenant support program plan in a format approved by the department to support individual goals designated in the individual service plan developed by the division. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-085, filed 2/9/83.]

**WAC 275-26-090 Tenant services.** The tenant support agency shall, as specified in the tenant's tenant support program plan, provide each tenant, based upon individual need, with community survival training and support services including, but not limited to, the following areas:

- (1) Establishment of a residence, including arrangements with landlord, public utilities, tenant insurance.
- (2) Personal health including personal hygiene, physical health, personal safety, assertiveness, human sexuality.
- (3) Household management including care of home, use of appliances, financial planning, meal planning and preparation, home safety, emergency procedures, telephone use.
- (4) Use of community resources including transportation, health services, shopping resources, banking.
- (5) Use of leisure time including planning time and activities, social relationships, role responsibilities. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-090, filed 2/9/83.]

**WAC 275-26-095 Physical requirements.** (1) The tenant support agency, when assisting a tenant with establishing a residence, will ensure the tenant is offered choices of housing meeting the following requirements:

- (a) One living unit serves as a residence for no more than three tenants;
- (b) Is located in a typical multi-family or single-family dwelling residential neighborhood;
- (c) Is located in a neighborhood or apartment complex not having a predominant population comprised of handicapped, ill or infirm people;

(d) Is located in an area providing easy access to public transit and necessary resources such as grocery, bank, laundromat, churches, and other public services;

(e) Is located in an area where access to tenant's work and/or work training involves not more than a reasonable effort;

(f) Has necessary equipment or conditions to guarantee minimum safety for the tenant in his or her housing unit, including, but not limited to:

- (i) Access to telephone equipment usable by the tenant;
- (ii) A smoke detector located in proximity to sleeping rooms;
- (iii) A flashlight in working condition;
- (iv) First-aid supplies;
- (v) Plan developed with tenant for evacuation;
- (vi) Safe storage area for flammable and combustible materials;
- (vii) No space used for residential purposes accessible only by ladder, folding stairs or a trap door;
- (viii) An unblocked exit.

(2) The tenant support agency shall document activities with a tenant relevant to subsection (1) of this section. Such documentation shall be kept in the tenant's record.

(3) Tenant support agencies serving tenants entered into the program prior to the effective date of this amendatory act are exempt from subsections (1)(a) through (1)(e) of this section. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-095, filed 2/9/83.]

**WAC 275-26-097 Exceptions when allowed.** The department may permit the provider to exceed payment for service and payment for additional expenses. Exceptions will be based on a review by the division of the participating tenant's need for extraordinary level of tenant support services. The exception must be approved by the secretary and included in the contract. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-097, filed 2/9/83.]

**WAC 275-26-500 Alternative living program.** The rules in WAC 275-26-520 through 275-26-580 apply exclusively to the alternative living program. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-500, filed 2/9/83.]

**WAC 275-26-520 Eligibility.** (1) A person considered by the department as having a need for such services may receive alternative living services.

(2) In order to receive alternative living services, the eligible person must:

- (a) Be eighteen years of age or older;
- (b) Already live or be prepared to move into private community housing;
- (c) Have sufficient earned or unearned income to pay his or her housing, food, and other incidental costs;
- (d) Demonstrate ability to identify emergencies independently and seek assistance;

- (e) Be able to be alone a majority of the time, including nighttime hours;
- (f) Be able to use a telephone, may use adaptive equipment;
- (g) Demonstrates basic self-help skills, such as eating, dressing, grooming, and toileting;
- (h) Have mastered a majority of community survival skills and require training and support in only one or two major areas, such as, money management, processing documents to receive assistance from governmental agencies, use of health services, establishing a residence. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-520, filed 2/9/83.]

**WAC 275-26-530 Evaluation and supervision.** (1) The secretary may review, as deemed necessary, the provider's records of a client's progress, documentation of service hours provided, and any documentation pertaining to financial transactions on behalf of a client.

(2) The secretary may review, as deemed necessary, a client's individual adjustment to ensure that the client's needs, interests, and welfare continue to be served. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-530, filed 2/9/83.]

**WAC 275-26-540 Administration of alternative living services.** Alternative living services will be delivered as follows:

- (1) Client will be referred by the division to a provider. The provider may accept or reject such a referral.
- (2) A six-month alternative living program plan shall be developed by the division with the participation of the client and provider. Such plan may be modified as needed.
  - (a) The client's alternative living program plan shall be based upon the individual service plan (ISP) developed by the division.
  - (b) The alternative living program plan shall be developed in accord with division policy relating to alternative living services.
  - (c) If clients require more than six months of alternative living service, revised alternative living program plans shall be developed at six-month intervals.
- (3) The provider shall maintain a record of the client's progress toward the alternative living program plan goals and shall submit a written periodic progress report to the division.
- (4) The division may terminate services to an individual client, based upon a review of the client's needs, interests, and welfare. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-540, filed 2/9/83.]

**WAC 275-26-550 Alternative living services.** Alternative living services shall, as specified in the client's alternative living program plan, be provided in areas which include, but are not limited to, the following:

(1) Establishment of a residence, including arrangements with landlord, public utilities.

- (2) Personal health including personal hygiene, physical health, personal safety, assertiveness, human sexuality.
- (3) Household management including care of home, use of appliances, financial planning, meal planning and preparation, home safety, emergency procedures, telephone use.
- (4) Use of community resources including transportation, health services, shopping resources, banking.
- (5) Use of leisure time including planning time and activities, social relationships, role responsibilities. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-550, filed 2/9/83.]

**WAC 275-26-560 Provider requirements.** (1) The provider shall meet the following requirements:

- (a) Have experience in working with people with developmental disabilities;
  - (b) Demonstrate the capacity to be an appropriate role model;
  - (c) Meet other requirements as deemed necessary by the department.
- (2) The provider is prohibited from abuse, neglect or mistreatment of a client. The provider shall treat the client with dignity and consideration, respecting the client's civil and human rights at all times.

(3) The provider shall require at time of employment all employees to read and agree to abide by the current Division of Developmental Disabilities Administrative Policy Number 1, dated July 2, 1973, regarding client abuse. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-560, filed 2/9/83.]

**WAC 275-26-570 Maximum compensation.** (1) The department shall pay the provider an hourly rate up to a maximum amount as designated by the department for authorized alternative living program services.

- (2) The department may reimburse the provider for travel expenses incurred in transporting a client to and from needed services provided prior authorization has been granted by the secretary. Other travel expenses may be reimbursed with prior written approval of the secretary.
- (3) Reimbursement for mileage expenses may be paid the provider up to a maximum of the prevailing rate paid to state employees for mileage reimbursement. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-570, filed 2/9/83.]

**Chapter 275-27 WAC**

**BUREAU OF DEVELOPMENTAL DISABILITIES SERVICES AND HOME AID RESOURCES RULES**

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

275-27-600	Bureau certification of developmental centers. [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.] Repealed by 82-06-034 (Order 1771), filed 3/1/82. Statutory Authority: RCW 71.20.070, 72.33.125 and 72.33.850.
275-27-605	Procedures for bureau certification, denial, suspension or revocation—Appeals. [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.] Repealed by 82-06-034 (Order 1771), filed 3/1/82. Statutory Authority: RCW 71.20.070, 72.33.125 and 72.33.850.
275-27-610	Governing board. [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.] Repealed by 82-06-034 (Order 1771), filed 3/1/82. Statutory Authority: RCW 71.20.070, 72.33.125 and 72.33.850.
275-27-615	Center structure and maintenance. [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.] Repealed by 82-06-034 (Order 1771), filed 3/1/82. Statutory Authority: RCW 71.20.070, 72.33.125 and 72.33.850.
275-27-620	Staff training. [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.] Repealed by 82-06-034 (Order 1771), filed 3/1/82. Statutory Authority: RCW 71.20.070, 72.33.125 and 72.33.850.
275-27-630	Client training. [Statutory Authority: RCW 72.33.810. 81-14-064 (Order 1671), § 275-27-630, filed 7/1/81. 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.] Repealed by 82-06-034 (Order 1771), filed 3/1/82. Statutory Authority: RCW 71.20.070, 72.33.125 and 72.33.850.
275-27-635	Reimbursement of clients. [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.] Repealed by 82-06-034 (Order 1771), filed 3/1/82. Statutory Authority: RCW 71.20.070, 72.33.125 and 72.33.850.
275-27-640	Protection of client rights. [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.] Repealed by 82-06-034 (Order 1771), filed 3/1/82. Statutory Authority: RCW 71.20.070, 72.33.125 and 72.33.850.
275-27-660	Early childhood developmental centers—Services. [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.] Repealed by 82-06-034 (Order 1771), filed 3/1/82. Statutory Authority: RCW 71.20.070, 72.33.125 and 72.33.850.
275-27-665	Early childhood developmental center—Staffing. [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.] Repealed by 82-06-034 (Order 1771), filed 3/1/82. Statutory Authority: RCW 71.20.070, 72.33.125 and 72.33.850.
275-27-680	Adult developmental training center—Services. [Statutory Authority: RCW 72.01.090, 72.33.165, 72.33.800, and 72.33.810. 78-04-003 (Order 1277), § 275-

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

- (a) Mental retardation; or
- (b) Cerebral palsy, epilepsy, autism, auditory impairment, or visual impairment having the following additional characteristics:
  - (i) Originates before such person reaches age 18; and
  - (ii) Has continued or can be expected to continue indefinitely; and
  - (iii) Constitutes a substantial handicap to such individual's ability to function normally in society.

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

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

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

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

**WAC 275-27-040 Application for services.** (1) All applications for bureau services shall be filed with one of the 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 275-27-210 Home aid resources.** (1) The secretary shall make payments for the provision of home aid resources as set forth in this section provided that no local, private, federal, or other state resource is available for the individual's needs.

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

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

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

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

(d) Specialized therapies.

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

(4) Home aid resources shall be:

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

(b) Specifically goal-oriented and time-limited

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

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

**WAC 275-27-230 Placement services.** (1) Unless an individual is placed pursuant to court order, the bureau's case services 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 or her 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 thirty days.

(5) Placement by the bureau in a county-funded service is limited as follows:

(a) The service must be included in a state approved county plan;

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

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

(ii) Exceptions may be granted by the bureau for county-funded services during nonschool months. [Statutory Authority: RCW 71.20.070, 72.33.125 and 72.33.850. 82-06-034 (Order 1771), § 275-27-230, filed 3/1/82. 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 275-27-240 Financial services.** The bureau's case services may include services to protect the financial interests of developmentally disabled individuals. [Order 1143, § 275-27-240, filed 8/11/76.]

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

**WAC 275-27-300 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.]

## Chapter 275-32 WAC

## SPECIAL SUPERVISION--COUNTY JUVENILE PROBATION PROGRAMS

## WAC

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## DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

275-32-020	Program established. [Order 795, § 275-32-020, filed 4/26/73; Order 7, § 275-32-020, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77.
275-32-030	Counties eligible. [Order 861, § 275-32-030, filed 10/11/73; Order 795, § 275-32-030, filed 4/26/73; Order 7, § 275-32-030, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77.
275-32-040	Reimbursement. [Order 861, § 275-32-040, filed 10/11/73; Order 795, § 275-32-040, filed 4/26/73; Order 7, § 275-32-040, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77.
275-32-050	Limitations on use of funds. [Order 795, § 275-32-050, filed 4/26/73; Order 7, § 275-32-050, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77. Later promulgation, see WAC 275-32-075.
275-32-070	Personnel standards for special supervision programs. [Order 795, § 275-32-070, filed 4/26/73; Order 7, § 275-32-070, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77.
275-32-090	Supporting services. [Order 795, § 275-32-090, filed 4/26/73; Order 7, § 275-32-090, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77.
275-32-100	Application for establishing special supervision programs. [Order 795, § 275-32-100, filed 4/26/73; Order 7, § 275-32-100, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77. Later promulgation, see WAC 275-32-025.
275-32-110	Resolution of intention. [Order 795, § 275-32-110, filed 4/26/73; Order 7, § 275-32-110, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77. Later promulgation, see WAC 275-32-015.
275-32-120	Application for funds. [Order 795, § 275-32-120, filed 4/26/73; Order 7, § 275-32-120, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77. Later promulgation, see WAC 275-32-065.
275-32-125	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.
275-32-130	Notification of approval of plan. [Order 795, § 275-32-130, filed 4/26/73; Order 7, § 275-32-130, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77. Later promulgation, see WAC 275-32-035.
275-32-140	Procedures in applying for reimbursement. [Order 795, § 275-32-140, filed 4/26/73; Order 7, § 275-

32-140, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77.	
275-32-150	Alternate plans. [Order 861, § 275-32-150, filed 10/11/73; Order 795, § 275-32-150, filed 4/26/73; Order 7, § 275-32-150, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77.
275-32-160	Revision of plans. [Order 795, § 275-32-160, filed 4/26/73; Order 7, § 275-32-160, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77. Later promulgation, see WAC 275-32-045.
275-32-170	Salaries and wages. [Order 795, § 275-32-170, filed 4/26/73; Order 7, § 275-32-170, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77.
275-32-180	Operating expenses and equipment. [Order 795, § 275-32-180, filed 4/26/73; Order 7, § 275-32-180, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77.
275-32-190	Auditing of records. [Order 795, § 275-32-190, filed 4/26/73; Order 7, § 275-32-190, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77. Later promulgation, see WAC 275-32-085.
275-32-200	Inspections. [Order 795, § 275-32-200, filed 4/26/73; Order 7, § 275-32-200, filed 9/12/69.] Repealed by Order 1209, filed 5/4/77. Later promulgation, see WAC 275-32-095.

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

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

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

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

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

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



within 45 days of the diagnostic period. In these cases one-half count will be charged.

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

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

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

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

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

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

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

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

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

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

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

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

**WAC 275-32-015 County's resolution of intention to participate.** The resolution of intention will consist of a resolution adopted by the board of county commissioners of the county making application indicating the intent of the county to establish or continue a special supervision program. The resolution of intention must accompany the formal application and be submitted to

the secretary prior to September 1 and state that the program will begin on or about January 1. [Order 1209, § 275-32-015, filed 5/4/77. Formerly WAC 275-32-110.]

**WAC 275-32-025 Application for participation.** An application prepared by an appropriate county official(s) designated by the county commissioners shall be submitted with the resolution of intention to the department. [Order 1209, § 275-32-025, filed 5/4/77. Formerly WAC 275-32-100.]

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

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

**WAC 275-32-060 Eligible probationers for special supervision.** 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 275-32-065 Assignment of funds.** (1) A county may claim funds available under chapter 13.06 RCW if: The county complies with reasonable fiscal and program reporting requirements established by the secretary; the funds were requested in an application which has been approved by the secretary; the expenditures were directly utilized for special supervision programs and were for:

(a) The salaries and benefits of supervisors, probation officers, and clerical and program support personnel, provided the supervisors and probation officers possess at a minimum an educational equivalent equal to graduation from an accredited college or university or have prior to July 1, 1969 a combination of education and experience as a juvenile court probation officer equal to four years;

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

(c) Training for special supervision program staff;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**WAC 275-32-085 Fiscal accountability and departmental audit.** The department reserves the right to audit the total accounting records of the counties pertaining to claims made for reimbursement for special supervision programs. Any errors disclosed in post audits will be reimbursed to the department through deductions from future earnings made by counties and claimed as a reimbursement. [Order 1209, § 275-32-085, filed 5/4/77. Formerly WAC 275-32-190.]

**WAC 275-32-095 Program review and monitoring.**

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

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

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

**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 275-32-135 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	
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275-34-030	Planning—Submission of plans—Time limits.
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**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 or so designated by the county or court and approved by the state 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 a juvenile over eighteen years of age who entered into an agreement prior to his eighteenth birthday as provided in RCW 13.40.080.

(9) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. It is the expectation that the majority of community service will be performed at public and private nonprofit agencies. The community service shall not supplant a service being provided by the agency. If profit making agencies are going to be utilizing youth through those criteria, the program must have the prior approval of the appropriate regional administrator. Equal offers must be made to all similar services within the community. [Statutory Authority: Chapter 13.40 RCW. 80-15-081 (Order 1559), § 275-34-010, filed 10/20/80, effective 1/1/81. 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 the juvenile court or probation department or the office of

the chief county executive 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 probation department, local law enforcement, the county prosecuting attorney's office, a juvenile, the county executive office, the regional law and justice planning office, and private and public non-profit youth planning agencies shall be requested to belong to such committee or otherwise participate in such planning. Special efforts will be made to recruit racial minorities and women to serve on the planning committee. 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 probation department administrator and/or the chief county executive.

(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 in counties that are administered by the superior court and by the probation department administrator in counties that are not administered by the superior court and the chief county executive. Plans shall be in accordance with the requirements of chapter 13.40 RCW and the requirements of this chapter. [Statutory Authority: Chapter 13.40 RCW. 80-15-081 (Order 1559), § 275-34-020, filed 10/20/80, effective 1/1/81. 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 moneys provided the department for this purpose.

(2) All 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; biennial plans are permissible. [Statutory Authority: Chapter 13.40 RCW. 80-15-081 (Order 1559), § 275-34-030, filed 10/20/80, effective 1/1/81. 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. Such equipment purchased by funds under this section becomes the property of the state of Washington and must be entered into the state inventory through the regional administrator.

(3) State funds shall not be provided to defray diversion program expenses which were, prior to July 1, 1978, financed with county originated dollars.

(4) No person will be denied services on the grounds of race, color, national origin, creed, religion, sex or handicap. [Statutory Authority: Chapter 13.40 RCW. 80-15-081 (Order 1559), § 275-34-040, filed 10/20/80, effective 1/1/81. 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,

(12) Include a statement indicating the contractors and/or third party contractees willingness to participate in an evaluation program, and

(13) Include dispositional guidelines and standards to insure juveniles are handled in an equitable and fair manner. [Statutory Authority: Chapter 13.40 RCW. 80-15-081 (Order 1559), § 275-34-050, filed 10/20/80, effective 1/1/81. 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 monitoring and supervision of diversion agreements, and

(5) Establish a procedure necessary to ensure the confidentiality of client records. [Statutory Authority: Chapter 13.40 RCW. 80-15-081 (Order 1559), § 275-34-060, filed 10/20/80, effective 1/1/81. 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. 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: Chapter 13.40 RCW. 80-15-081 (Order 1559), § 275-34-070, filed 10/20/80, effective 1/1/81. 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 used 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. The diversion unit coordinator, with the approval of the DJR regional administrator, shall be allowed to modify the contract, as long as the total of the modification is less than five percent and the total modification for the contract period has not exceeded seven and one-half percent of the contract amount. For larger modifications, a written statement describing the changes to be made 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: Chapter 13.40 RCW. 80-15-081 (Order 1559), § 275-34-080, filed 10/20/80, effective 1/1/81. 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.]

**WAC 275-34-120 Refusal of services.** (1) A diversion unit may refuse to enter into an agreement with a juvenile. The unit shall refer the youth for court action with a detailed written statement for the reason of such refusal.

(2) In order to standardize the diversion units across the state, the following are guidelines. These guidelines will be utilized by the division in monitoring diversion units to ensure consistency.

(3) The following factors shall be considered by the agency in making the determination to accept or reject the youth for diversion.

- (a) Any youth currently on parole;
- (b) Any youth currently on probation subsidy;
- (c) Any youth being supervised by the juvenile court;
- (d) Any youth who has a court hearing for a criminal complaint pending;
- (e) Any youth who failed to abide by the terms of an earlier diversion agreement, within six months;
- (f) Any youth who has a felony as part of their criminal history, within the past year;
- (g) Any youth who has a total of four misdemeanors or gross misdemeanors all within the past year; and

(h) Any youth under institutional confinement. [Statutory Authority: Chapter 13.40 RCW. 80-15-081 (Order 1559), § 275-34-120, filed 10/20/80, effective 1/1/81.]

**WAC 275-34-140 Substantial violation.** (1) In order to standardize the diversion units across the state, the following are guidelines. These guidelines will be utilized by the division in monitoring diversion units to ensure consistency.

(2) The following conditions may be considered in determining if a substantial violation has occurred.

(a) Two unexcused absences at the community service placement or restitution site.

(b) Appearance at a community service or restitution site in possession or under the influence of alcohol or drugs.

(c) Failure to complete the terms of the diversion agreement within the specified time frames.

(d) Any other reason as determined by the diversion units. [Statutory Authority: Chapter 13.40 RCW. 80-15-081 (Order 1559), § 275-34-140, filed 10/20/80, effective 1/1/81.]

### Chapter 275-36 WAC

#### GROUP HOMES FOR THE MENTALLY AND PHYSICALLY HANDICAPPED

##### WAC

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275-36-061	Supervision.
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#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

275-36-060	Placement of residents in group homes. [Order 8, § 275-36-060, filed 9/25/69.] Repealed by Order 1070, filed 11/21/75.
275-36-070	Training. [Order 8, § 275-36-070, filed 9/25/69.] Repealed by Order 1070, filed 11/21/75. Later promulgation, see WAC 275-36-180.
275-36-080	Supervision. [Order 8, § 275-36-080, filed 9/25/69.] Repealed by Order 1070, filed 11/21/75. Later promulgation, see WAC 275-36-061.
275-36-090	Payment for service. [Order 8, § 275-36-090, filed 9/25/69.] Repealed by Order 1070, filed 11/21/75. Later promulgation, see WAC 275-36-071.
275-36-100	Resident remuneration. [Order 8, § 275-36-100, filed 9/25/69.] Repealed by Order 1070, filed 11/21/75. Later promulgation, see WAC 275-36-081.
275-36-210	Facility requirements. [Order 1070, § 275-36-210, filed 11/21/75.] Repealed by 83-06-013 (Order 1950), filed 2/23/83. Statutory Authority: RCW 72.33.850.

**WAC 275-36-010 Definitions.** (1) "Department" means the department of social and health services of the state of Washington.

(2) "Developmentally disabled client" means an individual who has a mental or physical deficiency and is so determined by the department under WAC 275-27-030.

(3) "Division" means the division of developmental disabilities of the department of social and health services.

(4) "Group home" means a home which uses training and support services staff to assist each resident to move toward an independent life style, or the governing body of a home which uses training and support services staff to assist each resident to move toward an independent life style, or an individual appointed by the governing body to act in behalf of the governing body. The residents of a group home shall be individuals certified as eligible for division of developmental disabilities services by staff of the division, or approved by the division as compatible with developmentally disabled persons in the residential setting.

(a) A group home is usually a single dwelling, a series of apartments or other buildings with sound structure

which shall offer a pleasant and healthful environment for residents.

(b) Group homes must be located within reasonable proximity to the community resources that are necessary to the implementation of individual service plans.

(c) Residents will take part, insofar as capable, in their own personal care and in the care of their own quarters.

(5) "Secretary" means the secretary of the department or such officer of the department as the secretary may designate to carry out in whole or in part the administration of the provisions of these rules and regulations, and chapter 72.33 RCW in relation to group homes.

(6) "Support services" are those services provided to the resident by a staff of the group home designed to assist the resident in adjustments to community living. There are two types of support services:

(a) The resident will receive direction or assistance in accomplishing a given task or will be monitored during an activity by a staff member of the group home.

(b) Someone else will do the task for the resident.

(7) "Training" is goal-oriented individualized instruction taught to the resident by a staff member of the group home. This instruction is designed to remediate skill deficiencies affecting the survival of the resident, quality of life, or limits the resident's independence. [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-010, filed 2/23/83; Order 1070, § 275-36-010, filed 11/21/75; Order 8, § 275-36-010, filed 9/25/69.]

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

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

(2) Permit the county developmental disabilities board to inspect the group home and report to the department any deficiencies in the group home's programs.

(3) File with the division a statement of assurance providing, in substance, that in operation and administration of the group home no person shall be refused admission to, or employment in the group home, or otherwise denied participation in the activities of the group home on the grounds of race, religion, color, creed or national origin. [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-020, filed 2/23/83; Order 1070, § 275-36-020, filed 11/21/75; Order 8, § 275-36-020, filed 9/25/69.]

**WAC 275-36-030 Certification of group homes.** Upon determination by the department of satisfactory compliance with the rules and regulations prescribed herein, through inspection pursuant to WAC 275-36-061, the division may certify a group home as approved

for the placement of residents under the provisions of chapter 72.33 RCW. The certification is required biennially, if the group home is in compliance with all sections of chapter 275-36 WAC at the time of certification inspection. If the group home is not in compliance with all of the sections of chapter 275-36 WAC, an annual certification and inspection may be required. Initial application for certification shall be reviewed by the county and recommendations shall be forwarded by the county to the division. The county may submit recommendations to the division pursuant to WAC 275-36-020(2) prior to annual certification by the department.

For initial certification, the group home must submit budgets, staffing patterns, plans for in-service training, plans for health care, and a statement of the group home's operating policies and procedures to the division and the local county board. These documents shall be reviewed by the division as part of the biennial certification process or at other times to assure the documents are kept consistent with the division philosophy. [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-030, filed 2/23/83; Order 1070, § 275-36-030, filed 11/21/75; Order 8, § 275-36-030, filed 9/25/69.]

**WAC 275-36-040 Provisional initial certification or interim renewal certification.** (1) Provisional initial certification or temporary interim renewal certification may be granted where appropriate licensure has been obtained, the group home has been inspected pursuant to WAC 275-36-061, and upon assurance that the group homes will comply with these rules and regulations within a specified period of time acceptable to the secretary.

(2) Provisional initial certification or interim certification shall be granted for a period not to exceed six months. If the group home does not comply with the requirements of WAC 275-36-020(1) within the six-month period, the department shall withdraw provisional initial and temporary interim certification of the group home. [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-040, filed 2/23/83; Order 1070, § 275-36-040, filed 11/21/75; Order 8, § 275-36-040, filed 9/25/69.]

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

**WAC 275-36-061 Supervision.** (1) The secretary shall inspect and evaluate the operation of the group home to insure proper standards of operation are maintained.

(2) The secretary shall periodically but at least biennially evaluate the individual placements to make certain

that the training and support service needs of the resident continue to be effectively served in the group home.

(3) The secretary shall be informed by the group home administrator if a resident of a group home is in need of exceptional services, such as intensive medical care, that cannot be provided by private or local resources. [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-061, filed 2/23/83; Order 1070, § 275-36-061, filed 11/21/75. Formerly WAC 275-36-080.]

**WAC 275-36-065 Investigation of complaints.** (1) The secretary shall investigate complaints made regarding the group home or the treatment of residents within the group home and shall cause a report to be filed. The report shall specify the corrective action to be implemented with specific time limits for corrective action completion. If such corrective actions are not implemented within specified times, the group home certification may be withdrawn.

(2) In cases where an imminent danger to the health or safety of the residents exists or if the home is not in substantial compliance with licensing and/or certification standards, the certification of a facility may be suspended immediately.

(3) Such revocation, suspension or denial shall be done in accord with the rules governing administrative hearings and the laws of the state of Washington (chapter 34.04 RCW). [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-065, filed 2/23/83.]

**WAC 275-36-071 Payment for service.** (1) The department shall pay for allowable group home program services provided to eligible developmentally disabled persons. Such payment by the department shall consist of two separate parts:

- (a) Staff reimbursement; and
- (b) Nonstaff rates.

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

(3) Insofar as reasonably possible the resident will pay from his or her own earnings or other financial resources the charges for his or her care. Resident payments will be made directly to the group home operator and payment so made shall be reported by the group home operator to the secretary. Residents making payments directly to the group home shall be given a receipt by the group home operator for such payment. Additionally, policies regarding such payments and award letter instructions are to be adhered to by the group home. Where a guardian controls the income and/or estate of an individual in a group home, such guardian will reimburse the group home pursuant to the criteria in this section. [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-071, filed 2/23/83; Order 1070, § 275-36-071, filed 11/21/75. Formerly WAC 275-36-090.]

**WAC 275-36-081 Resident remuneration.** Whenever appropriate or required by law, individual residents

performing work for the group home shall be given remuneration in accordance with the minimum wage law unless exemption has been granted to the minimum wage under applicable laws of federal department of labor and state department of labor and industries. [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-081, filed 2/23/83; Order 1070, § 275-36-081, filed 11/21/75. Formerly WAC 275-36-100.]

**WAC 275-36-091 Group home administration.** (1) The group home shall have a governing body that is responsible for:

(a) The group home's general philosophy and direction;

(b) Developing written statements directing the operation of the group home including, but not limited to the following:

(i) The group home's objectives and goals;

(ii) A description of the facility's admission criteria and programs;

(iii) The group home's policies and procedures that protect the financial interests of residents and provide accountability of resident funds;

(iv) The policies and procedures that govern the staff activities in implementing group home services.

(c) Review and approval of the group home budget.

(d) Employment of a qualified administrator, i.e.:

(i) At least twenty-one years of age;

(ii) Holding a baccalaureate degree; and

(iii) At least two years' experience in training and/or care of developmentally disabled persons.

(iv) Persons employed as group home administrators before January 1, 1983, are exempt from the qualifications as stated in subsection (1)(c)(ii) of this section.

(2) Written operational statements produced by the governing body shall be approved by the secretary.

(3) The group home may operate under interim certification pending approval of written statements by the secretary, but a plan of correction with compliance to this section no later than ninety days after the plan of correction is written. [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-091, filed 2/23/83; Order 1070, § 275-36-091, filed 11/21/75.]

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

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

(3) Residents shall not be routinely involved in the care, training or supervision of other residents. [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-101, filed 2/23/83; Order 1070, § 275-36-101, filed 11/21/75.]

**WAC 275-36-110 Staffing.** (1) An administrator appointed by the governing body shall be responsible for:

(a) The daily operation and maintenance of the group home in compliance with chapter 275-36 WAC and



other applicable state regulations, policies and procedures.

(b) Development and administration of policies and procedures to assure clear definition of staff roles and responsibilities; lines of authority and equitable workloads which assure support and training services for residents.

(c) Recruiting, employing or arranging for training of residential care and training staff; and terminating from employment any employee performing in an unsatisfactory manner.

(d) Reporting to the governing body on the operations of the group home.

(e) Delegating his or her authority and responsibility for the operation and maintenance of the group home in his or her absence.

(f) Notifying the division in cases of unauthorized leave of a resident.

(g) Preparation, maintenance, and safe storage of all resident, personnel, and financial records.

(h) Ensure compliance with the division policies governing group home operations.

(2) There shall be sufficient, appropriately qualified, and adequately trained resident care and training staff that shall be responsible for:

(a) Resident training.

(b) Resident support services.

(c) Resident supervision. [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-110, filed 2/23/83; Order 1070, § 275-36-110, filed 11/21/75.]

**WAC 275-36-120 Staff ratios.** (1) A group home shall have a minimum of one paid half-time (twenty hours per week) administrator.

(2) Organizations or corporations operating more than one group home may utilize a single full-time administrator for two or more such homes, at the discretion of the division.

(3) Each certified group home shall maintain minimum staffing requirements applicable to the specific license regulations under which the group home operates: *Provided*, That a certified group home shall have a minimum of one staff member on duty whenever a resident is in the facility.

(4) The group home shall have a staffing schedule approved by the division at the time of certification and whenever substantial changes occur.

(5) Whenever only one resident care and training staff member is on duty, there shall be provisions for a second person to be on call in case of emergency. [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-120, filed 2/23/83; Order 1070, § 275-36-120, filed 11/21/75.]

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

(2) The group home, in cooperation with the division shall provide on-the-job training for each employee and participate in programs relating to people with developmental disabilities so skills in working with the residents are increased. [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-130, filed 2/23/83; Order 1070, § 275-36-130, filed 11/21/75.]

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

(2) All information contained in a resident's record shall be considered confidential, shall be used in the best interest of the resident, and shall be made available to all training and support staff, to the department, and pursuant to RCW 71.20.075, the county community developmental disabilities board.

(3) Any transfer or inspection of records, except pursuant to subsection (2) of this section, shall be authorized by a release of information form, signed by the resident of legal age or a parent of residents under eighteen, or a legal guardian.

(4) All record entries shall be made in ink prepared at the time or immediately following the occurrence of the event being recorded. The entries shall be legible, dated, and signed by the person making the entry. [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-140, filed 2/23/83; Order 1070, § 275-36-140, filed 11/21/75.]

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

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

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

(4) Food consumed in the group home shall generally be prepared on the group home grounds. [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-150, filed 2/23/83; Order 1070, § 275-36-150, filed 11/21/75.]

**WAC 275-36-153 First aid services.** (1) Staff having the responsibility for resident care and training shall have basic first aid training and shall be oriented to written emergency policies.

(2) There shall be written policies to guide the action of resident care and training staff should a resident present a medical emergency.

(3) An adequate first aid kit and a first aid manual shall be kept in a designated location in the group home and readily available to all staff who have responsibility for resident care and training. [Statutory Authority:

RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-153, filed 2/23/83.]

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

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

(2) The group home shall have available a licensed, well-functioning vehicle, properly maintained in accordance with motor vehicle safety laws and standards. [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-160, filed 2/23/83; Order 1070, § 275-36-160, filed 11/21/75.]

**WAC 275-36-170 Individual service plan.** The group home shall participate in cooperation with staff and other interested persons in developing a written individual service plan for each resident. For adults and adolescents, the plan shall encompass the areas of age-level residence, earning competitive wages; and age-level contacts and relationships. For younger children, the plan shall encompass the areas of age-level self-reliance living in a family setting, and age-level contacts and relationships. The plan should be developed so that the program is the least restrictive alternative commensurate with resident's support and training needs and delivered using methods to enhance the resident's competence and status in the community. The individual service plan shall be kept current, evaluated, and reviewed at least biennially by the division. [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-170, filed 2/23/83; Order 1070, § 275-36-170, filed 11/21/75.]

**WAC 275-36-180 Group home service plan.** The group home shall, as identified in the written individual service plan, provide each resident an on-going specific service program documenting progress in:

- (1) Responding to emergencies;
  - (2) Safety measures;
  - (3) Self reliance;
  - (4) Transportation;
  - (5) Appropriate community participation;
  - (6) Development of age-level contacts/relationships.
- [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-180, filed 2/23/83; Order 1070, § 275-36-180, filed 11/21/75. Formerly WAC 275-36-070.]

**WAC 275-36-190 Educational and vocational training.** (1) Educational services facilitating the intellectual,

sensorimotor, and affective development of the individual shall be available to all children.

Residents twenty years of age and under shall attend a public school program. Exceptions may be provided with prior written approval by the division. Attendance is not required in those cases where the resident has graduated from an accredited program.

(2) Residents twenty-one years and older or having graduated from an accredited public school program, shall be provided a community-based educational and/or vocational program as described in the resident's service plan.

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

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

(4) The group home staff shall consult with employment and/or community integration services staff to coordinate and reinforce service goals. [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-190, filed 2/23/83; Order 1070, § 275-36-190, filed 11/21/75.]

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

**WAC 275-36-211 Group home set-up cost.** (1) For the purpose of establishing a developmental disabilities group home, the department may enter into a contractual agreement with a group home service provider to reimburse the service provider for actual cost incurred for administrative staff to initiate the organizational facility administration, for employee time to assure adequately trained and competent staff, and purchase of allowable supplies of the group home.

(2) The department shall reimburse the group home costs up to a maximum of three thousand seven hundred dollars for salaries and wages including fringe benefits and up to a maximum of three thousand five hundred dollars for the purchase of allowable operating supplies.

(3) The group home shall submit a billing document as approved by the department, thirty days after the effective date of the contract. The billing document shall include a detailed listing of wages and salaries paid, supplies purchased, and shall contain a signed certification of accuracy statement. [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-211, filed 2/23/83.]

**WAC 275-36-260 Change of ownership.** On the effective date of a change of ownership as defined in WAC 275-36-010, the department certification with the previous group home operator shall be terminated. The previous owner shall give the department sixty days notice of such termination in accord with the terms of the contract. Final payment to the previous group home operator shall be withheld until all reports and required

documents are submitted to and accepted by the department. [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-260, filed 2/23/83.]

**WAC 275-36-270 Accounting procedures for resident trust accounts.** (1) The administrator shall maintain a subsidiary ledger with an account for each resident for whom the group home holds money in trust. Each account and related supporting information shall:

- (a) Be maintained at the group home;
- (b) Be kept current;
- (c) Be balanced each month; and
- (d) Show in detail, with supporting verification, all moneys received on behalf of the individual resident and the disposition of all moneys so received.

(2) Each account shall be available for audit and inspection by a department representative and be maintained for a minimum of three years. The administrator shall notify the division of developmental disabilities, field services office, of the department when:

(a) The account of any individual resident reaches the sum of one thousand four hundred fifty dollars.

(b) The accumulation toward the limit, after admission to the group home, is permitted only from savings from the clothing and personal incidental allowance and other income which the department specifically designates as exempt income from time to time.

(c) No resident account shall be overdrawn (show a debit balance). If a resident wants to spend an amount greater than is in such a resident's trust account, the group home may provide money from the home's own funds and collect the debt by installments from the portion of the resident's allowance remaining at the end of each month. No interest may be charged to the residents for such loans.

(3) In order to ensure that residents' trust accounts are not charged for services provided by state-funded programs, any charge for medical services otherwise properly made to a resident's trust account must be supported by a written denial from the department. [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-270, filed 2/23/83.]

**WAC 275-36-275 Trust moneys—Imprest fund.** (1) The provider may maintain a petty cash fund originating from trust moneys of an amount reasonable and necessary for the size of the facility and the needs of the residents, not to exceed two hundred fifty dollars. This petty cash fund shall be an imprest fund. All moneys over and above the trust fund petty cash amount shall be deposited intact in a trust fund checking account, separate and apart from any other bank account(s) of the facility or other facilities.

(2) Cash deposits of resident allowances must be made intact to the trust account within one week from the time that payment is received.

(3) Any related bank books, bank statements, check-books, check register, and all voided and cancelled checks, shall be made available for audit and inspection by a department representative, and shall be maintained by the group home for not less than three years.

(4) No service charges for such checking account shall be paid by resident trust moneys.

(5) The trust account per bank shall be reconciled monthly to the trust account per resident ledgers. [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-275, filed 2/23/83.]

**WAC 275-36-280 Trust moneys control or disbursement.** Trust moneys shall be held in trust and are not to be turned over to anyone other than the resident or his or her guardian without the written consent of the resident, his or her designated agent as appointed by power of attorney, or appropriate department of social and health services personnel as designated by the DDD regional services administrator.

(1) When moneys are received, a receipt should be filled out in duplicate; one copy should be given to the person making payment or deposit, and the other copy should be retained in the receipt book for easy reference.

(2) Checks received by residents must be endorsed by the resident. Each resident receiving a check or state warrant is responsible for endorsement by his or her own signature. Only when the resident is incapable of signing his or her name may the provider assume the responsibility of securing the resident's mark "X" followed by the name of the resident and the signature of two witnesses.

(3) If both the general fund account and the trust fund account are the same bank, the trust portion of checks which include care payments can be deposited directly to the trust by including a trust account deposit slip for the correct amount with the checks and the general account deposit slip.

(4) The resident's trust account ledger sheet must be credited with the allowance received. This should be referenced with the receipt number and must be supported by a copy of the deposit slip (one copy for all deposits made). [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-280, filed 2/23/83.]

**WAC 275-36-285 Trust moneys availability.** Moneys so held in trust for any resident shall be available for his or her personal and incidental needs when requested by the resident. [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-285, filed 2/23/83.]

**WAC 275-36-290 Accounting upon change of ownership.** (1) Upon sale of the facility or other transfer of ownership, the administrator must provide the new owner with a written accounting, in accordance with generally accepted auditing procedures, of all resident funds being transferred, and obtain a written receipt for those funds from the new owner.

(2) The administrator must give each resident or representative a written accounting of any personal funds held by the facility before any transfer of ownership occurs.

(3) In the event of a disagreement with the accounting provided by the administrator, the resident retains all rights and remedies provided under state law. [Statutory

Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-290, filed 2/23/83.]

**WAC 275-36-295 Procedure for refunding or transferring trust funds.** When a resident is discharged or transferred, the balance of the resident's trust account will be returned to the individual resident or transferred to the new facility with an accounting of the funds provided the resident, the resident's guardian or attorney within thirty days and a receipt obtained. [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-295, filed 2/23/83.]

**WAC 275-36-300 Liquidation of trust funds.** If the resident has expired, the administrator of the group home shall contact the field services office of the division for assistance in determining the disposition of the remainder of the resident's trust funds. [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-300, filed 2/23/83.]

**WAC 275-36-305 Resident property records.** (1) The administrator must maintain a current, written record for each resident that includes written receipts for all personal possessions with a value of fifty dollars or more per item, deposited with the group home by the resident.

(2) The property record must be available to the resident and departmental representatives for review.

(3) The record shall include but is not limited to:

(a) The description and identifying numbers, if any;

(b) The date of inclusion in the record;

(c) The date and reason for removal from the record; and

(d) The signature of the staff making the entry. [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-305, filed 2/23/83.]

**WAC 275-36-310 Administrative review conference process.** (1) If a group home wishes to challenge an action taken or a determination made by the division under chapter 275-36 WAC, the group home shall request in writing that the director of the division of developmental disabilities review such a determination. The written request must be received by the division within thirty days of the date the group home was notified of such a determination. The request shall be signed by the group home or the administrator of the facility, shall identify the challenged determination and the date thereof, and shall state as specifically as practicable the grounds for the group home operator's or administrator's contention that the determination was erroneous. Copies of any documentation the group home operator intends to rely on to support the group home operator's position shall be included with the request.

(2) After receiving a request meeting the criteria in subsection (1) of this section, the director of the division of developmental disabilities will contact the group home to schedule a conference for the earliest mutually convenient time. The conference shall be scheduled for no later than thirty days after a properly completed request

is received unless both parties agree in writing to a specific later date.

(3) The group home and appropriate representatives of the department shall attend the conference. In addition, representatives selected by the group home may attend and participate. The group home shall bring to the conference, or provide to the department in advance of the conference, any documentation the group home intends to rely on to support the group home operator's contentions. The parties shall clarify and attempt to resolve the issues at the conference. If additional documentation is needed to resolve the issues, a second session of the conference shall be scheduled for not later than thirty days after the initial session unless both parties agree in writing to a specific later date.

(4) Unless informal agreement has been reached at the conference, a written decision by the director of the division of developmental disabilities will be furnished to the group home within sixty days after the conclusion of the conference.

(5) If the group home desires review of an adverse decision of the director of the division of developmental disabilities, the group home shall within thirty days following receipt of such decision request a fair hearing in writing in accordance with the Administrative Procedure Act, chapter 34.04 RCW. [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-310, filed 2/23/83.]

## Chapter 275-38 WAC

### IMR PROGRAM AND REIMBURSEMENT SYSTEM

#### WAC

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

275-38-630 Settlement. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-630, filed 8/3/82.] Repealed by 83-17-074 (Order 2012), filed 8/19/83. Statutory Authority: RCW 74.09.120.  
 275-38-635 Shifting. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-635, filed 8/3/82.] Repealed by 83-17-074 (Order 2012), filed 8/19/83. Statutory Authority: RCW 74.09.120.  
 275-38-640 Date settlement becomes final. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-640, filed 8/3/82.] Repealed by 83-17-074 (Order 2012), filed 8/19/83. Statutory Authority: RCW 74.09.120.  
 275-38-642 Interest on settlements. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-642, filed 8/3/82.] Repealed by 83-17-074 (Order 2012), filed 8/19/83. Statutory Authority: RCW 74.09.120.  
 275-38-830 Prospective reimbursement rates. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-830, filed 8/3/82.] Repealed by 83-17-074 (Order 2012), filed 8/19/83. Statutory Authority: RCW 74.09.120.  
 275-38-855 Method of rate determination. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-855, filed 8/3/82.] Repealed by 83-17-074 (Order 2012), filed 8/19/83. Statutory Authority: RCW 74.09.120.

**WAC 275-38-001 Terms.** Unless the context clearly requires otherwise, the following terms shall have the meaning set forth in this section when used in this chapter.

(1) "Accrual method of accounting" - A method of accounting where revenues are reported in the period when earned, regardless of when collected, and expenses are reported in the period incurred, regardless of when paid.

(2) "Active treatment in institutions for the mentally retarded" requires the following:

(a) The individual's regular participation, in accordance with an individual habilitation plan, in professionally developed and supervised activities, experiences, or therapies.

(b) A written individual habilitation plan setting forth measurable goals or objectives stated in terms of desirable behavior and prescribing an integrated program of activities, experiences or therapies necessary for the individual to reach the goals or objectives. The overall purpose of the plan is to help the individual function at the greatest physical, intellectual, social, or vocational level he or she can presently or potentially achieve.

(c) An interdisciplinary professional evaluation:

(i) Completed, for a recipient, before admission to the institution but not more than three months before, and for an individual applying for medicaid after admission, before the institution requests payment;

(ii) Consisting of complete medical, social, psychological diagnosis and evaluations, and an evaluation of the individual's need for institutional care; and

(iii) Made by a physician, a social worker, and other professionals, at least one of whom is a qualified mental retardation professional.

(d) Reevaluation medically, socially, and psychologically at least annually by the staff involved in carrying out the resident's individual plan of care. The reevaluation must include review of the individual's progress toward meeting the plan objectives, the appropriateness of the individual plan of care, assessment of his or her continuing need for institutional care, and consideration of alternate methods of care.

(e) An individual postinstitutionalization plan, as part of the individual plan of care, developed before discharge by a qualified mental retardation professional and other appropriate professionals.

(3) "Allowable costs" - See WAC 275-38-680.

(4) "Appraisal" - The process of establishing the fair market value or reconstruction of the historical cost of an asset acquired in a past period as performed by an individual professionally designated either by the American institute of real estate appraisers as a member, appraisal institute (MAI), or by the society of real estate appraisers as a senior real estate analyst (SREA) or a senior real property appraiser (SRPA). The process includes a systematic, analytic determination, the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(5) "Arm's-length transaction" - A transaction resulting from good-faith bargaining between a buyer and seller, where neither party is legally related to the other party by blood or under law, and having adverse positions in the market place. Sales or exchanges of IMR or nursing home facilities among two or more parties where all parties subsequently continue to own one or more of the facilities involved in the transaction shall not be considered arm's-length transactions. Sale of a IMR facility subsequently leased back to the seller within five years of the date of sale shall not be considered an arm's-length transaction.

(6) "Assets" - Economic resources of the contractor, recognized, and measured in conformity with generally accepted accounting principles. Assets also include deferred charges, not resources, but assets recognized and measured in accordance with generally accepted accounting principles.

(7) "Bad debts" - Amounts considered to be uncollectable from accounts and notes receivable.

(8) "Beds" - Unless otherwise specified, the number of set-up beds in the IMR facility, not to exceed the number of licensed beds.

(9) "Beneficial owner" - Any person:

(a) Directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power including the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power including the power to dispose, or to direct the disposition of such ownership interest.

(b) Directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself or herself of beneficial

ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter.

(c) Subject to subsection (9) of this section, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement; or

(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

Except, any person acquiring an ownership interest or power specified in subsection (9)(c)(i), (ii), or (iii) of this section with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the beneficial owner of the ownership interest acquired through the exercise or conversion of such ownership interest or power.

(d) Any person in the ordinary course of business having a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary required to declare a default and determine the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised: *Provided, That*

(i) The pledge agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subsection (9) of this section; and

(ii) The pledge agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or direct or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement where credit is extended and where the pledgee is a broker or dealer.

(10) "Boarding home" - Means any home or other institution licensed in accordance with chapter 18.20 RCW.

(11) "Capitalization" - The recording of an expenditure as an asset.

(12) "Capitalized lease" - A lease required to be recorded as an asset and associated liability in accordance with generally accepted accounting principles.

(13) "Cash method of accounting" - A method of accounting where revenues are recognized only when cash is received, and expenditures are expensed, and asset items are not recorded until cash is disbursed.

(14) "Change of ownership" – A change in the individual or legal organization responsible for the daily operation of an IMR facility.

(a) Events changing ownership include but are not limited to the following:

(i) The form of legal organization of the owner is changed (such as a sole proprietor forms a partnership or corporation);

(ii) Title to the IMR enterprise is transferred by the contractor to another party;

(iii) The IMR facility is leased, or an existing lease is terminated;

(iv) Where the contractor is a partnership, any event occurs dissolving the partnership;

(v) Where the contractor is a corporation, the corporation is dissolved, merges with another corporation which is the survivor, or consolidates with one or more other corporations to form a new corporation.

(b) Ownership does not change when the following occurs:

(i) A party contracts with the contractor to manage the enterprise as the contractor's agent, (i.e., subject to the contractor's general approval of daily operating decisions);

(ii) If the contractor is a corporation, some or all of the corporation's stock is transferred.

(15) "Charity allowances" – Reductions in charges made by the contractor because of the indigence or medical indigence of a resident.

(16) "Contract" – A contract between the department and a contractor for the delivery of IMR services to eligible medicaid recipients in a facility and an entity responsible for operational decisions.

(17) "Contractor" – An entity contracting with the department to deliver IMR services to eligible medicaid recipients.

(18) "Courtesy allowances" – Reductions in charges in the form of an allowance to physicians, clergy, and others, for services received from the contractor. Employee fringe benefits are not considered courtesy allowances.

(19) "CSO" – The local community services office of the department.

(20) "DDD" – The division of developmental disabilities of the department.

(21) "Department" – The department of social and health services (DSHS) and employees.

(22) "Depreciation" – The systematic distribution of the cost or other base of a tangible asset less salvage, over the estimated useful life of the asset.

(23) "Donated asset" – An asset the contractor acquired without making any payment in the form of cash, property, or services. An asset is not a donated asset if the contractor made even a nominal payment in acquiring the asset. An asset purchased using donated funds is not a donated asset.

(24) "Entity" – An individual, partnership, corporation, public institution established by law, or any other association of individuals, capable of entering enforceable contracts.

(25) "Equity capital" – Total tangible and other assets necessary, ordinary, and related to patient care from the most recent provider cost report minus related total long-term debt from the most recent provider cost report plus working capital as defined in this section.

(26) "Facility" – An IMR residential setting licensed in accordance with chapter 18.51 RCW as a nursing home, licensed in accordance with chapter 18.20 RCW as a boarding home for the aged, or certified as an IMR by the department in accordance with federal regulations.

(27) "Fair market value" – The price the asset would have been purchased for on the date of acquisition in an arm's-length transaction between a well-informed buyer and seller, neither being under any compulsion to buy or sell.

(28) "Fiscal year" – The operating or business year of a contractor. All contractors report on the basis of a twelve-month fiscal year, but provision is made in this chapter for reports covering abbreviated fiscal periods.

(29) "Generally accepted accounting principles" – Accounting principles currently approved by the financial accounting standard board (FASB).

(30) "Goodwill" – The excess of the price paid for a business over the fair market value of all other identifiable and tangible assets acquired. Also, the excess of the price paid for an asset over fair market value.

(31) "Habilitative services" – Those services required by the individual habilitation plan provided or directed by qualified therapists.

(32) "Historical cost" – The actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architects' fees, and engineering studies.

(33) "Imprest fund" – A fund regularly replenished in exactly the amount expended from the fund.

(34) "IMR" – When referring to a facility, one certified to provide services to the mentally retarded or persons with related conditions. When referring to a level of care, IMR is a range of services required for the mentally retarded or persons with related conditions. When referring to a person, a recipient requiring IMR services.

(35) "Interest" – The cost incurred for the use of borrowed funds, generally paid at fixed intervals by the user.

(36) "Joint facility costs" – Any costs representing expenses incurred benefiting more than one facility, or one facility and any other entity.

(37) "Levels of care" – The classification of levels of services provided to residents by a contractor, (e.g., levels A, B, C, D and E).

(38) "Medicaid program" – The state medical assistance program provided under RCW 74.09.500 or authorized state medical services.

(39) "Medical assistance recipient" – An individual determined eligible for medical assistance by the department for the services provided in chapter 74.09 RCW.

(40) "Nonallowable costs" – Same as "unallowable costs."

(41) "Nonrestricted funds" – Donated funds not restricted to a specific use by the donor, (e.g., general operating funds).

(42) "Nursing home" – A home, place or institution, licensed in accordance with chapter 18.51 RCW, where skilled nursing, intermediate care and/or IMR services are delivered.

(43) "Operating lease" – A lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

(44) "Owner" – A sole proprietor, general or limited partner, or beneficial interest holder of five percent or more of a corporation's outstanding stock.

(45) "Ownership interest" – All interests beneficially owned by a person, calculated in the aggregate, regardless of the form such beneficial ownership takes.

(46) "Per diem (per resident day) costs" – Total allowable costs for a fiscal period divided by total resident days for the same period.

(47) "Prospective daily payment rate" – The daily amount assigned to each contractor, determined by the department to be reasonable to meet the costs of providing services required by law if the contractor provides those services in an economical and efficient manner. Such a rate is a budget for maximum expenditures necessary to provide services required by law.

(48) "Qualified mental retardation professional (QMRP)" – A therapist approved by the department having specialized training and one year's experience in working with the mentally retarded or developmentally disabled.

(49) "Qualified therapist" – Any of the following:

(a) An activities specialist having specialized education, training, or experience as specified by the department.

(b) An audiologist eligible for a certificate of clinical competence in audiology or having the equivalent education and clinical experience.

(c) A dental hygienist as defined by chapter 18.29 RCW.

(d) A dietitian: Eligible for registration by the American dietetic association under requirements in effect on January 17, 1974; or having a baccalaureate degree with major studies in food and nutrition, dietetics, or food service management; having one year supervisory experience in the dietetic service of a health care institution; and participating annually in continuing dietetic education.

(e) An occupational therapist being a graduate of a program in occupational therapy, or having the equivalent of such education or training.

(f) A pharmacist as defined by chapter 18.64 RCW.

(g) A physical therapist as defined by chapter 18.74 RCW.

(h) A physician as defined by chapter 18.71 RCW or an osteopathic physician as defined by chapter 18.57 RCW.

(i) A psychologist as defined by chapter 18.83 RCW.

(j) A qualified mental retardation professional.

(k) A registered nurse as defined by chapter 18.88 RCW.

(l) A social worker who is a graduate of a school of social work.

(m) A speech pathologist eligible for a certificate of clinical competence in speech pathology or having the equivalent education and clinical experience.

(50) "Recipient" – An eligible medical care recipient.

(51) "Regression analysis" – A statistical technique through which one can analyze the relationship between a dependent or criterion variable and a set of independent or predictor variables.

(52) "Regional services" – Local office division of developmental disabilities.

(53) "Related organization" – An entity which is under common ownership and/or control with, or has control of or is controlled by, the contractor. An entity is deemed to "control" another entity if one entity has a five percent or greater ownership interest in the other, or if an entity has capacity, derived from any financial or other relationship, and whether or not exercised, to influence directly or indirectly the activities of the other.

(54) "Relative" – Spouse; natural parent, child, or sibling; adopted child or adoptive parent; step-parent, step-child, step-brother, step-sister; father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law; grandparent or grandchild; uncle, aunt, nephew, niece or cousin.

(55) "Resident day" – A calendar day of resident care. In computing calendar days of care, the day of admission is always counted. The day of discharge is counted only when the resident was admitted on the same day. A resident is admitted for purposes of this definition when he or she is assigned a bed and a resident record is opened.

(56) "Resident living staff" – Staff whose primary responsibility is the care and development of the residents, including:

(a) Resident activity program;

(b) Domiciliary services; and/or

(c) Habilitative services under the supervision of the QMRP.

(57) "Restricted fund" – A fund where the use of the principal and/or income is restricted by agreement with or direction by the donor to a specific purpose, in contrast to a fund over which the owner has complete control. These generally fall into three categories:

(a) Funds restricted by the donor to specific operating purposes;

(b) Funds restricted by the donor for additions to property, plant, and equipment; and

(c) Endowment funds.

(58) "Secretary" – The secretary of DSHS.

(59) "Start-up costs" – The one-time preopening costs incurred from the time preparation begins on a newly constructed or purchased building until the first resident is admitted. Start-up costs include administrative and nursing salaries, utility costs, taxes, insurance, repairs and maintenance, training costs, etc. Start-up costs do not include expenditures for capital assets.

(60) "Title XIX" – The 1965 amendments to the Social Security Act, P.L. 89-07, as amended.

(61) "Unallowable costs" – Costs not meeting every test of an allowable cost, as determined in WAC 275-38-680.



(62) "Uniform chart of accounts" – A list of account titles identified by code numbers established by the department for contractors to use in reporting costs.

(63) "Vendor number" – A number assigned to each contractor delivering IMR services to IMR medicaid recipients.

(64) "Working capital" – Total current assets necessary, ordinary, and related to resident care as reported in the most recent cost report minus total current liabilities necessary, ordinary, and related to resident care from the most recent cost report. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-001, filed 8/3/82.]

**WAC 275-38-005 IMR care.** (1) The department has the administrative and legal responsibility to purchase the services of an institution for the mentally retarded and persons with similar conditions (IMR), and IMR-based services for eligible developmentally disabled persons. The department has the responsibility to assure adequate care, service, and protection are provided through licensing and certification procedures.

(2) The intent of this chapter is to establish standards for habilitative training, health related care, supervision, and residential services to eligible persons.

(3) Each IMR facility shall be certified as a Title XIX IMR facility.

(4) Each IMR facility with a certified capacity of sixteen beds or more shall be certified and/or licensed as a nursing home in accordance with chapter 18.51 RCW.

(5) Each private IMR facility with a certified capacity of fifteen beds or less shall be licensed as a boarding home for the aged in accordance with chapter 18.20 RCW.

(6) Facilities certified to provide IMR services must comply with all applicable federal regulations under Title XIX, Section 1905 of the Social Security Act 42 U.S.C. as amended, as well as state regulations governing the licensing of nursing homes or boarding homes for the aged, and other relevant state regulations.

(7) The sections of this chapter will supersede and replace any and all sections affecting IMR facilities or programs in chapters 388-88 and 388-96 WAC except where specifically referenced in this chapter. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-005, filed 8/3/82.]

**WAC 275-38-007 IMR facilities.** (1) Contracts with IMR facilities will specify one of five levels (A, B, C, D, and E) of service. Clients will be referred for admission to IMR facilities by the DDD regional services office. Admission will be verified and classification determined by a qualified mental retardation professional employed by the department. This classification will specify one of these five levels of service.

(2) At least fifty percent of the licensed bed capacity of a facility will be occupied by persons with mental retardation or related conditions as of the date of application for certification.

(3) Facilities shall not admit any person as a resident except developmentally disabled persons after the date of

certification. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-007, filed 8/3/82.]

**WAC 275-38-015 Name of IMR.** The division will recognize only the official name of an IMR as shown on the license. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-015, filed 8/3/82.]

**WAC 275-38-020 Closure of an IMR facility.** When a facility is due to cease operations, the facility has the responsibility of notifying the department in writing, giving sixty days notice. Upon receipt of notice of closure of a facility, the department shall cease referral of clients to the facility and proceed in the orderly relocation of the residents. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-020, filed 8/3/82.]

**WAC 275-38-025 Adequate IMR care.** Care and services rendered must be justified as essential to the resident's habilitation and health care needs, with the overall goal of the resident attaining the highest level of independence. Each IMR is obligated to assure the provision of adequate habilitative training and health care to include but not limited to:

(1) Active treatment as defined in WAC 275-38-001.

(2) Services to the resident by or under the supervision of qualified therapists in accordance with the identified needs of the individual resident.

(3) Provide routine items and supplies uniformly used for all residents.

(4) Surgical appliances, prosthetic devices, and aids to mobility required for the exclusive use of an individual resident are available to the recipient pursuant to WAC 388-86-100.

(5) Nonreusable supplies not usually provided for all residents may be individually ordered in accordance with WAC 388-86-005(2). Requests for such supplies must be authorized by a department representative.

(6) Each IMR facility is responsible for providing transportation to and from the day training programs. Responsibility for transportation may include assurance of resident's use of public transportation. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-025, filed 8/3/82.]

**WAC 275-38-030 Continuity of resident care.** When a resident is transferred from one IMR facility to another, from an IMR facility to the hospital, from the hospital to an IMR facility, or to alternative community placement, essential information concerning the resident, his or her condition, regimen of care and training must be transmitted in writing by the sending facility to the receiving facility at the time of the resident's transfer. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-030, filed 8/3/82.]

**WAC 275-38-035 IMR contract--Noncompliance.** When a facility is in violation of the terms of the contract, the department may temporarily suspend the referral of residents to the facility. Whenever referral is

suspended under this section, the facility will immediately be notified in writing of the suspension and of the basis for the department's action. Suspension may continue until the department determines the infraction has been corrected. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-035, filed 8/3/82.]

**WAC 275-38-040 Classification of IMR residents.**

(1) For IMR residents the level of care determinations are made by a qualified mental retardation professional employed by the department, in accordance with his or her best professional judgment. Each IMR resident shall be classified by the level of care the resident may individually need. The levels of care are A, B, C, D, or E.

(2) In making IMR classification decisions, the departmental representative shall utilize the following guidelines:

(a) Level A residents:

- (i) Require twenty-four hour licensed nursing supervision; and
- (ii) May attend day training in community based programs; and
- (iii) Manifest behaviors requiring highly structured behavioral management programs; or
- (iv) Not able to receive adequate care or services in a lesser level of IMR.

(b) Level B residents:

- (i) Require licensed nursing supervision for at least eight hours each day; and
- (ii) May attend day training in community based program; and
- (iii) Manifest behaviors requiring highly structured behavioral management programs; or
- (iv) Not able to receive adequate care or services in a lesser level of IMR.

(c) Level C residents:

- (i) Require twenty-four hours of licensed nursing supervision; and
- (ii) Capable of participating in off-premises day training programs; or
- (iii) Not able to receive adequate care or services in a lesser level of IMR.

(d) Level D residents:

- (i) Require licensed nursing supervision for at least eight hours each day; and
- (ii) Capable of participating in off-premises day training programs; or
- (iii) Not able to receive adequate care or services at a lesser level of IMR.

(e) Level E residents:

- (i) Require health-related supervision but not licensed nursing supervision. The facility must provide for licensed consultation to supervise the health care needs of the residents;
- (ii) Capable of attending an off-premises day training program; and
- (iii) Not able to receive adequate care or services at a less restrictive level of residential setting.

(3) The classification of IMR residents shall be periodically reviewed by a qualified mental retardation professional employed by the department for the purposes of:

(a) Determining the need for continued stay; and

(b) Identify the level of care required to meet the needs of the resident.

(4) Classification changes shall be made in accordance with the needs of the resident and in accord with appeal and relocation procedures outlined in WAC 275-27-500 and 275-38-060 as applicable. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-040, filed 8/3/82.]

**WAC 275-38-045 Minimum staff requirements. (1)**

Each level of IMR must provide staff adequate in numbers and qualifications to meet the need of the residents.

(2) Specifically, the IMR must provide at least the following:

(a) Level A:

(i) Facility-based physician staff to provide for twenty-four hour medical supervision to include examination, diagnosis, planning, implementation, and review of appropriate medical regimen for each resident;

(ii) One full-time registered nurse as director of nursing services with sufficient additional licensed nurses to provide twenty-four hour nursing supervision;

(iii) Facility-based qualified therapist staff in accordance with WAC 275-38-025;

(iv) Sufficient resident living staff to meet the needs of the residents in care level A;

(v) Sufficient qualified mental retardation professional staff to meet the needs of the residents.

(b) Level B:

(i) Facility-based physician staff sufficient to provide for medical supervision to include examination, diagnosis, planning, implementation, and review of an appropriate medical regimen for each resident;

(ii) At least one registered nurse responsible as the director of nursing services and in addition sufficient licensed nurses to provide nursing supervision of the facility for at least eight hours per day;

(iii) Facility-based qualified therapist staff in accordance with WAC 275-38-025;

(iv) Sufficient resident living staff to meet the needs of the residents in care level B;

(v) Sufficient qualified mental retardation professional staff to meet the needs of the residents.

(c) Level C:

(i) A physician as a consultant medical director to the facility;

(ii) One full-time registered nurse as director of nursing services with additional licensed nurses to provide twenty-four hour nursing supervision of the facility;

(iii) Sufficient resident living staff to meet the needs of the residents in care level C;

(iv) Sufficient qualified mental retardation professional staff to meet the needs of the residents;

(v) Consultant qualified therapist staff in accordance with WAC 275-38-025.

(d) Level D:

(i) A physician as a consultant medical director to the facility;

(ii) A licensed nurse responsible as the director of nursing services with additional licensed nurses to provide nursing supervision of the facility for at least eight hours per day;

(iii) Sufficient resident living staff to meet the needs of the residents in care level D;

(iv) Sufficient qualified mental retardation professional staff to meet the needs of the residents;

(v) Consultant qualified therapist staff in accordance with WAC 275-38-025.

(e) Level E:

(i) A physician as a consultant medical director to the facility;

(ii) A registered nurse as a consultant to the facility, responsible for the health care needs of the residents;

(iii) Sufficient resident living staff must be provided to assure at least one staff is on duty in the facility when residents are present;

(iv) Sufficient qualified mental retardation professional staff to meet the needs of the residents;

(v) Qualified consultant therapists in accordance with WAC 275-38-025. [Statutory Authority: RCW 74.09-120. 82-16-080 (Order 1853), § 275-38-045, filed 8/3/82.]

**WAC 275-38-050 Placement of IMR client.** Placement into an IMR facility is the responsibility of the division of developmental disabilities and shall be accomplished in accordance with the applicable federal and state regulations. The client's classification and eligibility for IMR services shall be determined by representatives of the department before payment can be approved: *Provided*, That a facility may not admit a client requiring services the facility is not able to provide. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-050, filed 8/3/82.]

**WAC 275-38-055 Transfer of IMR client--Relocation.** (1) The department is responsible for assuring individual client's health care and habilitative training needs are identified and met, as provided by state and federal regulations. The department is therefore responsible for assuring that each client is placed in a facility certified as capable of meeting the needs of the client.

(2) Each client admitted to a facility may be transferred or discharged only for medical reasons, or for his or her welfare or the welfare of other residents of the facility. This determination shall be made by the department based on an assessment of the resident, consultation with the service provider, and a review of the relevant records.

(3) If the services being provided to a resident are not commensurate with the resident's needs, the department is responsible for initiating and facilitating the resident's relocation.

A circumstance where the department would enforce immediate movement of a resident from an IMR facility is the revocation or suspension of the IMR certification and/or license.

(4) Upon the determination by the department that a facility will no longer operate or be allowed to operate an IMR, because of any violation of the facility's contract or these regulations or state or federal law, the department will provide notice to the resident and the guardian, next-of-kin, or responsible party that thirty days following the mailing date of the letter, the resident will be required to relocate: *Provided*, That nothing in this section shall require a pretransfer notice be given when the secretary or his or her designee determines an immediate threat to health and/or safety exists or moves may be accomplished sooner at the request of the resident or with the resident's consent.

(5) Decertification, termination, or nonrenewal of contract actions require a stop payment of Title XIX funds. Such actions do not affect the facility's right to operate as a nursing home or boarding home, but does disqualify the facility from operating as an IMR facility and receiving federal funds. When termination of federal funds is contemplated, residents must be informed.

(6) When relocation is required, a designated representative of the department will conduct a review and assessment for the classification. Thirty days prior to any implementation of a change in the level of care, resulting in the change of the services required and provided, or because of the transfer, the department shall notify, in writing, the resident and guardian, next-of-kin, or responsible party pursuant to WAC 275-38-060.

(7) Grounds for the request by a facility to have a resident relocated or discharged are limited to the following:

(a) Medical reasons;

(b) Resident's welfare;

(c) The welfare of the other residents; or

(d) Nonpayment of services provided to the resident during his or her stay at the facility.

The facility shall follow the following procedure:

(i) The facility shall send a request in writing to the department, for relocation or discharge of a resident. This request shall include the grounds for the request and substantiation of concurrence by the interdisciplinary team in the development of an appropriate individual habilitation plan.

(ii) The department shall approve or deny the request for relocation or discharge based on an on-site visit with the resident and a review of his or her records, within fifteen working days following the receipt of the request.

(iii) The facility administrator shall be informed of the department's approval or denial of the request.

(iv) If the facility's request is approved, the department shall notify, in writing, the resident or the resident's guardian, or next-of-kin, or responsible party, of the decision pursuant to WAC 275-38-060.

(v) The resident and the department will be allowed thirty days from the date that the resident is notified of relocation or discharge by the department in order to facilitate relocation.

(e) The resident has a right to request relocation and to select the IMR he or she desires for placement. If this selection is available and appropriate to the habilitation

and health care needs of the resident, all reasonable attempts to accomplish relocation shall be made by the department.

(i) The resident or the resident's guardian must request such a move in writing.

(ii) Arrangements for relocation will be the responsibility of the division of developmental disabilities. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-055, filed 8/3/82.]

**WAC 275-38-060 IMR resident rights--Relocation.**

(1) Except in the cases specified in WAC 275-38-060(2), the resident (or guardian, next-of-kin, or responsible party of the resident if the resident has been adjudicated to be incompetent or under age eighteen) must be informed in writing thirty days prior to any relocation or reclassification to ensure orderly transfer or discharge. Such notice must include:

(a) The grounds for the proposed change and/or transfer;

(b) A statement that the resident or any other individual designated by the resident has a right to a conference with a division of developmental disabilities representative within thirty days of receipt of the notice;

(c) The right to request a fair hearing within thirty days of the notice to contest the department's decision;

(d) The method by which a fair hearing may be obtained;

(e) The right to be represented at the fair hearing by an authorized representative;

(f) The existence and locations of any legal services in the community that are available.

(2) A fair hearing request form shall be sent with the notice of relocation and/or reclassification.

(a) If the resident requests a fair hearing within the thirty day time period, the department shall not change the level of care or transfer the resident pending fair hearing decision or appeal rights, unless such action is warranted by the health or safety needs of the resident.

(b) If the secretary or his or her designee finds a change in the level of care is not appropriate, no further action shall be taken to change the level of care or transfer the resident, unless there is a change in the situation or circumstances at which time the request may be resubmitted.

(c) If the secretary or his or her designee affirms the determination to change the resident's level of care and/or transfer, and no judicial review is filed within thirty days of the receipt of notice of determination, the department shall proceed with the planned action.

(d) If the secretary or his or her designee affirms the determination to change the resident's level of care and/or transfer and a request for judicial review has been filed, any proposed change and/or transfer shall be delayed pending the outcome of the process, unless such action is warranted by the health or safety needs of the resident.

(3) Advance notice is not required:

(a) If the resident or the resident's guardian requests a transfer in writing and waives the right to a period notice.

(b) In the event of an immediate threat to the resident's life or health, or life or health of others.

(4) Advance notice and planning does not include a right to a fair hearing for a resident when the department judges the facility where the resident resides is no longer able to provide Title XIX services due to:

(a) Termination of the facility's contract.

(b) Decertification of the facility.

(c) Nonrenewal of the facility's contract.

(d) Revocation of the facility's license.

(e) Emergency license suspension. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-060, filed 8/3/82.]

**WAC 275-38-065 Transfer or discharge planning.**

A suitable discharge and/or transfer plan must be prepared by the division of developmental disabilities for each resident to be transferred or discharged. Transfers shall be dependent on the best interests of the resident. The plan shall include the location of available settings at the appropriate level of care consistent with the needs of the resident. The plan shall include:

(1) Coordination of communication between the staffs of the old and new facilities;

(2) Pretransfer visit, when the resident's condition permits, to the new facility, familiarizing the resident with the new surroundings, and other residents;

(3) Coordination of active participation by the resident's guardian or family in the transfer preparation;

(4) Coordination with staff members of the old and new facilities to discuss expectations and provide consultation on request;

(5) Posttransfer follow-up by the division of developmental disabilities to monitor the effects of the change. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-065, filed 8/3/82.]

**WAC 275-38-075 Discharge or leave of an IMR resident.**

(1) A certified IMR facility having an IMR contract with the department shall contact the regional services office, division of developmental disabilities giving immediate notification of unauthorized leave, disappearance, serious accident, or other traumatic incident effecting a resident or the resident's health or welfare.

(2) Discharge and readmission is required for all residents who are admitted as hospital inpatients. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-075, filed 8/3/82.]

**WAC 275-38-080 Social leave for IMR residents.**

(1) Social leaves should be consistent with goals and objectives of the resident's individual habilitation plan.

(2) Facility vacancies due to social leave of a resident will be reimbursed if such social leave complies with the individual habilitation plan and the following conditions:

(a) The facility shall notify the director of the division of developmental disabilities or his or her designee, of social leaves exceeding fifty-three hours.

(b) Social leaves over seven consecutive days require prior written approval by the director, division of developmental disabilities or his or her designee.

(c) Social leave in excess of seventeen days per year requires prior written approval by the director, division of developmental disabilities or his or her designee. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-080, filed 8/3/82.]

**WAC 275-38-510 Prospective cost-related reimbursement.** The prospective cost-related reimbursement system is the system used by the department to pay for IMR services provided to IMR residents. Reimbursement rates for such services will be determined in accordance with the principles, methods, and standards contained in this chapter. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-510, filed 8/3/82.]

**WAC 275-38-515 Conditions of participation.** In order to participate in the prospective cost-related reimbursement system, the person or legal organization responsible for operation of an IMR facility shall:

- (1) Obtain a state certificate of need as required, pursuant to chapter 70.38 RCW;
- (2) Hold the appropriate current license (e.g., nursing home, boarding home);
- (3) Hold current Title XIX certification to provide IMR services;
- (4) Hold a current contract to provide IMR services; and
- (5) Comply with all provisions of the contract and all applicable regulations, including but not limited to the provisions of chapter 275-38 WAC. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-515, filed 8/3/82.]

**WAC 275-38-520 Projected budget for new contractors.** (1) Each new contractor shall submit a one-year projected budget to the department at least sixty days before the contract will become effective. For purposes of this section, a "new contractor" is one:

- (a) Operating a new facility;
- (b) Acquiring or assuming responsibility for operating an existing facility;
- (c) Obtaining a certificate of need approval due to an addition to or renovation of a facility.

(2) The projected budget shall cover the twelve months immediately following the date the contractor will enter the program. The projected budget shall be prepared on forms and in accordance with instructions provided by the department. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-520, filed 8/3/82.]

**WAC 275-38-525 Change of ownership.** (1) On the effective date of a change of ownership, as defined in WAC 275-38-001, the department's contract with the former owner shall be terminated. The former owner shall give the department thirty days written notice of such termination in accordance with the terms of the contract. When certificate of need is required for the new owner to acquire the facility, and the new owner

wishes to continue to provide service to recipients without interruption, certificate of need shall be obtained before the former owner submits a notice of termination.

(2) If the new contractor desires to participate in the cost-related reimbursement system, the contractor shall meet the conditions specified in WAC 275-38-515, and shall submit a projected budget in accordance with WAC 275-38-520 no later than sixty days before the date of the change of ownership. The IMR contract with the new owner shall be effective as of the date of the change of ownership. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-525, filed 8/3/82.]

**WAC 275-38-530 Termination of contract.** (1) When a contract is terminated for any reason, the former contractor shall submit final reports in accordance with WAC 275-38-575. Payment for care provided during the final thirty days of service under a contract will be held until the contractor has filed a properly completed final annual report, and final settlement has been determined.

(2) Following final settlement, a payment withheld pursuant to subsection (1) of this section will be sent to the contractor, after any overpayment determined in connection with final settlement has been deducted. If the contractor contests the settlement determination in accordance with WAC 275-38-940, the department will hold the amount in dispute pending completion of the appeal process, but will release the balance of such payment to the contractor.

(3) The department will release a payment which would be withheld pursuant to subsection (1) of this section, provided a bond issued by a reputable bonding company and acceptable to the department is filed by the contractor. The bond shall:

- (a) Be in an amount equal to the released payment;
- (b) Be for a term sufficient to ensure effectiveness after final settlement and the exhaustion of administrative and judicial remedies;

(c) Provide the full amount of the bond shall be paid to the department if a properly completed final annual report is not filed in accordance with this chapter, or if financial records supporting this report are not preserved and made available to the department's auditors; and

(d) Provide an amount equal to any recovery the department determines is due from the contractor at settlement, but not exceeding the amount of the bond, shall be paid to the department in the event the contractor does not pay the refund within sixty days following receipt of written demand or the conclusion of administrative or judicial proceedings to contest settlement issues.

(4) If a contract is terminated solely in order for the same owner to contract with the department to deliver IMR services to a different class of medical care recipients at the same IMR facility, the contractor is not required to submit final reports, and payment for the final thirty days will not be withheld.

(5) When a contract is terminated, any accumulated liabilities assumed by a new owner shall be reversed against the appropriate accounts by the contractor.

[Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-530, filed 8/3/82.]

**WAC 275-38-535 Due dates for reports.** Annual reports covering the complete fiscal year shall be submitted within ninety days after the end of the fiscal year. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-535, filed 8/3/82.]

**WAC 275-38-540 Requests for extensions.** The department, upon a written request setting forth reasons for the necessity of an extension, may grant a thirty day extension of time for filing any required report, if the written request is received prior to the expiration of the relevant time period. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-540, filed 8/3/82.]

**WAC 275-38-545 Reports.** (1) In order for a contractor to receive payments under the cost-related reimbursement system for providing care to IMR residents, an annual report based on the contractor's fiscal year shall be submitted to the department.

(2) Each contractor's fiscal year for federal tax and cost reporting purposes shall coincide with the calendar year, except for state-owned and operated IMR facilities whose reporting form shall coincide with the facility's fiscal year. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-545, filed 8/3/82.]

**WAC 275-38-550 Improperly completed or late reports.** (1) For 1981 and subsequent annual cost reporting periods, an annual report, including the proposed settlement computed by cost center pursuant to WAC 275-38-630, must be completed in accordance with applicable statutes, departmental regulations and instructions. An annual cost report deficient in any of these respects may be returned in whole or in part to the contractor for proper completion. Annual reports must be submitted by the due date determined in accordance with WAC 275-38-535.

(2) For purposes of establishing rates effective July 1, 1982, if a contractor has not corrected errors in an annual cost report, including the proposed settlement, according to subsection (1) of this section by May 15, 1982, such report shall be excluded from computation of the redistribution pool established pursuant to WAC 275-38-855(5) and the contractor shall be subject to the provisions of subsection (3) of this section.

(3) If a report is not properly completed or is not received by the department on or before the due date of the report, including any approved extensions, all or a part of any payments due under the contract may be held by the department until the improperly completed or delinquent report is properly completed and received by the department. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-550, filed 8/3/82.]

**WAC 275-38-555 Completing reports and maintaining records.** (1) All reports shall be legible and reproducible. It is recommended all entries be typed or in black ink.

(2) Reports shall be completed in accordance with instructions provided by the department. If no specific instruction covers a situation, generally accepted accounting principles shall be followed.

(3) The accrual method of accounting shall be used, except for governmental institutions operated on a cash method of accounting, data based on this method of accounting will be acceptable. All revenue and expense accruals shall be reversed against the appropriate accounts if not received or paid within one hundred twenty days after the accrual is made, unless special circumstances are documented justifying continuing to carry all or part of the accrual (e.g., contested billings). Accruals for vacation, holiday, sick pay, and taxes may be carried for longer periods, provided the contractor's usual policy is followed.

(4) Methods of allocating costs shall be consistently applied. Written approval must be obtained from the department if a contractor wishes to change an allocation method. Contractors operating multiservice facilities or facilities incurring joint facility costs shall allocate costs using the methods approved by the department under WAC 275-38-735.

(5) If a contractor fails to maintain records adequate for audit purposes or fails to allow inspection of such records by authorized personnel as provided in the contractor's IMR contract, the department may suspend all or part of subsequent reimbursement payments due under the contract until compliance is forthcoming. Upon compliance, the department shall resume current contract payments and shall release payments suspended pursuant to the contractor's IMR contract. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-555, filed 8/3/82.]

**WAC 275-38-560 Certification requirement.** Each required report shall be accompanied by a certification signed on behalf of the contractor responsible to the department during the report period. If the contractor files a federal income tax return, the certification shall be executed by the person normally signing this return. The certification shall also be signed by the licensed administrator of the IMR facility. If the report is prepared by someone other than an employee of the contractor, a separate statement shall be included with the certification signed by the individual preparing the report and indicating his or her status with the contractor. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-560, filed 8/3/82.]

**WAC 275-38-565 Reports--False information.** (1) If a contractor knowingly or with reason to know files a report containing false information, such action constitutes cause for termination of the contractor's contract with the department.

(2) Adjustments to reimbursement rates required because a false report was filed will be made in accordance with WAC 275-38-885.

(3) Contractors filing false reports may be referred for prosecution under applicable statutes. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-565, filed 8/3/82.]

**WAC 275-38-570 Amendments to reports.** (1) For purposes of computing settlements, an amendment to an annual report shall be filed if significant errors or omissions are discovered prior to the commencement of the department's field audit. Errors or omissions shall be deemed "significant" if errors or omissions would mean a net difference of two cents or more per resident day or one thousand dollars or more in reported costs, whichever is higher, in any cost area. To file an amendment, only pages where changes are required need to be filed, together with the certification required by WAC 275-38-560. Adjustments to reimbursement rates resulting from an amended report will be made in accordance with WAC 275-38-885.

(2) If an amendment is filed, a contractor shall also submit with the amendment an account of the circumstances relating to and the reasons for the amendment, along with supporting documentation. The department may refuse to consider an amendment resulting in a more favorable settlement to a contractor if the amendment is not the result of circumstances beyond the control of the contractor or the result of good-faith error under the system of cost allocation and accounting in effect during the reporting period in question. Amendments may be submitted for purposes of adjusting reimbursement rates in accordance with WAC 275-38-900; however, use in this regard does not mean an amendment will be used for settlement purposes in the absence of conditions specified in subsection (2) of this section.

(3) Acceptance or use by the department of an amendment to a cost report shall in no way be construed as a release of applicable civil or criminal liability. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-570, filed 8/3/82.]

**WAC 275-38-575 Reporting for an abbreviated period.** (1) Reports shall be filed as required by the department when a contractor or IMR facility enters the prospective cost-related reimbursement system.

(2) If the contractor changes during a fiscal year, the former contractor shall submit a final annual report covering the period the contract was in effect during the fiscal year. The new contractor shall submit an annual report covering the period the contract is in effect during the fiscal year.

(3) An annual report shall be submitted within sixty days after the end of the abbreviated period. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-575, filed 8/3/82.]

**WAC 275-38-585 Requirement for retention of reports by the department.** The department will retain each required report for a period of three years following the

date the report was submitted. If at the end of three years there are unresolved audit questions, the report will be retained until such questions are resolved. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-585, filed 8/3/82.]

**WAC 275-38-590 Disclosure of IMR facility reports.** Pursuant to chapter 388-320 WAC, all required financial and statistical reports submitted by IMR facilities to the department will be available for public disclosure. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-590, filed 8/3/82.]

**WAC 275-38-595 Desk review.** (1) The department will analyze each annual cost report within six months after the annual cost is properly completed and filed.

(2) If it appears from the analysis a contractor has not correctly determined or reported costs, the department may request additional information from the contractor. If the department deems it necessary in order to ensure correct reporting, the department may schedule a special field audit of the contractor. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-595, filed 8/3/82.]

**WAC 275-38-600 Field audits.** Each annual cost report will be field audited by auditors employed by or under contract with the department. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-600, filed 8/3/82.]

**WAC 275-38-605 Preparation for audit by the contractor.** (1) The department will normally notify the contractor at least two weeks in advance of a field audit.

(2) The contractor shall provide the auditors with access to the IMR and to all financial, statistical records, and work papers supporting the data in the cost report. Such records shall be made available at a location in the state of Washington specified by the contractor, as agreed by the department.

(3) The contractor shall reconcile reported data with applicable federal income and payroll tax returns and with the financial statement as of the end of the period covered by the report. Such reconciliation shall be in suitable form for verification by the auditors. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-605, filed 8/3/82.]

**WAC 275-38-610 Scope of field audits.** (1) Auditors will review the contractor's record-keeping and accounting practices and, where appropriate, make written recommendations for improvements.

(2) Auditors will examine the contractor's financial and statistical records to verify:

(a) Supporting records are in agreement with reported data;

(b) Only expense items the department has specified as allowable costs have been included by the contractor in computing the costs of services provided under the contract;

(c) Allowable costs have been accurately determined and are reasonable, necessary, ordinary, and related to resident care; and

(d) Resident trust funds have been properly maintained.

(3) Auditors will prepare and provide draft audit narratives and summaries to the contractor before final narratives and summaries are prepared. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-610, filed 8/3/82.]

**WAC 275-38-615 Inadequate documentation.** The auditors will disallow any expenses reported as allowable costs not supported by adequate documentation in the contractor's financial records. Documentation must show the costs were incurred and were related to resident care and training. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-615, filed 8/3/82.]

**WAC 275-38-620 Deadline for completion of audits.** (1) Field audits will be completed within one year after a properly completed annual cost report is received by the department, provided field auditors are given timely access to the IMR facility and to all financial and statistical records necessary to audit the report.

(2) The department will give priority to field audits of final annual reports and whenever possible will begin such field audits within sixty days after a properly completed final annual report is received. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-620, filed 8/3/82.]

**WAC 275-38-625 Disclosure of audit narratives and summaries.** Final audit narratives and summaries prepared by the auditor will be available for public disclosure. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-625, filed 8/3/82.]

**WAC 275-38-645 Resident trust accounts.** (1) The provider shall establish and maintain, as a service to the recipient, a bookkeeping system, incorporated in the business records, adequate for audit, for all resident moneys entrusted to and received by the facility for the resident.

(2) The system will apply to the resident:

(a) Incapable of handling his or her own money and whose guardian, relative, developmental disabilities regional service office administrator, or physician makes written request of the facility to accept this responsibility; if the social security form SSA-780, "certificate of applicant for benefits on behalf of another," is utilized as documentation, the form must be signed by one of the persons designated in this subsection.

(b) Capable of handling his or her own money, but requests the facility in writing to accept this responsibility.

(3) It shall be the responsibility of the provider to maintain such written authorization in the resident's file.

(4) The resident must be given at least a quarterly reporting of all financial transactions in his or her trust account. The representative payee, the guardian and/or

other designated agents of the recipient must be sent a copy of the quarterly accounting report. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-645, filed 8/3/82.]

**WAC 275-38-650 Accounting procedures for resident trust accounts.** (1) The provider shall maintain a subsidiary ledger with an account for each resident for whom the provider holds money in trust. Each account and related supporting information shall:

(a) Be maintained at the facility;

(b) Be kept current;

(c) Be balanced each month, and;

(d) Show in detail, with supporting verification, all moneys received on behalf of the individual resident and the disposition of all moneys so received.

(2) Each account shall be available for audit and inspection by a department representative and be maintained for a minimum of three years. The provider further agrees to notify the division of developmental disabilities, regional services office of the department when:

(a) The account of any individual certified on or before December 31, 1973, having an award letter limit of two hundred dollars cash, reaches the sum of one hundred seventy-five dollars.

The regional services office will re-evaluate the status of each recipient certified under the eligibility criteria prior to January 1, 1974, having an award letter specifying a two hundred dollar cash limit.

(b) The account of any individual certified on or after January 1, 1974, having an award letter limit of one thousand five hundred dollars, reaches the sum of one thousand four hundred fifty dollars.

(c) For both groups, the accumulation toward the limit, after admission to the facility, is permitted only from savings from the clothing and personal incidentals allowance and other income the department specifically designates as exempt income from time-to-time.

(d) No resident account may be overdrawn (show a debit balance). If a resident wants to spend an amount greater than in such resident's trust account, the IMR may provide money from the IMR's own funds and collect the debt by installments from the portion of the resident's allowance remaining at the end of each month. No interest may be charged to residents for such loans.

(3) In order to ensure the resident trust accounts are not charged for services provided under the Title XIX program, any charge for medical services otherwise properly made to a resident's trust account must be supported by a written denial from the department.

(a) A request for additional equipment such as a walker, wheelchair or crutches must have a written denial from the department of social and health services before a resident's trust account can be charged.

(b) Except as otherwise provided below, a request for physical therapy, drugs, or other medical services must have a written denial from the local CSO before a resident trust account can be charged.

A written denial from the local CSO is not required when the pharmacist verifies a drug is not covered by



the program (e.g., items on the FDA list of ineffective or possible effective drugs, nonformulary over-the-counter (OTC) medications such as vitamins, laxatives, nose drops, etc.). The pharmacist's notation to this effect is sufficient. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-650, filed 8/3/82.]

**WAC 275-38-655 Trust moneys--Imprest fund.** (1) The provider may maintain a petty cash fund originating from trust moneys of an amount reasonable and necessary for the size of the facility and the needs of the residents, not to exceed five hundred dollars. This petty cash fund shall be an imprest fund. All moneys over and above the trust fund petty cash amount shall be deposited intact in a trust fund checking account, separate and apart from any other bank account(s) of the facility or other facilities.

(2) Cash deposits of resident allowances must be made intact to the trust account within one week from the time payment is received from the department, social security administration, or other payor.

(3) Any related bankbooks, bank statements, checkbook, check register, and all voided and cancelled checks, shall be made available for audit and inspection by a department representative, and shall be maintained by the IMR for not less than three years.

(4) No service charges for such checking account shall be paid by resident trust moneys.

(5) The trust account per bank shall be reconciled monthly to the trust account per resident ledgers. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-655, filed 8/3/82.]

**WAC 275-38-660 Trust moneys control or disbursement.** Trust moneys shall be held in trust and are not to be turned over to anyone other than the resident or his or her guardian without the written consent of the resident, his or her designated agent as appointed by power-of-attorney, or appropriate department of social and health services personnel as designated by the DDD regional services administrator.

(1) When moneys are received, a receipt should be filled out in duplicate; one copy should be given to the person making payment or deposit, and the other copy should be retained in the receipt book for easy reference.

(2) Checks received by residents must be endorsed by the resident. Each resident receiving a check or state warrant is responsible for endorsement by his or her own signature. Only when the resident is incapable of signing his or her name may the provider assume the responsibility of securing the resident's mark "X" followed by the name of the resident and the signature of two witnesses.

(3) If both the general fund account and the trust fund account are at the same bank, the trust portion of checks including care payments can be deposited directly to trust by including a trust account deposit slip for the correct amount with the checks and the general account deposit slip.

(4) The resident's trust account ledger sheet must be credited with the allowance received. This should be referenced with the receipt number and must be supported by a copy of the deposit slip (one copy for all deposits made). [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-660, filed 8/3/82.]

**WAC 275-38-665 Trust moneys availability.** Moneys so held in trust for any resident shall be available for his or her personal and incidental needs when requested by the resident or one of the individuals designated in WAC 275-38-660. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-665, filed 8/3/82.]

**WAC 275-38-667 Accounting upon change of ownership.** (1) Upon sale of the facility or other transfer of ownership, the facility must provide the new owner with a written accounting, in accordance with generally accepted auditing procedures, of all patient funds being transferred, and obtain a written receipt for the funds from the new owner.

(2) The facility must give each patient or representative a written accounting of any personal funds held by the facility before any transfer of ownership occurs.

(3) In the event of a disagreement with the accounting provided by the facility, the patient retains all rights and remedies provided under state law. Statutory Authority: 74.09.120. 82-16-080 (Order 1853), § 275-38-667, filed 8/3/82.]

**WAC 275-38-670 Procedure for refunding trust money.** When a recipient is discharged and/or transferred, the balance of the resident's trust account will be returned to the individual designated in WAC 275-38-660, within thirty days, and a receipt obtained. In certain cases it may be advisable to mail the refund to the resident's new residence. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-670, filed 8/3/82.]

**WAC 275-38-675 Liquidation of trust fund.** (1) Expired resident. The provider will obtain a receipt from next-of-kin, guardian, or duly qualified agent when releasing the balance of money held in trust. If there is no identified next-of-kin, guardian, or duly qualified agent, the DDD regional service office is to be contacted in writing within seven days for assistance in the release of the money held in trust. A check or other document showing payment to such next-of-kin, guardian, or duly qualified agent will serve as a receipt.

(2) Resident, unable to locate. In situations where the resident leaves the IMR facility without authorization and his or her whereabouts are unknown:

(a) The IMR will make a reasonable attempt to locate the missing resident. This includes: Contacting friends, relatives, police, the guardian, and the DDD in the area.

(b) If the resident cannot be located after ninety days, the IMR must notify the department of revenue of the existence of "abandoned property," outlined in chapter 63.28 RCW. The IMR will be required to deliver to the

department of revenue the balance of the resident's trust fund account within twenty days following such notification. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-675, filed 8/3/82.]

**WAC 275-38-678 Resident property records.** (1) The facility must maintain a current, written record for each resident including written receipts for all personal possessions deposited with the facility by the resident.

(2) The property record must be available to the resident and resident representative as designated in WAC 275-38-645 (2)(a). Statutory Authority: 74.09.120. 82-16-080 (Order 1853), § 275-38-678, filed 8/3/82.]

**WAC 275-38-680 Allowable costs.** Allowable costs are documented costs necessary, ordinary, and related to the provision of IMR services to IMR residents, and are not expressly declared nonallowable by applicable statutes or regulations. Costs are ordinary if costs are of the nature and magnitude a prudent and cost-conscious management would pay. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-680, filed 8/3/82.]

**WAC 275-38-685 Substance prevails over form.** (1) In determining allowable costs, the substance of a transaction will prevail over the transaction's form. Accordingly, allowable costs will not include increased costs resulting from transactions or the application of accounting methods circumventing the principles of the prospective cost-related reimbursement system.

(2) Increased costs resulting from a series of transactions between the same parties and involving the same assets (e.g., sale and leaseback, successive sales or leases of a single facility or piece of equipment) will not be allowed. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-685, filed 8/3/82.]

**WAC 275-38-690 Offset of miscellaneous revenues.** (1) Allowable costs shall be reduced by the contractor whenever the item, service, or activity covered by such costs generates revenue or financial benefits (e.g., purchase discounts or rebates) other than through the contractor's normal billing for IMR services: Except, unrestricted grants, gifts, endowments, and interest therefrom, will not be deducted from the allowable costs of a nonprofit facility.

(2) Where goods or services are sold, the amount of the reduction shall be the actual cost relating to the item, service, or activity. In the absence of adequate documentation of cost, the amount of the reduction shall be the full amount of the revenue received. Where financial benefits such as purchase discounts or rebates are received, the amount of the reduction shall be the amount of the discount or rebate.

(3) Only allowable costs shall be recovered under this section. Costs allocable to activities or services not included in IMR services (e.g., costs of vending machines, residents' personal laundry, and services specified in chapter 388-86 WAC not included in IMR services) are

nonallowable costs. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-690, filed 8/3/82.]

**WAC 275-38-695 Costs of meeting standards.** All categories of necessary and ordinary expenses a contractor incurs in providing IMR services meeting all applicable standards will be allowable costs. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-695, filed 8/3/82.]

**WAC 275-38-700 Limit on costs to related organizations.** (1) Costs applicable to services, facilities, and supplies furnished by organizations related to the contractor shall be allowable only to the extent the costs do not exceed the lower of the cost to the related organization or the price of comparable services, facilities or supplies purchased elsewhere. The term "related organization" is defined in WAC 275-38-001.

(2) Documentation of costs to related organizations shall be made available to the auditors at the time and place the financial records relating to the entity are audited. Payments to or for the benefit of the related organization will be disallowed where the cost to the related organization cannot be documented. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-700, filed 8/3/82.]

**WAC 275-38-705 Start-up costs.** Necessary and ordinary start-up costs, as defined in WAC 275-38-001, will be allowable if start-up costs are amortized over not less than sixty consecutive months beginning with the month the first resident is admitted for care. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-705, filed 8/3/82.]

**WAC 275-38-715 Education and training.** (1) Ordinary expenses of on-the-job training and in-service training required for employee orientation and certification training directly related to the performance of duties assigned will be allowable costs.

(2) Ordinary expenses of resident life staff training will be allowable costs.

(3) Necessary and ordinary expenses of recreational and social activity training conducted by the contractor for volunteers will be allowable costs. Expenses of training programs for other nonemployees will not be allowable costs. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-715, filed 8/3/82.]

**WAC 275-38-720 Total compensation--Owners, relatives, and certain administrative personnel.** For purposes of the tests in WAC 275-38-725 and 275-38-730, total compensation includes gross salary or wages and fringe benefits (e.g., health insurance) made available to all employees but excludes payroll taxes paid by the contractor. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-720, filed 8/3/82.]

**WAC 275-38-725 Owner or relative--Compensation.** (1) Total compensation of an owner or relative of

an owner shall be limited to ordinary compensation for necessary services actually performed.

(a) Compensation is ordinary if the compensation is the amount usually paid for comparable services in a comparable facility to an unrelated employee, and does not exceed limits set out in this chapter.

(b) A service is necessary if the service is related to resident care and training and would have had to be performed by another person if the owner or relative had not performed the service.

(2) The contractor, in maintaining customary time records adequate for audit shall include such records for owners and relatives receiving compensation.

(3) For purposes of this section, if the contractor with the department is a corporation, "owner" includes all corporate officers and directors. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-725, filed 8/3/82.]

**WAC 275-38-730 Maximum allowable compensation of certain administrative personnel.** (1) Compensation for administrative personnel shall be an allowable cost, subject to the limits contained in this section.

(2) Total compensation of the licensed administrator for services actually rendered to an IMR facility on a full-time basis (at least forty hours per week, including reasonable vacation, holiday, and sick time) will be allowable at the lower of (a) actual compensation received, or (b) the amount in the table in subsection (5) of this section corresponding to the number of set-up beds in the IMR facility. Compensation of the licensed administrator will only be allowable if the department is given written notice of his or her employment within ten days after the employment begins.

(3) Total compensation of not more than one full-time licensed assistant administrator will be allowable if there are at least eighty set-up beds in the IMR, at the lower of (a) actual compensation received, or (b) seventy-five percent of the appropriate amount in the table in subsection (5) of this section.

(4) Total compensation of not more than one full-time registered administrator-in-training will be allowable at the lower of (a) actual compensation received, or (b) sixty percent of the appropriate amount in the table in subsection (5) of this section.

(5)

TABLE

Maximum Allowable Total Compensation for Licensed Administrators—Calendar Year 1982

Set-up Beds	
16 - 39	\$27,000
40 - 79	\$29,700
80 - 119	\$32,800
120 - 159	\$35,900
160 - 239	\$39,500
240 - 319	\$43,500

TABLE

Maximum Allowable Total Compensation for Licensed Administrators—Calendar Year 1982

Set-up Beds	
320 - 399	\$47,800
400 and up	\$52,600

(6) If the licensed administrator, licensed assistant administrator or registered administrator-in-training regularly works fewer than forty hours per week, allowable compensation shall be the lower of:

(a) Actual compensation received, or

(b) The appropriate amount in the table in subsection (5) of this section multiplied by the percentage derived from the division of the actual hours worked by forty hours. Further discounting is required if the person was licensed or registered and/or worked for less than the entire report period.

(7) The contractor shall maintain time records for the licensed administrator and for an assistant administrator, administrator-in-training or QMRP, if any.

(8) The cost of a licensed administrator, assistant administrator or administrator-in-training is not an allowable expense in IMR facilities of fifteen beds or less. Administrative services will be provided by the QMRP in these facilities. Total compensation of wages and salaries for the QMRP will be allowable at the lower of:

(a) Actual compensation received; or

(b) The hourly cost of wages and salaries of QMRP in level C and D IMR contracting with the department multiplied by the QMRP regularly worked hours per week, not to exceed forty hours per week. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-730, filed 8/3/82.]

**WAC 275-38-735 Disclosure and approval of joint facility cost allocation.** (1) The contractor shall disclose to the department:

(a) The nature and purpose of all costs which represent allocations of joint facility costs; and

(b) The methodology of the allocation utilized.

(2) Such disclosure shall be made not later than September 30, 1980, for the following year and not later than September 30th for each year thereafter; except a new contractor shall submit the first year's disclosure together with the submissions required by WAC 275-38-520.

(3) The contractor shall demonstrate and certify:

(a) The services involved are necessary, ordinary, related to resident care, and nonduplicative; and

(b) Costs are allocated in accordance with the resident care related benefits and services received from the specific resources represented by those costs.

(4) The department shall approve such methodology not later than December 31, 1980, and not later than December 31 for each year thereafter.

(5) An amendment or revision to an approved methodology shall be submitted to the department for approval at least ninety days prior to the effective date of the amendment or revision.

(6) Where a contractor will begin to incur joint facility costs at some time other than the beginning of the calendar year, the contractor shall provide the information required in subsections (1) and (3) of this section at least ninety days prior to the date the cost will first be incurred.

(7) Joint facility costs not disclosed, allocated, and reported in conformance with this section are nonallowable costs. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-735, filed 8/3/82.]

**WAC 275-38-740 Management agreements, management fees, and central office services.** (1) If a contractor intends to enter into a management agreement with an individual or firm which will manage the IMR facility as agent of the contractor, a copy of the agreement must be received by the department at least ninety days before the agreement is to become effective. A copy of any amendment to a management agreement must also be received by the department at least ninety days in advance of the date the amendment is to become effective. No management fees for periods prior to the time the department receives a copy of the applicable agreement will be allowable. When necessary for the health and safety of facility residents, the ninety-day notice requirement may be waived, in writing, by the department.

(2) Management fees will be allowed only if:

(a) A written management agreement both creates a principal or agent relationship between the contractor and the manager, and sets forth the items, services, and activities to be provided by the manager; and

(b) Documentation demonstrates the services contracted for were actually delivered.

(3) To be allowable, fees must be for necessary, non-duplicative services. Allowable fees for general management services, including the portion of a management fee not allocated to specific services such as accounting, are limited to:

(a) The maximum allowable compensation under WAC 275-38-730 of the licensed administrator and, if the facility has at least eighty set-up beds, of an assistant administrator; less

(b) Actual compensation received by the licensed administrator and by the assistant administrator, if any. In computing maximum allowable compensation under WAC 275-38-730 for a facility with at least eighty set-up beds, include the maximum compensation of an assistant administrator even if no assistant administrator is employed;

(c) For IMR facilities of fifteen or fewer beds, the maximum allowable compensation will be the cost of forty hours per week of wages and salaries of QMRP in level C and D IMR contracting with the department, less the actual compensation received by the QMRP.

(4) A management fee paid to or for the benefit of a related organization will be allowable to the extent the

fee does not exceed the lesser of (a) the limits set out in subsection (3) of this section, or (b) the lower of the actual cost to the related organization of providing necessary services related to resident care and training under the agreement, or the cost of comparable services purchased elsewhere. Where costs to the related organization represents joint facility costs, the measurement of such costs shall comply with WAC 275-38-735.

(5) Central office joint facility costs for general management services, including the portion of a management expense not allocated to specific services, shall be subject to the management fee limits determined in subsections (3) and (4) of this section. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-740, filed 8/3/82.]

**WAC 275-38-745 Allowable interest.** (1) The contractor's necessary and ordinary interest for working capital and capital indebtedness will be allowable.

(a) To be necessary, interest must be incurred in connection with a loan satisfying a financial need of the contractor and be for a purpose related to resident care and training. Interest expense relating to business opportunity or goodwill will not be allowed.

(b) To be ordinary, interest must be at a rate not in excess of what a prudent borrower would have to pay at the time of the loan in an arm's-length transaction in the money market.

(c) Interest expense shall include amortization of bond discounts and expenses related to the bond issue. Amortization shall be over the period from the date of sale to the date of maturity or, if earlier, the date of extinguishment of the bonds.

(2) Interest paid to or for the benefit of a related organization will be allowed only to the extent the actual interest does not exceed the cost to the related organization of obtaining the use of the funds. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-745, filed 8/3/82.]

**WAC 275-38-750 Offset of interest income.** (1) In computing allowable costs, interest income from the investment or lending of nonrestricted funds shall be deducted from allowable interest expense.

(2) Interest income from the investment or lending of restricted funds shall not be deducted from allowable interest expense. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-750, filed 8/3/82.]

**WAC 275-38-760 Operating leases of facilities and equipment.** Rental or lease costs under arm's-length operating leases of facilities and/or equipment shall be allowable to the extent the cost is not in excess of arm's-length rental or lease costs of comparable facilities or equipment. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-760, filed 8/3/82.]

**WAC 275-38-765 Rental expense paid to related organizations.** The expense of renting facilities or equipment from a related organization shall be allowable to

the extent the rental does not exceed the related organization's costs of owning (e.g., depreciation, interest on a mortgage) or leasing the assets, computed in accordance with this chapter. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-765, filed 8/3/82.]

**WAC 275-38-770 Capitalization.** The following costs shall be capitalized:

(1) Expenses for equipment with historical cost in excess of one hundred fifty dollars per unit and a useful life of more than one year from the date of purchase.

(2) Expenses for equipment with historical cost of one hundred fifty dollars or less per unit if either:

(a) The item was acquired in a group purchase where the total cost exceeded one hundred fifty dollars; or

(b) The item was part of the initial stock of the IMR facility.

(3) Effective January 1, 1981, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1982, and subsequently, subsection (1) of this section shall be applied with the sum "five hundred dollars" replacing the sum "one hundred fifty dollars."

(4) Expenditures for building improvements and leasehold improvements, if required or authorized by the lease agreement, in excess of five hundred dollars and involving one or more of the following:

(a) Increase the interior floor space of the structure;

(b) Increase paved areas outside the structure adjacent to or providing access to the structure;

(c) Modification of the exterior or interior walls of the structure;

(d) Installation of additional heating, cooling, electrical or water-related equipment;

(e) Remodeling or redecorating enhancing the value of the structure sufficiently to justify an increase in service charges to residents;

(f) Increase the useful life of the structure by two years or more;

(g) For a leasehold improvement, the asset shall be amortized over the asset's useful life in accordance with American hospital association guidelines. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-770, filed 8/3/82.]

**WAC 275-38-775 Depreciation expense.** Depreciation expense on depreciable assets required in the regular course of providing resident care and training will be an allowable cost. The depreciation expense shall be:

(1) Identifiable and recorded in the contractor's accounting records, and

(2) Computed using the depreciation base, lives and methods specified in WAC 275-38-780. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-775, filed 8/3/82.]

**WAC 275-38-780 Depreciable assets.** (1) Tangible assets of the following types where a contractor has an economic interest through ownership are subject to depreciation:

(a) Building – The basic structure or shell and additions thereto.

(b) Building fixed equipment – Attachments to buildings, such as wiring, electrical fixtures, plumbing, elevators, heating system, and air conditioning system. The general characteristics of this equipment are:

(i) Affixed to the building and not subject to transfer; and

(ii) An estimated life longer than ten years, but shorter than the life of the building where affixed.

(c) Major movable equipment – Such items as beds, wheelchairs, desks, and x-ray machines. The general characteristics of this equipment are:

(i) A relatively fixed location in the building;

(ii) Capable of being moved as distinguished from building equipment;

(iii) A unit cost sufficient to justify ledger control;

(iv) Sufficient size and identity to make control feasible by means of identification tags; and

(v) A minimum life of approximately three years. Effective January 1, 1981, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1982, and subsequently, this equipment shall be characterized by a minimum life of greater than one year.

(d) Minor equipment – Such items as waste baskets, bed pans, syringes, catheters, silverware, mops, and buckets properly capitalized. No depreciation shall be taken on items not properly capitalized (see WAC 275-38-770). The general characteristics of minor equipment are:

(i) In general, no fixed location and subject to use by various departments;

(ii) Small in size and unit cost;

(iii) Subject to inventory control;

(iv) Fairly large number in use; and

(v) Generally, a useful life of one to three years.

(e) Land improvements – Such items as paving, tunnels, underpasses, on-site sewer and water lines, parking lots, shrubbery, fences, walls, etc., where replacement is the responsibility of the contractor.

(f) Leasehold improvements – Betterments and additions made by the lessee to the leased property, which become the property of the lessor after the expiration of the lease.

(2) Land is not depreciable. The cost of land includes the cost of such items as off-site sewer and water lines, public utility charges necessary to service the land, governmental assessments for street paving and sewers, the cost of permanent roadways and grading of a nondepreciable nature, and the cost of curbs and sidewalks, replacement of which is not the responsibility of the contractor. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-780, filed 8/3/82.]

**WAC 275-38-785 Depreciation base.** (1) The depreciation base shall be the historical cost of the contractor in acquiring the asset from an unrelated organization and preparing depreciation base for use, less goodwill and less accumulated depreciation incurred

during periods the assets have been used in or as a facility by the contractor, such accumulated depreciation to be measured in accordance with subsection (4) of this section and WAC 275-38-790, 275-38-795, and 275-38-800. If the department challenges the historical cost of an asset or a contractor is not able to provide adequate documentation of the historical cost of an asset, the department may have the fair market value of the asset at the time of purchase established by appraisal. The fair market value of items of equipment will be established by appraisals performed by vendors of the particular type of equipment. When these appraisals are conducted, the depreciation base of the asset will not exceed fair market value. Estimated salvage value shall be deducted from historical cost where the straight-line or sum-of-the-years digits method of depreciation is used.

(2) Effective January 1, 1981, for purposes of setting rates for rate periods beginning July 1, 1982, and subsequently, subsection (1) of this section shall be applied with the phrase "in an arm's-length transaction" replacing the phrase "from an unrelated organization."

(3) Effective July 1, 1982, in all cases subsection (1) of this section shall be applied with the phrase "in an arm's-length transaction" replacing the phrase "from an unrelated organization."

(4) Where depreciable assets are acquired from a related organization, the contractor's depreciation base shall not exceed the base the related organization had or would have had under a contract with the department. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-785, filed 8/3/82.]

**WAC 275-38-790 Depreciation base--Donated or inherited assets.** (1) The depreciation base of donated assets, as defined in WAC 275-38-001, or of assets received through testate or intestate distribution, shall be the lesser of:

(a) Fair market value at the date of donation or death, less goodwill. Estimated salvage value shall be deducted from fair market value where the straight-line or sum-of-the-years digits method of depreciation is used; or

(b) The depreciation base under the cost-related reimbursement program of the owner last contracting with the department, if any.

(2) If the donation or distribution is between related organizations, the base shall be the lesser of:

(a) Fair market value, less goodwill and, where appropriate, salvage value, or

(b) The depreciation base the related organization had or would have had for the asset under a contract with the department. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-790, filed 8/3/82.]

**WAC 275-38-795 Lives.** (1) The contractor shall use lives no shorter than guideline lives contained in the

internal revenue service class life ADR system or published by the American hospital association in computing allowable depreciation. The shortest life which may be used for buildings is thirty years.

(2) Lives shall be measured from the date of the most recent arm's-length acquisition of the asset.

(3) Building improvements shall be depreciated over the remaining useful life of the building, as modified by the improvement, but not less than fifteen years.

(4) Improvements to leased property which are the responsibility of the contractor under the terms of the lease shall be depreciated over the useful life of the improvement.

(5) A contractor may change the estimate of an asset's useful life to a longer life for purposes of depreciation. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-795, filed 8/3/82.]

**WAC 275-38-800 Methods of depreciation.** (1) Buildings, land improvements, and fixed equipment shall be depreciated using the straight-line method. Major-minor equipment shall be depreciated using either the straight-line method, the sum-of-the-years digits method, or declining balance method not to exceed one hundred fifty percent of the straight-line rate. Contractors electing to take either the sum-of-the-years digits method or the declining balance method of depreciation on major-minor equipment may change to the straight-line method without permission of the department.

(2) The annual provision for depreciation shall be reduced by the portion allocable to use of the asset for purposes not both necessary and related to resident care and training.

(3) No further depreciation shall be claimed after an asset has been fully depreciated unless a new depreciation base is established pursuant to WAC 275-38-785. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-800, filed 8/3/82.]

**WAC 275-38-805 Retirement of depreciable assets.**

(1) Where depreciable assets are disposed of through sale, trade-in, scrapping, exchange, theft, wrecking, or fire or other casualty, depreciation shall no longer be taken on the assets. No further depreciation shall be taken on permanently abandoned assets.

(2) Where an asset has been retired from active use but is being held for stand-by or emergency service, and the department has determined that the asset is needed and can be effectively used in the future, depreciation may be taken, as prescribed in WAC 275-38-775 through 275-38-800. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-805, filed 8/3/82.]

**WAC 275-38-810 Handling of gains and losses upon retirement of depreciable assets.** Settlement periods prior to January 1, 1981, and rate periods prior to July 1, 1982.

(1) For settlement purposes for periods prior to January 1, 1981, and for rate-setting purposes for periods prior to July 1, 1982, gains and losses on the retirement

of depreciable assets either during the period of participation in the program or within twelve months following termination, shall be treated in accordance with this section.

(2) A gain or loss on the retirement of an asset shall be the difference between the remaining undepreciated base and any proceeds received for, or to compensate for loss of, the asset. For purposes of subsections (3) and (4) of this section, the total gain shall be reduced by one percent for each month of ownership of an asset with an expected useful life of one hundred months or longer. For an asset with an expected useful life of less than one hundred months, total gain shall be reduced by the portion thereof equal to the ratio of the actual life of the asset from the most recent arm's-length acquisition up to the date of retirement to the assets expected useful life.

(3) If the retired asset is replaced, the gain or loss shall be applied against or added to the cost of the replacement asset, provided a loss will only be so applied if the contractor has made a reasonable effort to recover at least the outstanding book value of the asset.

(4) If the retired asset is not replaced, or if the contractor is terminating the contract, the gain or loss shall be spread over the actual life of the asset up to the date of retirement, provided a loss will only be so spread if the contractor has made a reasonable effort to recover at least the outstanding book value of the asset. The difference between reimbursement actually paid for depreciation in any period beginning on or after January 1, 1978, and the reimbursement for depreciation having been paid with the base adjusted to reflect the gain or loss, will be computed. Where the difference results from a gain, the difference shall be recovered by the department. Where the difference results from a loss, the difference will be added to allowable costs for purposes of determining settlement. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-810, filed 8/3/82.]

**WAC 275-38-812 Handling of gains and losses upon retirement of depreciable assets--Other periods.** (1) This section shall apply in the place of WAC 275-38-810 effective January 1, 1981, for purposes of settlement for settlement periods prior to that date, and for purposes of setting rates for rate periods beginning July 1, 1982, and subsequently.

(2) A gain or loss on the retirement of an asset shall be the difference between the remaining undepreciated base and any proceeds received for, or to compensate for loss of, the asset.

(3) If the retired asset is replaced, the gain or loss shall be applied against or added to the cost of the replacement asset, provided a loss will only be so applied if the contractor has made a reasonable effort to recover at least the outstanding book value of the asset. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-812, filed 8/3/82.]

**WAC 275-38-815 Recovery of excess over straight-line depreciation.** If a contractor terminates the contract

without selling or otherwise retiring equipment which was depreciated using an accelerated method, depreciation schedules relating to these assets for periods the contractor participated in the program shall be adjusted. The difference between reimbursement actually paid for depreciation in any period beginning on or after January 1, 1978, and the reimbursement which would have been paid for depreciation if the straight-line method had been used, will be recovered by the department. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-815, filed 8/3/82.]

**WAC 275-38-820 Unallowable costs.** (1) Costs will be unallowable if not documented, necessary, ordinary, and related to the provision of services to IMR residents.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical aid program. Costs of nonprogram items or services will be unallowable even if indirectly reimbursed by the department as the result of an authorized reduction in resident contribution.

(b) Costs of services and items provided to IMR residents covered by the department's medical care program but not included in IMR services respectively. Items and services covered by the medical care program are listed in chapter 388-86 WAC.

(c) Costs associated with a capital expenditure subject to Section 1122 approval (part 100, Title 42 C.F.R.) if the department found the capital expenditure was not consistent with applicable standards, criteria or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be nonallowable as of the date the costs are determined not to be reimbursable under applicable federal regulations.

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained.

(e) Costs of outside activities (e.g., costs allocable to the use of a vehicle for personal purposes, or related to the part of a facility leased out for office space).

(f) Salaries or other compensation of officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to resident care and training.

(g) Costs in excess of limits or violating principles set forth in this chapter.

(h) Costs resulting from transactions or the application of accounting methods circumventing the principles of the prospective cost-related reimbursement system.

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities or supplies purchased elsewhere.

(j) Bad debts.

(k) Charity and courtesy allowances.

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and cost incurred to improve community or public relations.

- (m) Vending machine expenses.
- (n) Expenses for barber or beautician services not included in routine care.
- (o) Funeral and burial expenses.
- (p) Costs of gift shop operations and inventory.
- (q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except those used in resident activity programs or in IMR programs where clothing is a part of routine care.
- (r) Fund-raising expenses, except those directly related to the resident activity program.
- (s) Penalties and fines.
- (t) Expenses related to telephones, televisions, radios, and similar appliances in residents' private accommodations.
- (u) Federal, state, and other income taxes.
- (v) Costs of special care services, except where authorized by the department.
- (w) Expenses of key-man insurance and other insurance or retirement plans not in fact made available to all employees.
- (x) Expenses of profit-sharing plans.
- (y) Expenses related to the purchase and/or use of private or commercial airplanes in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to resident care.
- (z) Personal expenses and allowances of owners or relatives.
- (aa) All expenses of maintaining professional licenses or membership in professional organizations.
- (bb) Costs related to agreements not to compete.
- (cc) Goodwill and amortization of goodwill.
- (dd) Expenses related to vehicles in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to resident care.
- (ee) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands.
- (ff) Legal and consultant fees in connection with a lawsuit against the department are nonallowable.
- (gg) Lease acquisition costs and other intangibles not related to resident care and training.
- (hh) Interest charges assessed by the state of Washington for failure to make timely refund of overpayments and interest expenses incurred for loans obtained to make such refunds. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-820, filed 8/3/82.]

**WAC 275-38-831 Reimbursement principles.** The following principles are inherent in chapter 275-38 WAC:

- (1) Medicaid program reimbursement rates established under the provisions of this chapter shall be only for facilities holding appropriate state licenses and certified to provide IMR services in accordance with applicable state and federal laws and regulations. The

department may utilize chapter 275-38 WAC to reimburse state-funded contractors providing services in accordance with applicable state and federal definitions of IMR services.

(2) Rates established shall be set prospectively on a per resident day basis.

(3) Rates established shall be reasonable and adequate to meet the costs that must be incurred by economically and efficiently operated facilities to provide services in conformity with applicable state and federal laws and regulations.

(4) Rates established shall be the contractor's maximum compensation within each cost center for each resident day for each medical care recipient. [Statutory Authority: RCW 74.09.120. 83-17-074 (Order 2012), § 275-38-831, filed 8/19/83.]

**WAC 275-38-835 Program services not covered by the reimbursement rate.** Medical services which are part of the department's medical care program but not included in IMR services are not covered by the prospective reimbursement rate. Payment is made directly to the provider of service in accordance with chapter 388-87 WAC. Items and services covered by the medical care program are listed in chapter 388-86 WAC. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-835, filed 8/3/82.]

**WAC 275-38-840 Prospective reimbursement rate for new contractors.** (1) A prospective reimbursement rate for a new contractor will be established within sixty days following receipt by the department of a properly completed projected budget (see WAC 275-38-520). The reimbursement rate will be effective as of the effective date of the contract.

(2) The prospective reimbursement rate will be based on the contractor's projected cost of operations, and on costs and payment rates of the prior contractor, if any, and/or of other contractors in comparable circumstances.

(3) If a properly completed projected budget is not received at least sixty days prior to the effective date of the contract, the department will establish a preliminary rate based on the other factors specified in subsection (2) of this section. The preliminary prospective rate will remain in effect until an initial prospective rate can be set.

(4) Where a change of ownership is involved which is not an arm's-length transaction as defined in WAC 275-38-001, the new contractor's prospective rates in the administration and operation and property cost areas will be no higher than the rates of the old contractor, adjusted if necessary to take into account economic trends. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-840, filed 8/3/82.]

**WAC 275-38-845 Rate determination.** (1) Each contractor's reimbursement rate will be determined prospectively at least once each calendar year to be effective July 1.



(2) Prospective reimbursement rates shall be determined utilizing the prior year's desk-reviewed cost reports, and/or other documents submitted by each contractor. Prospective rates shall include an adjustment for inflation in accordance with appropriations made by the state legislature as consistent with federal requirements for the period to be covered by such rates.

For rates effective July 1, 1983, the resident care and habilitative services cost center rate, food cost center rate, and administration and operations cost center rate shall be adjusted for inflation. The inflation adjustment shall be based on a 2.5 percent factor. For rates based on a twelve-month calendar year cost report, 2.5 percent shall be applied to allowable costs. For rates based on a twelve-month fiscal year cost report, 2.92 percent shall be applied to allowable costs. For rates based on rates in effect as of January 1, 1983, 2.5 percent shall be applied to the January 1, 1983, rate. July 1, 1983, rates based on cost reports or rates covering a period other than specified in this subsection shall be adjusted to reflect the period covered by that report or rate.

(3) Rates may be adjusted for:

(a) Changes approved by the department in staffing and/or consultant services at a facility in order to be in compliance with applicable state and federal laws, regulations, and quality and safety standards;

(b) Capital additions, improvements, or replacements made at a facility which are approved by the department as a condition of licensure or certification; or

(c) Administrative review conducted pursuant to WAC 275-38-900 or 275-38-960.

(4) Adjustments for economic conditions or trends shall be provided by means of an inflation adjustment pursuant to subsection (2) of this section. [Statutory Authority: RCW 74.09.120. 83-17-074 (Order 2012), § 275-38-845, filed 8/19/83; 82-16-080 (Order 1853), § 275-38-845, filed 8/3/82.]

**WAC 275-38-846 Desk review for rate determination.** (1) The department shall analyze the submitted cost report and financial statements of each contractor to determine if the information is correct, complete, and reported in conformity with generally accepted accounting principles, the requirements of this chapter, and such regulations and instructions issued by the department.

(2) If the analysis finds the cost report or financial statements are not correctly determined or reported, the department may make adjustments to the reported information for purposes of establishing reimbursement rates. A schedule of such adjustments shall be provided to contractors and shall include an explanation for the adjustment and the dollar amount of the adjustment. Adjustments shall be subject to review and appeal as provided in this chapter. [Statutory Authority: RCW 74.09.120. 83-17-074 (Order 2012), § 275-38-846, filed 8/19/83.]

**WAC 275-38-850 Cost centers.** A contractor's overall reimbursement rate for IMR residents consists of the total of five component rates, each covering one cost center. The five cost centers are:

- (1) Residential care and habilitative services;
- (2) Food;
- (3) Administration and operations;
- (4) Property; and
- (5) Return on equity. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-850, filed 8/3/82.]

**WAC 275-38-860 Resident care and habilitative services cost center rate.** (1) The resident care and habilitative services cost center rate will reimburse for the necessary and ordinary costs of routine residential, habilitative, and nursing services in accordance with applicable state and federal laws and regulations.

[2]\* [No text.]

(3) For determining the resident care and habilitative services rate, a facility shall be reimbursed for staff in accordance with the following staffing standard:

(a) Level A as required in WAC 275-38-045 (2)(a) and shall provide between 3.1 and 6.1 staffing hours per resident day;

(b) Level B as required in WAC 275-38-045 (2)(b) and shall provide between 2.7 and 5.4 staffing hours per resident day;

(c) Level C as required in WAC 275-38-045 (2)(c) and shall provide between 2.1 and 3.6 staffing hours per resident day;

(d) Level D as required in WAC 275-38-045 (2)(d) and shall provide between 1.2 and 2.4 staffing hours per resident day;

(e) Level E as required in WAC 275-38-045 (2)(e) and shall provide a maximum of 5.0 staffing hours per resident day; and

(f) For purposes of establishing the hourly staffing standard, the calculation of hours shall include resident care and training (RCT) staff, licensed nursing staff, qualified mental retardation professionals (QMRP), social work staff, and recreational services staff.

(4) Effective July 1, 1983, a facility's rate shall be the facility's cost from their most recent desk-reviewed cost report divided by their total resident days, adjusted for inflation as specified in WAC 275-38-845. [Statutory Authority: RCW 74.09.120. 83-17-074 (Order 2012), § 275-38-860, filed 8/19/83; 82-16-080 (Order 1853), § 275-38-860, filed 8/3/82.]

**Reviser's note:** Subsection (2) has been deleted by Order 2012, filed 8/19/83, and is set forth in the form as filed by the agency.

**WAC 275-38-865 Food cost center rate.** (1) The food cost center rate will reimburse for the necessary and ordinary costs of bulk and raw food, dietary supplements, and beverages for meals and between-meal nourishment for residents.

(2) Effective July 1, 1983, a facility's food cost center rate shall be set at the January 1, 1983, IMR food cost center rate, adjusted for inflation as specified in WAC 275-38-845. [Statutory Authority: RCW 74.09.120. 83-17-074 (Order 2012), § 275-38-865, filed 8/19/83; 82-16-080 (Order 1853), § 275-38-865, filed 8/3/82.]

**WAC 275-38-870 Administration and operations cost center rate.** (1) The administration and operations cost center rate will include reimbursement for the necessary and ordinary costs of overall administration and management of the facility, operation and maintenance of the physical plant, resident transportation, dietary service (other than the cost of food and beverages), laundry service, medical and habilitative supplies, taxes, and insurance.

(2) The administration and operations cost center rate is comprised of two rate components: Wage and non-wage. The wage component rate will reimburse for staff, excluding the administrator, assistant administrator, and/or administrator-in-training, providing administrative and operations services prescribed in subsection (1) of this section. The nonwage component rate will reimburse for administrative and operations related costs not otherwise reimbursed in the wage component rate.

(3) Effective July 1, 1983, a facility's wage component rate shall be the facility's cost from their most recent desk-reviewed cost report divided by their total resident days, adjusted for inflation as specified in WAC 275-38-845.

(4) Effective July 1, 1983, a facility's nonwage component rate shall be the lesser of:

(a) The facility's cost from their most recent desk-reviewed cost report divided by their total resident days, adjusted for inflation as specified in WAC 275-38-845; or

(b) The eighty-fifth percentile ranking of IMR facilities' costs from their most recent desk-reviewed cost report divided by their total resident days, adjusted for inflation as specified in WAC 275-38-845. The ranking shall be based on cost reports used for rate determination for facilities having an occupancy level of at least eighty-five percent for the cost report period. [Statutory Authority: RCW 74.09.120. 83-17-074 (Order 2012), § 275-38-870, filed 8/19/83; 82-16-080 (Order 1853), § 275-38-870, filed 8/3/82.]

**WAC 275-38-875 Property cost center rate.** Effective July 1, 1983, property reimbursement for both leased and owner-operated facilities will not exceed the predicted cost plus 1.75 standard deviations of the necessary and ordinary costs of depreciation, and interest, of owner-operated facilities utilizing a multiple regression formula developed by the bureau of nursing home affairs pursuant to WAC 388-96-743. Depreciation and interest costs of owner-operated facilities, for mortgages entered into prior to July 1, 1979, will be reimbursed to the extent the depreciation and interest costs do not exceed the reimbursement rate payable for the property cost center as of June 30, 1979, or July 1, 1979, whichever is higher, adjusted to meet any discrepancies as determined by the federal government between the reimbursements made and the approved state Medicaid plan, and adjusted for any approved capitalized additions or replacements. Any leased facility operated as an intermediate care facility for the mentally retarded prior to July 1, 1979, will be reimbursed to the extent that the

property cost exceed the upper limit of the multiple regression formula. [Statutory Authority: RCW 74.09.120. 83-17-074 (Order 2012), § 275-38-875, filed 8/19/83; 82-16-080 (Order 1853), § 275-38-875, filed 8/3/82.]

**WAC 275-38-880 Return on equity.** (1) Effective July 1, 1983, the department will pay a return on equity to proprietary contractors.

(2) A contractor's net equity will be calculated using the appropriate items from the contractor's most recent desk-reviewed cost report utilizing the definition of equity capital in WAC 275-38-001 and applying relevant Medicare rules and regulations, except that goodwill is not includable in the determination of net equity and monthly equity calculations will not be used.

(3) The contractor's net equity will be multiplied by twelve percent for the twelve-month period ending on the date of the closing date of the contractor's cost report. The amount will be divided by the contractor's annual resident days for the cost report period to determine a rate per resident day. Where a contractor's cost report covers less than a twelve-month period, annual resident days will be estimated using the contractor's reported resident days. The contractor shall be paid a prospective rate which is the lesser of the amount calculated pursuant to this section or two dollars per resident day.

(4) The information on which the return on equity is calculated is subject to field audit. If a field audit determines the desk-reviewed reported equity exceeds the equity documented and calculated in conformance with Medicare rules and regulations as modified by this section, the contractor's return on equity rate for the rate period using the report shall be recalculated using the determinations of the field audit. Any payments in excess of the rate shall be refunded to the department as part of the settlement procedure established by WAC 275-38-886. [Statutory Authority: RCW 74.09.120. 83-17-074 (Order 2012), § 275-38-880, filed 8/19/83; 82-16-080 (Order 1853), § 275-38-880, filed 8/3/82.]

**WAC 275-38-885 Upper limits to reimbursement rate.** The reimbursement rate shall not exceed the contractor's customary charges to the general public for the services covered by the rate, except that public facilities rendering such services free of charge or at a nominal charge will be reimbursed according to the methods and standards set out in this chapter. The contractor shall immediately inform the department if the department's reimbursement rate does exceed customary charges for comparable services. If necessary, the rate will be adjusted in accordance with WAC 275-38-900. Rates will not exceed the limits set in 42 CFR 447.316. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-885, filed 8/3/82.]

**WAC 275-38-886 Settlement.** (1) For the resident care and habilitation services cost center, food cost center, administration and operations cost center, and property cost center, payment to contractors shall not exceed

the lower of the prospective rate or audited allowable cost. For each cost center specified in this subsection, a settlement shall be calculated at the lower of the prospective rate or audited allowable costs, except as otherwise provided in this section.

(2) For calendar year 1981 and subsequent years, in determining a contractor's settlement, if allowable costs were less than the rate in any cost center, savings will be shifted (or "transferred") to cover any deficit in another cost center.

(a) The amount shifted may not exceed twenty percent of the rate in the cost center into which the shift is made.

(b) No saving may be shifted in the property or return on equity cost centers.

(3) The settlement process shall consist of a preliminary settlement and a final settlement.

(4) The preliminary settlement process will be as follows:

(a) Providers are required to submit a proposed settlement report with the cost report.

(b) Within one hundred twenty days after receipt of the proposed settlement, the department shall verify the accuracy of the proposal and shall issue a preliminary settlement substantiating refunds, underpayments, and overpayments.

(5) The final settlement process will be as follows:

(a) After completion of the audit process, including exhaustion or mutual termination of reviews and appeals of audit findings or determinations, the department will submit a final settlement report to the contractor fully substantiating disallowed costs, refunds, underpayments, or adjustments to the contractor's financial statements, cost report, and final settlement.

(b) Where the contractor is pursuing judicial or administrative review or appeal in good faith regarding audit findings or determinations, the department may issue a partial final settlement to recover overpayments based on audit adjustments not in dispute.

(c) A preliminary settlement as issued by the department will become the final settlement if no audit has been scheduled within twelve calendar months following the department's issuance of a preliminary settlement report to the contractor.

(6) Repayment of amounts owed the department shall be as follows:

(a) The contractor shall have thirty days after the date the preliminary or final settlement report is submitted to the contractor to contest a settlement determination under WAC 275-38-960. After the thirty-day period has expired, a preliminary or final settlement will not be subject to review.

(b) A contractor found to have received either overpayments or erroneous payments under a preliminary or final settlement shall refund such payments to the state within thirty days after the date of the preliminary or final settlement report is submitted to the contractor.

(c) In the event the contractor fails to make repayment in the time provided in subsection (6)(b) of this section, the department shall either:

(i) Deduct the amount of refund due plus assessment of interest, at the rate of one percent per month on the unpaid balance, from payment amounts due the contractor; or

(ii) In the instance the contract has been terminated:

(A) Deduct the amount of refund due plus an assessment of interest, at the rate of one percent per month on the unpaid balance, from any payments due; or

(B) Assess the amount due plus interest, at the rate of one percent per month on the unpaid balance, on the amount due.

(iii) Interest on the unpaid balance owed the department shall begin to accrue on the thirty-first day following receipt of written notification to the contractor of the amount owed the department.

(d) Where the facility is pursuing timely filed judicial or administrative remedies in good faith regarding settlement issues, the contractor need not refund nor shall the department withhold from the facility current payment amounts the department claims to be due from the facility but which are specifically disputed by the contractor. If the judicial or administrative remedy sought by the facility is not granted after all appeals are exhausted or mutually terminated, the facility shall make payment of such amounts due plus interest accrued from the date of filing of the appeal, as payable on judgments, within sixty days of the date such decision is made.

(7) Payment of amounts owed the contractor shall be as follows: The department shall make payment of any underpayments within thirty days after the date of the settlement report is submitted to the contractor. [Statutory Authority: RCW 74.09.120, 83-17-074 (Order 2012), § 275-38-886, filed 8/19/83.]

**WAC 275-38-895 Notification of rates.** The department will notify each contractor in writing of the department's prospective reimbursement rate. Unless otherwise specified at the time the reimbursement rate is issued, the rate will be effective from the first day of the month the rate is issued until a new rate becomes effective. If a rate is changed as the result of an appeal in accordance with WAC 275-38-960, the rate will be effective as of the date the rate appealed from became effective. [Statutory Authority: RCW 74.09.120, 82-16-080 (Order 1853), § 275-38-895, filed 8/3/82.]

**WAC 275-38-900 Adjustments required due to errors or omissions.** (1) Prospective rates are subject to adjustment by the department as a result of errors or omissions by the department or by the contractor. The department will notify the contractor in writing of each adjustment and of the effective date, and of any amount due to the department or to the contractor as a result of the rate adjustment. Rates adjusted in accordance with this section will be effective as of the effective date of the original rate.

(2) If a contractor claims an error or omission based upon incorrect cost reporting, amended cost report pages shall be prepared and submitted by the contractor.

Amended pages shall be accompanied by the certification required by WAC 275-38-560 and a written justification explaining why the amendment is necessary. Such amendments shall not be accepted for settlement purposes unless the amendments meet the requirements of WAC 275-38-570, but may be used for purposes of revising a prospective rate. If changes made by the amendments are determined to be material by the department according to standards established by the department, such amended pages shall be subject to field audit. If a field audit determines the amendments are incorrect or otherwise unacceptable, any rate adjustment based on the amendment shall be null and void. Payments based upon the rate adjustment shall be subject to repayment as provided in subsection (3) of this section.

(3) The contractor shall pay an amount he or she owes the department resulting from an error or omission, or commence repayment in accordance with a schedule determined by the department, within sixty days after receipt of notification of the rate adjustment, unless the contractor contests the department's determination in accordance with the procedures set forth in WAC 275-38-960. If the determination is contested, the contractor shall pay or commence repayment within sixty days after completion of these proceedings. If a refund is not paid when due, the amount thereof may be deducted from current payments by the department.

(4) The department shall pay any amount owed the contractor as a result of a rate adjustment within thirty days after the department notifies the contractor of the rate adjustment.

(5) No adjustments will be made to a rate after the annual settlement for the period the rate was effective has become final. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-900, filed 8/3/82.]

**WAC 275-38-905 Requests for revision of a prospective rate.** (1) A contractor may at any time request in writing a revision of the current rate. Each request shall include a detailed explanation of significant changes in the factors used to establish the rate, or of significant changes in actual costs incurred or anticipated.

(2) The department will inform a contractor of the disposition of a request within sixty days after receipt of the request and of any documentation necessary to support the request. Unless otherwise specified, a revised rate shall be effective as of the first day of the month in which the rate is issued.

(3) A formal request is not required for a rate increase granted to all contractors to cover the cost of meeting new federal or state requirements. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-905, filed 8/3/82.]

**WAC 275-38-910 Public review of rate-setting methods and standards.** The department will provide all interested members of the public with an opportunity to review and comment on proposed rate-setting methods and standards each year before setting rates. [Statutory

Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-910, filed 8/3/82.]

**WAC 275-38-915 Public disclosure of rate-setting methodology.** Without identifying individual IMR facilities, the department will make available to the public full information regarding the department's rate-setting methodology. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-915, filed 8/3/82.]

**WAC 275-38-920 Billing period.** A contractor shall bill the department for care provided to medical care recipients from the first through the last day of each calendar month. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-920, filed 8/3/82.]

**WAC 275-38-925 Billing procedures.** (1) A contractor shall bill the department each month by completing and returning the IMR statement provided by the department. The IMR statement shall be completed and filed in accordance with instructions issued by the department.

(2) A contractor shall not bill the department for service provided to a resident until a department "notification to recipient in a Title XIX facility" form (award letter) relating to the resident has been received. At that time the contractor may bill for service provided back through the date the resident was admitted or became eligible.

(3) Billing shall not cover the day of a resident's death, discharge, or transfer from the IMR facility. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-925, filed 8/3/82.]

**WAC 275-38-930 Charges to residents.** (1) The department will notify a contractor of the amount each resident is required to pay for care provided under the contract and the effective date of such required contribution. It is the contractor's responsibility to collect that portion of the cost of care from the resident, and to account for any authorized reduction from his or her contribution in accordance with procedures established by the department.

(2) If a contractor receives documentation showing a change in the income or resources of a resident which will mean a change in his or her contribution toward the cost of care, this shall be reported in writing to the regional services office, DDD, within seventy-two hours. If necessary, appropriate corrections shall be made in the next IMR statement, and a copy of documentation supporting the change shall be attached. If increased funds for a resident are received by a contractor, the normal amount shall be allowed for clothing, personal, and incidental expense, and the balance applied to the cost of care.

(3) The contractor shall accept the reimbursement rate established by the department as full compensation for all services the contractor is obligated to provide under the contract. The contractor shall not seek or accept additional compensation from or on behalf of a resident for any or all such services. [Statutory Authority: RCW

74.09.120. 82-16-080 (Order 1853), § 275-38-930, filed 8/3/82.]

**WAC 275-38-935 Payment.** (1) The department will reimburse a contractor for service rendered under the IMR contract and billed for in accordance with WAC 275-38-925.

(2) The amount paid will be computed using the appropriate rate assigned to the contractor.

(3) For each resident, the department will pay an amount equal to the appropriate rate or rates, multiplied by the number of resident days each rate was in effect, less the amount the resident is required to pay for his or her care (see WAC 275-38-930). [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-935, filed 8/3/82.]

**WAC 275-38-940 Suspension of payment.** (1) Payments to a contractor may be withheld by the department in each of the following circumstances:

(a) A required report is not properly completed and filed by the contractor within the appropriate time period, including any approved extensions. Payments will be released as soon as a properly completed report is received.

(b) Auditors or other authorized department personnel in the course of his or her duties are refused access to an IMR or are not provided with existing appropriate records. Payments will be released as soon as such access or records are provided.

(c) A refund in connection with an annual settlement or rate adjustment is not paid by the contractor when due. The amount withheld will be limited to the unpaid amount of the refund.

(d) Payment for the final thirty days of service under a contract will be held pending final settlement when the contract is terminated.

(2) No payment will be withheld until written notification of the suspension is given to the contractor, stating the reason therefor. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-940, filed 8/3/82.]

**WAC 275-38-945 Termination of payments.** All payments to a contractor will end no later than thirty days after any of the following occurs:

(1) A contract expires, is terminated or is not renewed;

(2) A facility license is revoked; or

(3) A facility is decertified as a Title XIX facility. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-945, filed 8/3/82.]

**WAC 275-38-950 Disputes.** (1) If a contractor wishes to contest the way a rule, contract provision, or policy statement relating to the prospective cost-related reimbursement system was applied to the contractor by the department, (e.g., in setting a reimbursement rate or determining a disallowance at audit), the contractor shall first pursue the administrative review process set out in WAC 275-38-960.

(2) The administrative review process in WAC 275-38-960 need not be exhausted if a contractor wishes to challenge the legal validity of a statute, rule, contract provision or policy statement. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-950, filed 8/3/82.]

**WAC 275-38-955 Recoupment of undisputed overpayments.** The department is authorized to withhold from the IMR current payment all amounts found by proposed or final settlement to be overpayments not identified by the IMR and challenged as overpayments as part of a good-faith administrative or judicial review. Contested amounts retained by the IMR pursuant to this section may be subject to recoupment by the department from the IMR current payment upon completion of judicial and administrative review procedures to the extent the department's position or claims are upheld. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-955, filed 8/3/82.]

**WAC 275-38-960 Administrative review process.**

(1) Within thirty days after a contractor is notified of an action or determination the contractor wishes to challenge, the contractor shall request in writing the director of the division of developmental disabilities or his or her designee review such determination. The request shall be signed by the contractor or the licensed administrator of the facility, shall identify the challenged determination and the date thereof, and shall state as specifically as practicable the grounds for the contractor's or licensed administrator's contention the determination was erroneous. Copies of any documentation the contractor intends to rely on to support the contractor's position shall be included with the request.

(2) After receiving a request meeting the criteria in subsection (1) of this section, the director of the division of developmental disabilities will contact the contractor to schedule a conference for the earliest mutually convenient time. The conference shall be scheduled for no later than thirty days after a properly completed request is received unless both parties agree in writing to a specific later date.

(3) The contractor and appropriate representatives of the department shall attend the conference. In addition, representatives selected by the contractor may attend and participate. The contractor shall bring to the conference, or provide to the department in advance of the conference, any documentation the contractor intends to rely on to support the contractor's contentions. The parties shall clarify and attempt to resolve the issues at the conference. If additional documentation is needed to resolve the issues, a second session of the conference shall be scheduled for not later than thirty days after the initial session unless both parties agree in writing to a specific later date.

(4) Unless informal agreement has been reached at the conference, a written decision by the director of the division of developmental disabilities will be furnished to the contractor within sixty days after the conclusion of the conference.

(5) If the contractor desires review of an adverse decision of the director of the division of developmental disabilities, the contractor shall within thirty days following receipt of such decision request a fair hearing in writing in accordance with the Administrative Procedure Act, chapter 34.04 RCW. [Statutory Authority: RCW 74.09.120, 82-16-080 (Order 1853), § 275-38-960, filed 8/3/82.]

### Chapter 275-48 WAC

## PAYMENTS TO PERSONS RELEASED FROM CORRECTIONAL INSTITUTIONS

### WAC

275-48-010	Purpose.
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275-48-040	Termination.
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**WAC 275-48-010 Purpose.** (1) The purpose in making temporary financial assistance available to persons released from correctional institutions is to support the parolees' chances for a successful return to responsible citizenship.

(2) The legal authority for making the payments authorized by this chapter is found in RCW 72.02.040, 72.02.100, and 72.02.110. [Order 684, § 275-48-010, filed 5/25/72.]

**WAC 275-48-015 Definitions.** (1) Secretary – The secretary of department of social and health services or his designee.

(2) Institution – A state correctional institution or an approved work or training release facility.

(3) Releasee – Any person serving a sentence for a term of confinement in a state correctional facility for convicted felons who has been released from custody by discharge, parole, court order, or expiration of the term of confinement.

(4) Weekly payment – A cash benefit paid to a releasee in lieu of the release payment.

(5) Employment – Substantial gainful work which nets the releasee at least \$55 per week.

(6) Income – Cash available for maintenance including earnings from a work release or a manpower development and training program which includes a subsistence allowance, pension or support from the veterans' administration, social security administration, vocational rehabilitation or other source, but excluding earnings accumulated during confinement. Regular net earnings of less than \$55 per week are considered income. [Order 684, § 275-48-015, filed 5/25/72.]

**WAC 275-48-020 Release payment.** (1) A releasee who does not qualify for weekly payments and does not

have income sufficient to meet his immediate needs shall upon release be provided with

(a) Suitable clothing,

(b) Transportation by the least expensive method of public transportation not to exceed \$100 to his place of residence, the place designated in his parole plan, or to the place from which committed if such person is being discharged on expiration of sentence, or discharged from custody by a court of appropriate jurisdiction.

(c) \$40 for subsistence.

(2) In accordance with an approved parole plan, the releasee may be paid by the institution an additional sum not to exceed \$60 for necessary personal and living expenses. [Order 684, § 275-48-020, filed 5/25/72.]

**WAC 275-48-025 Weekly payment.** The secretary in his discretion and to the extent that funds are available may approve an alternate subsistence plan which will provide an eligible releasee with suitable clothing, transportation as described in WAC 275-48-020 (1)(b), and a weekly maintenance payment. [Order 684, § 275-48-025, filed 5/25/72.]

**WAC 275-48-030 Eligibility.** (1) To be eligible for weekly payments the releasee must

(a) Lack income sufficient to meet his or her needs.

(b) Lack other sources of support from assistance or rehabilitation agencies or other organizations,

(c) Be actively seeking employment. When the releasee believes it is not feasible for him to seek employment immediately upon release because of the need for medical attention, urgent family obligations, etc., he may submit a specific alternate plan requesting a waiver of the requirement for a maximum of six weeks following release. He may also submit an alternate plan providing for his engagement in training activities which will be expected to lead to employment. Any alternate plan must be approved by the secretary or his designee.

(2) No payment shall be made if it will result in a deduction from other income available or payable to the releasee or his family.

(3) Eligibility is determined by the institution superintendent for the initial six weeks period. Eligibility after the initial six weeks is determined by the parole officer for a maximum of twenty additional weeks.

(4) The parole officer, on the basis of new or additional information available after release, may redetermine the releasee's eligibility.

(5) A person released to a deportation detainer may be eligible based on the person's individual need, as determined by the superintendent at the time of release to the detainer, or subsequently by the interstate unit of the state central office.

(6) Releasees going out of state are eligible if they meet the requirements in subsections (1), (2), (3) and

(4). The supervisor of the interstate unit for parolees will function as the parole officer for such releasees. [Order 684, § 275-48-030, filed 5/25/72.]

**WAC 275-48-035 Amount—Duration—Disbursement by institution and parole officer.** (1) Payment shall

be in an amount which when added to net income shall not exceed \$55 per week.

(2) Payments may continue for a maximum of 26 weeks.

(3) Payments are made in advance. The initial payment is made by the releasing institution at the time of release. Subsequent payments are made at the office of the parole officer. An eligible releasee on conditional discharge status, freed by court order, or whose sentence has expired shall be assigned to a parole officer for the purpose of receiving weekly payments. [Order 684, § 275-48-035, filed 5/25/72.]

**WAC 275-48-040 Termination.** (1) Benefits under this program may be terminated

(a) When funds are not available, or  
(b) When the releasee has been employed for two weeks or has received this first full paycheck, whichever is earlier,

(c) When the parole officer has reason to believe the releasee is not actively seeking employment or is not abiding by an approved alternate plan.

(2) The parole officer shall notify the releasee in writing of the date the weekly payments terminate and of the reasons therefor. [Order 684, § 275-48-040, filed 5/25/72.]

**WAC 275-48-045 Reinstatement--Reapplication.**

(1) A releasee whose payments have been terminated and who becomes unemployed may be reinstated if

(a) He meets initial eligibility requirements, and  
(b) Not more than 52 weeks have elapsed since date of release, and  
(c) Funds are available.

(2) A releasee not eligible for weekly payments at the time of release may reapply during the ensuing 52 weeks, and if found eligible he may receive weekly payments.

(3) Payments may be made to a releasee who has re-applied or has been reinstated for a period which when added to any prior payment period shall not exceed the maximum specified in WAC 275-48-035(2). [Order 955, § 275-48-045, filed 7/26/74; Order 684, § 275-48-045, filed 5/25/72.]

**WAC 275-48-050 Appeal.** (1) A releasee paid less than the maximum benefit or whose benefit has been terminated may file within 15 days of notification a written appeal to the district supervisor of the probation and parole officer to whom the releasee is assigned.

(2) The district supervisor shall impartially review the circumstances and take appropriate action.

(3) A written report of the review shall be forwarded by the district supervisor to the department's state office. [Order 684, § 275-48-050, filed 5/25/72.]

### Chapter 275-53 WAC

#### SALE OF ITEMS PRODUCED BY VOCATIONAL TRAINING STUDENTS IN CORRECTIONAL INSTITUTIONS

##### WAC

275-53-050	Sale of items produced by vocational training students.
275-53-055	Requirements of sale and notice.
275-53-060	Display.
275-53-065	Proceeds of sale.

**WAC 275-53-050 Sale of items produced by vocational training students.** (1) The superintendent of a correctional institution may sell items which have been produced or restored in connection with vocational training activities. Such items may be sold at auction at which bidders are present or by a call for sealed bids.

(2) A minimum price shall be established for each item sufficient to offset the cost of its production. [Order 769, § 275-53-050, filed 1/26/73.]

**WAC 275-53-055 Requirements of sale and notice.**

(1) Notice of proposed sale shall be given to the public at least fifteen days in advance by such methods as the superintendent determines are appropriate.

(2) A bid winner shall have a maximum of five days to complete his purchase and a maximum of thirty days to remove his purchase from the premises, under penalty of forfeiture of the purchase price, and the notice thereof shall so advise.

(3) If sealed bids are invited the bid must be accompanied by a certified check or money order equal to ten percent of the amount of the bid, and the notice thereof shall so advise. [Order 769, § 275-53-055, filed 1/26/73.]

**WAC 275-53-060 Display.** Items to be auctioned shall be displayed in advance of the sale to permit inspection by potential buyers. Each item shall have the minimum price physically attached to it. [Order 769, § 275-53-060, filed 1/26/73.]

**WAC 275-53-065 Proceeds of sale.** Proceeds of the sale shall be used exclusively for vocational training purposes. [Order 769, § 275-53-065, filed 1/26/73.]

### Chapter 275-55 WAC

#### VOLUNTARY ADMISSION--INVOLUNTARY COMMITMENT, TREATMENT AND/OR EVALUATION OF MENTALLY ILL PERSONS

##### WAC

275-55-010	Purpose.
275-55-020	Definitions.
275-55-021	Application of rules to minors.
275-55-030	Private agencies which may admit voluntary patients.
275-55-040	Voluntary admission to public or private agency— Voluntary adult.
275-55-050	Application for admission—Voluntary minor.
275-55-060	Admission to public agency—Voluntary minor.
275-55-071	Discharge—Voluntary minor.
275-55-081	Periodic review—Voluntary inpatient.

275-55-090	Limitation on length of stay—Readmission voluntary patients.	275-55-120	Conditional release of patient. [Order 955, § 275-55-120, filed 7/26/74; Order 900, § 275-55-120, filed 1/25/74.] Repealed by 82-07-024 (Order 1775), filed 3/11/82. Statutory Authority: RCW 71.05.560.
275-55-110	Discharge of voluntary patient—Release of clinical summary.	275-55-130	Voluntary minor—Release. [Order 955, § 275-55-130, filed 7/26/74; Order 900, § 275-55-130, filed 1/25/74.] Repealed by 82-07-024 (Order 1775), filed 3/11/82. Statutory Authority: RCW 71.05.560.
275-55-121	Involuntary detention and commitment—Minor.	275-55-140	Involuntary commitment and detention of minor. [Order 955, § 275-55-140, filed 7/26/74; Order 900, § 275-55-140, filed 1/25/74.] Repealed by 82-07-024 (Order 1775), filed 3/11/82. Statutory Authority: RCW 71.05.560.
275-55-131	Nonadmission of involuntarily detained person—Transportation.	275-55-150	Voluntary patient—Periodic review. [Order 955, § 275-55-150, filed 7/26/74; Order 900, § 275-55-150, filed 1/25/74.] Repealed by 82-07-024 (Order 1775), filed 3/11/82. Statutory Authority: RCW 71.05.560.
275-55-141	Protection of patient's property—Involuntary patient.	275-55-160	Available physician or other professional person. [Order 900, § 275-55-160, filed 1/25/74.] Repealed by 82-07-024 (Order 1775), filed 3/11/82. Statutory Authority: RCW 71.05.560.
275-55-151	Evaluation and examination—Involuntary patient.	275-55-170	Advising patient of rights. [Order 955, § 275-55-170, filed 7/26/74; Order 900, § 275-55-170, filed 1/25/74.] Repealed by 82-07-024 (Order 1775), filed 3/11/82. Statutory Authority: RCW 71.05.560.
275-55-161	Treatment prior to hearings—Involuntary patient.	275-55-180	Involuntary patient—Evaluation and examination. [Order 1122, § 275-55-180, filed 6/2/76; Order 955, § 275-55-180, filed 7/26/74; Order 900, § 275-55-180, filed 1/25/74.] Repealed by 82-07-024 (Order 1775), filed 3/11/82. Statutory Authority: RCW 71.05.560.
275-55-171	Early release or discharge of involuntary patient—Release of clinical summary—Notification of court.	275-55-190	Involuntary patients—Treatment prior to hearings. [Order 900, § 275-55-190, filed 1/25/74.] Repealed by 82-07-024 (Order 1775), filed 3/11/82. Statutory Authority: RCW 71.05.560.
275-55-181	Conditional release—Involuntary patient.	275-55-200	Protection of patients' property. [Order 900, § 275-55-200, filed 1/25/74.] Repealed by 82-07-024 (Order 1775), filed 3/11/82. Statutory Authority: RCW 71.05.560.
275-55-191	Revocation of conditional release—Secretary's designee—Involuntary patient.	275-55-210	Voluntary treatment of involuntary patient. [Order 955, § 275-55-210, filed 7/26/74; Order 900, § 275-55-210, filed 1/25/74.] Repealed by 82-07-024 (Order 1775), filed 3/11/82. Statutory Authority: RCW 71.05.560.
275-55-201	Discharge of indigent patient—Involuntary patient.	275-55-220	Professional persons in charge. [Order 900, § 275-55-220, filed 1/25/74.] Repealed by 82-07-024 (Order 1775), filed 3/11/82. Statutory Authority: RCW 71.05.560.
275-55-211	Advising patient of rights.	275-55-230	Revocation of conditional release. [Order 1122, § 275-55-230, filed 6/2/76; Order 955, § 275-55-230, filed 7/26/74; Order 900, § 275-55-230, filed 1/25/74.] Repealed by 82-07-024 (Order 1775), filed 3/11/82. Statutory Authority: RCW 71.05.560.
275-55-231	Conversion to voluntary status by involuntary patient—Rights.	275-55-240	Release of indigent patients. [Order 900, § 275-55-240, filed 1/25/74.] Repealed by 82-07-024 (Order 1775), filed 3/11/82. Statutory Authority: RCW 71.05.560.
275-55-241	Rights of patient.	275-55-250	Research. [Order 1122, § 275-55-250, filed 6/2/76; Order 900, § 275-55-250, filed 1/25/74.] Repealed by 82-07-024 (Order 1775), filed 3/11/82. Statutory Authority: RCW 71.05.560.
275-55-261	Requirements for certifying evaluation and treatment components.	275-55-260	Release of information. [Order 1122, § 275-55-260, filed 6/2/76; Order 955, § 275-55-260, filed 7/26/74; Order 900, § 275-55-260, filed 1/25/74.] Repealed by 82-07-024 (Order 1775), filed 3/11/82. Statutory Authority: RCW 71.05.560.
275-55-263	Certification standards for evaluation and treatment components.	275-55-270	Patient's rights. [Order 1122, § 275-55-270, filed 6/2/76; Order 955, § 275-55-270, filed 7/26/74; Order 900, § 275-55-270, filed 1/25/74.] Repealed by 82-07-024 (Order 1775), filed 3/11/82. Statutory Authority: RCW 71.05.560.
275-55-271	Outpatient component.	275-55-280	Standards for certification of evaluation and treatment facilities. [Order 1122, § 275-55-280, filed 6/2/76; Order 1029, § 275-55-280, filed 5/29/75; Order 955, § 275-55-280, filed 7/26/74; Order 900,
275-55-281	Emergency component.		
275-55-291	Short-term inpatient component.		
275-55-293	Certification procedure—Waivers—Provisional certification—Renewal of certification.		
275-55-295	Decertification.		
275-55-297	Appeal procedure.		
275-55-301	Alternatives to inpatient treatment.		
275-55-331	Requirements for evaluation and treatment facilities serving minors.		
275-55-341	Use of restraints and seclusion by agency not certified as an evaluation and treatment facility.		
275-55-351	Research.		
275-55-361	Involuntary evaluation and treatment costs—Responsibility of involuntary patient.		
275-55-363	Involuntary evaluation and treatment costs—Collection by agency.		
275-55-365	Involuntary evaluation and treatment costs—Responsibility of county.		
275-55-367	Involuntary evaluation and treatment costs—Responsibility of department.		
275-55-371	Exceptions to rules—Waivers.		

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

275-55-041	Voluntary adult patient—Detention. [Order 1122, § 275-55-041, filed 6/2/76; Order 955, § 275-55-041, filed 7/26/74.] Repealed by 82-07-024 (Order 1775), filed 3/11/82. Statutory Authority: RCW 71.05.560.
275-55-061	Voluntary admission—Adult—Conservator. [Order 955, § 275-55-061, filed 7/26/74.] Repealed by 82-07-024 (Order 1775), filed 3/11/82. Statutory Authority: RCW 71.05.560.
275-55-070	Forwarding information to department. [Order 1122, § 275-55-070, filed 6/2/76; Order 955, § 275-55-070, filed 7/26/74; Order 900, § 275-55-070, filed 1/25/74.] Repealed by 82-07-024 (Order 1775), filed 3/11/82. Statutory Authority: RCW 71.05.560.
275-55-080	Alternatives to admittance to inpatient treatment. [Order 1122, § 275-55-080, filed 6/2/76; Order 955, § 275-55-080, filed 7/26/74; Order 900, § 275-55-080, filed 1/25/74.] Repealed by 82-07-024 (Order 1775), filed 3/11/82. Statutory Authority: RCW 71.05.560.
275-55-100	Mental health professional, psychologist, social worker, psychiatric nurse. [Order 1122, § 275-55-100, filed 6/2/76; Order 955, § 275-55-100, filed 7/26/74; Order 900, § 275-55-100, filed 1/25/74.] Repealed by 82-07-024 (Order 1775), filed 3/11/82. Statutory Authority: RCW 71.05.560.



- § 275-55-280, filed 1/25/74.] Repealed by 82-07-024 (Order 1775), filed 3/11/82. Statutory Authority: RCW 71.05.560.
- 275-55-282 Outpatient component. [Order 1029, § 275-55-282, filed 5/29/75.] Repealed by 82-07-024 (Order 1775), filed 3/11/82. Statutory Authority: RCW 71.05.560.
- 275-55-284 Emergency component. [Order 1029, § 275-55-284, filed 5/29/75.] Repealed by 82-07-024 (Order 1775), filed 3/11/82. Statutory Authority: RCW 71.05.560.
- 275-55-286 Inpatient component. [Order 1029, § 275-55-286, filed 5/29/75.] Repealed by 82-07-024 (Order 1775), filed 3/11/82. Statutory Authority: RCW 71.05.560.
- 275-55-288 Standards for evaluation and treatment facilities serving minors. [Order 1122, § 275-55-288, filed 6/2/76; Order 1029, § 275-55-288, filed 5/29/75.] Repealed by 82-07-024 (Order 1775), filed 3/11/82. Statutory Authority: RCW 71.05.560.
- 275-55-290 Financial assistance to counties. [Order 1122, § 275-55-290, filed 6/2/76; Order 955, § 275-55-290, filed 7/26/74; Order 900, § 275-55-290, filed 1/25/74.] Repealed by 82-07-024 (Order 1775), filed 3/11/82. Statutory Authority: RCW 71.05.560.

**WAC 275-55-010 Purpose.** These regulations are adopted pursuant to and in accordance with chapters 71.05 and 72.23 RCW. These regulations are adopted to provide operational procedures for the voluntary treatment, involuntary commitment, evaluation and/or treatment of mentally ill persons; to provide standards for certification of evaluation and treatment facilities; and to provide procedures for financial assistance to counties and evaluation and treatment facilities. [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-010, filed 3/11/82; Order 900, § 275-55-010, filed 1/25/74.]

**WAC 275-55-020 Definitions.** (1) "Department" means the department of social and health services of the state of Washington.

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

(3) "Director" means the director of the mental health division of the department of social and health services or his or her designee.

(4) "Superintendent" means the superintendent of a state hospital or his or her designee.

(5) "Chapter" means chapter 275-55 WAC.

(6) "County designated mental health professional" means a person appointed by the county to perform the duties specified in chapter 71.05, and 72.23 RCW, and

(a) Who meets the educational and/or experience requirements as specified in WAC 275-55-020 (33)(a), (b), (c), or

(b) Where exception has been granted by the director pursuant to WAC 275-55-020 (33)(d).

(7) "Professional person in charge" as used in chapters 71.05 and 72.23 RCW and these rules, unless otherwise defined, means the mental health professional having chief clinical responsibility for the mental health evaluation and treatment unit within the agency, or his or her designee who must also be a mental health professional.

(8) "Available physician or other professional person" as used in RCW 71.05.090 means either a licensed physician or a mental health professional as defined in subsection (33) of this section.

(9) "Agency" means a public or private agency as specified in RCW 71.05.020 (6) and (7), respectively.

(10) "Rule" means a rule within these rules and regulations.

(11) "Facility" means an evaluation and treatment facility.

(12) "Component" means any one of the three evaluation and treatment services required to be provided within an evaluation and treatment program as specified by WAC 275-55-020 (14)(a) and (b), and required to be certified as specified by WAC 275-55-020 (13)(b).

(13) "Evaluation and treatment facility" means a public or private agency providing one or more components in compliance with the following:

(a) The agency shall be under contract or written agreement with an evaluation and treatment program pursuant to WAC 275-55-261. Exceptions to this rule are specified in WAC 275-55-020 (13)(c).

(b) Each component of the agency shall be certified by the department pursuant to WAC 275-55-261 (3) and (6), and 275-55-263. Exceptions to this rule are specified in WAC 275-55-020 (13)(c). Certification is required for any component serving involuntary patients. Certification of a component shall not preclude such component from also serving voluntary patients. A certified component shall comply with all rules and regulations of this chapter and with chapter 71.05 RCW as applicable to both involuntary and voluntary patients.

(c) Exceptions:

(i) Any agency operating a component serving voluntary patients exclusively will not require certification of such component nor require being under contract to an evaluation and treatment program.

(ii) A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility.

(iii) A facility which is part of, or operated by, the department or any federal agency will not require certification of the facility's component or components nor require being under contract to an evaluation and treatment program.

(14) "Evaluation and treatment program" means a coordinated system of evaluation and treatment services administered by an agency or a county pursuant to WAC 275-55-261, and is provided to involuntary patients and to persons voluntarily seeking treatment for a mental disorder.

(a) Such evaluation and treatment services shall include at least all three of, but are not limited to, the following components:

(i) Outpatient.

(ii) Emergency.

(iii) Short-term inpatient.

(b) Such evaluation and treatment services shall be provided by an evaluation and treatment facility or facilities.

(15) "Medical evaluation" means an evaluation performed by a licensed physician including both a mental status and physical examination.

(16) "Patient" means a person admitted to an agency, facility or component, voluntarily or involuntarily, for observation, evaluation, care and/or treatment for a mental disorder.

(17) "Mental disorder" means any organic, mental, or emotional impairment having substantial adverse effects on an individual's cognitive or volitional functions, classified in accordance with the current diagnostic and statistical manual of the American psychiatric association.

(18) "Involuntary patient" means a person who, as a result of a mental disorder, presents a likelihood of serious harm (RCW 71.05.020(3)) or is gravely disabled (RCW 71.05.020(1)), and is initially detained and/or court-committed for evaluation and treatment.

(19) "Detention" means a person being held in a facility involuntarily pursuant to applicable sections of chapter 71.05 RCW, and the person not being permitted willful physical movement beyond the facility without express prior permission.

(20) "Initial detention" means the first seventy-two hour period, or part thereof, or involuntary evaluation and treatment required by a petition for initial detention, emergency detention, or supplementary petition for initial detention.

(21) "Seventy-two hour period" shall be computed to:

(a) Start on the time and date the inpatient or outpatient component of the evaluation and treatment facility provisionally accepts the person to be detained as specified in RCW 71.05.170, and

(b) Exclude Saturdays, Sundays, and holidays.

(22) Deleted.

(23) "Admission" means acceptance of a person as an inpatient or outpatient by the facility.

(24) "Discharge" means release of a patient from a component or from a facility.

(25) "Transfer," unless otherwise defined, means a move of the patient by a facility between treatment services or components of the facility, or between facilities, and may or may not include a discharge from the transferring service, component or facility.

(26) "Release from commitment" means legal termination of the order of commitment.

(27) "Early release" means release of the involuntary patient from the order of commitment prior to the original expiration date of the commitment order.

(28) "Conditional release" means a transfer of the involuntary patient from inpatient to outpatient treatment pursuant to conditions specified for the patient by the transferring facility or component. The involuntary patient remains under order of commitment.

(29) "Shock treatment" means electroconvulsive therapy.

(30) Whenever used in this chapter, the masculine shall include the feminine and the singular shall include the plural.

(31) "County" means a county, or a combinations of counties jointly agreeing to provide or cause to be provided the services required by this section.

(32) "Coordinator" means county mental health coordinator, and is the person appointed by the county to supervise and/or otherwise coordinate the community mental health program services of a county.

(33) "Mental health professional" means a person regularly involved in mental health evaluation and treatment, and qualifying as one of the following:

(a) A psychiatrist, psychologist, psychiatric nurse, or social worker.

(b) A person with a masters degree or further advanced degree in counseling or one of the social sciences from an accredited college or university. Such person shall have, in addition, at least two years of experience in direct treatment of mentally ill or emotionally disturbed persons, such experience gained under the supervision of a mental health professional.

(c) A licensed physician permitted to practice medicine or osteopathy in the state of Washington.

(d) A person otherwise qualified to perform the duties of a mental health professional but does not meet the requirements listed in subsection (33)(a), (b), or (c) of this section, where an exception to such requirements has been granted by the director upon submission of a written request by the county involved, such request to document the following:

(i) The extent to which the county has made an effort to provide and has the capability of providing a mental health professional;

(ii) The amount and type of employment experience the applicant possesses. Such an applicant shall have had at least three years experience in the direct treatment of mentally ill or emotionally disturbed persons, such experience gained under the supervision of a mental health professional, as defined under subsection (33)(a), (b), or (c) of this section;

(iii) The overall needs of the mental health program in the particular county involved; and

(iv) Such factors as shall be brought to the attention of the director by the county involved.

(34) "Psychiatrist" means a physician licensed to practice medicine in the state of Washington having, in addition, completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association.

(35) "Psychologist" means persons defined as such in RCW 71.05.020(14).

(36) "Social worker" means persons defined as such in RCW 71.05.020(15).

(37) "Psychiatric nurse" means a registered nurse having had, in addition, at least two years experience in the direct treatment of mentally ill or emotionally disturbed persons, such experience gained under the supervision of a mental health professional as defined in subsection (33)(a), (b), or (c) of this section.

[(38) "Psychiatric nurse clinician" means a registered nurse] having [a] masters [degree or further advanced degree from an accredited college or university and whose graduate specialization was in psychiatric nursing.] [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-020, filed 3/11/82; Order

1122, § 275-55-020, filed 6/2/76; Order 955, § 275-55-020, filed 7/26/74; Order 900, § 275-55-020, filed 1/25/74.]

**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 275-55-021 Application of rules to minors.** Where no reference is made to a minor in a particular rule and no specific rule for minors is found in this chapter, or in chapter 71.05 RCW, or in RCW 72.23-.070, then the particular rule in question shall apply to the minor as well as to the adult. [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-021, filed 3/11/82.]

**WAC 275-55-030 Private agencies which may admit voluntary patients.** Any private agency, as defined in RCW 71.05.020(7), may receive as a voluntary patient any person suffering from a mental disorder. [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-030, filed 3/11/82; Order 900, § 275-55-030, filed 1/25/74.]

**WAC 275-55-040 Voluntary admission to public or private agency--Voluntary adult.** Any private agency receiving a voluntary patient eighteen years of age or older pursuant to WAC 275-55-030 and any public agency as defined in RCW 71.05.020(6) receiving such patient, shall require written application signed by the voluntary patient stating such application is a voluntary action by the patient, and shall advise such patient of his or her rights pursuant to WAC 275-55-211(1). [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-040, filed 3/11/82; Order 955, § 275-55-040, filed 7/26/74; Order 900, § 275-55-040, filed 1/25/74.]

**WAC 275-55-050 Application for admission--Voluntary minor.** (1) A person under eighteen years of age, or others on his or her behalf, may make application for and authorize treatment pursuant to RCW 72.23.070.

(2) Any person under the age of eighteen but over the age of thirteen may make application for and receive mental health care upon his or her own application without consent of his or her parent, parents, guardian, conservator, or other person entitled to custody, unless such treatment involves inpatient care.

(a) Applications for voluntary inpatient care made by persons in such age range shall be accompanied by a written consent of the parent(s), conservator, guardian, or other person entitled to custody.

(b) Prescription of psychotropic medications shall be made only with prior written consent of the parent(s), conservator, guardian, or other person entitled to custody.

(4) Every person under eighteen years of age shall have all the rights provided for persons eighteen years of age or over as set forth in this chapter, in chapters 71.05 and 72.23 RCW, except the rights specifically modified

by RCW 72.23.070. Further, a copy of all such rights shall be provided to the minor upon admission. [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-050, filed 3/11/82; Order 1122, § 275-55-050, filed 6/2/76; Order 955, § 275-55-050, filed 7/26/74; Order 900, § 275-55-050, filed 1/25/74.]

**WAC 275-55-060 Admission to public agency--Voluntary minor.** (Reference RCW 72.23.070(2)) (1) Upon receipt of any application for admission of a minor to an inpatient unit of a public agency as defined in RCW 71.05.020(6), such agency shall notify the designated county mental health professional of the county of the patient's residence, who shall submit a written report and evaluation with recommendations to the superintendent or the professional person in charge of such agency as to whether treatment is necessary and proper on a voluntary basis, and stating reasons for such voluntary treatment.

(2) After receipt of such recommendations, the professional person in charge shall make final determination as to the admission of the minor.

(3) Before receipt of such recommendations, a patient may be temporarily admitted if the professional person in charge determines temporary admission to be in the best interest of that patient. [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-060, filed 3/11/82; Order 1122, § 275-55-060, filed 6/2/76; Order 955, § 275-55-060, filed 7/26/74; Order 900, § 275-55-060, filed 1/25/75.]

**WAC 275-55-071 Discharge--Voluntary minor.** (1) A voluntarily admitted minor over thirteen years of age shall have the right to release in accordance with RCW 72.23.070(e).

(2) Minors under thirteen years of age shall not be released at the request of the minor but shall be released immediately upon the request of such minor's parent(s), conservator, guardian, or other person entitled to custody, unless the professional person in charge objects immediately in writing to the juvenile court specifying grounds sufficient for involuntary detention of the minor.

(3) When the facility objects immediately in writing to the juvenile court specifying grounds sufficient to allow involuntary detention, as required in RCW 72.23-.070 (3)(e), and serves a copy of such objection to the parent(s), conservator, guardian or other person entitled to custody, the facility may detain the minor patient until the next judicial day at which time a petition for involuntary treatment must be filed. When the petition is filed, the minor may be held for a further reasonable time, not to exceed five judicial days, in order for the juvenile court to hear such petition.

(4) The immediate objection in writing to the juvenile court as required by this rule shall be the same as a petition for initial detention of the minor, and shall be filed with the juvenile court on the next judicial day. [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-071, filed 3/11/82.]

**WAC 275-55-081 Periodic review--Voluntary inpatient.** The condition and status of a voluntary patient shall be reviewed at least each one hundred eighty days. (Reference RCW 71.05.050) At the time of such review, the patient shall again be advised orally of his or her right to release and in writing of his or her rights as set forth under WAC 275-55-241 (1) and (2). The patient's review shall include but not be limited to an evaluation of the patient's individual treatment program and progress, recommendations for future treatment, and consideration of possibly less restrictive treatment. Such review shall be undertaken under the supervision and direction of the professional person in charge. Written documentation of such review shall be maintained in the patient's clinical record. [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-081, filed 3/11/82.]

**WAC 275-55-090 Limitation on length of stay--Readmission voluntary patients.** No person shall be carried continuously as a voluntary patient for a period of more than one year. (Reference RCW 72.23.100 and 71.05.050) However, a patient may be readmitted pursuant to admission procedures at the end of any one-year period. [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-090, filed 3/11/82; Order 900, § 275-55-090, filed 1/25/74.]

**WAC 275-55-110 Discharge of voluntary patient--Release of clinical summary.** (1) For the purposes of this section, "hospital" includes state and federal hospitals for the mentally ill.

(2) Nothing in these rules and regulations shall be construed so as to prohibit the superintendent or professional person in charge from discharging a patient at any time when, in the opinion of the superintendent or professional person in charge, the patient's condition is no longer appropriate for treatment at the hospital or facility.

(3) Upon discharge of the voluntary patient the hospital or facility shall:

(a) Seek the patient's permission for release of a clinical summary concerning the patient's condition to the physician, psychiatrist or therapist of his or her choice, or to the local treatment facility or community mental health program. However, information may be shared with others involved in providing services consistent with RCW 71.05.390.

(b) Advise the patient of his or her competency pursuant to WAC 275-55-221. [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-110, filed 3/11/82; Order 1122, § 275-55-110, filed 6/2/76; Order 955, § 275-55-110, filed 7/26/74; Order 900, § 275-55-110, filed 1/25/74.]

**WAC 275-55-121 Involuntary detention and commitment--Minor.** No minor shall be involuntarily committed for treatment of a mental disorder or involuntarily detained for evaluation as to the existence of a mental disorder except according to the following requirements:

(1) The facility accepting the involuntary minor patient must;

(a) Be certified pursuant to WAC 275-55-331; or

(b) Be part of or operated by the department or any federal agency and be designated to provide services to minors by the department.

(2) The involuntary commitment is pursuant to a juvenile court order and shall be in accordance with RCW 72.23.070. [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-121, filed 3/11/82.]

**WAC 275-55-131 Nonadmission of involuntarily detained person--Transportation.** (1) Admission shall not be denied to a person under initial detention except pursuant to the circumstances specified in WAC 275-55-263 (2)(a).

(2) If the person is not admitted by a facility, transportation or arrangements for custody shall be made in accordance with RCW 71.05.190. [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-131, filed 3/11/82.]

**WAC 275-55-141 Protection of patient's property--Involuntary patient.** (1) Articles brought to the facility shall be inventoried and articles not kept by the patient shall be housed by the facility giving due regard to reasonable precautions necessary to safeguard such property.

(2) The peace officer or mental health professional escorting the patient to the facility shall take reasonable precautions to safeguard the property of the patient in the immediate vicinity of the point of apprehension.

(3) Reasonable precautions shall be taken to safeguard belongings not in the immediate vicinity of the patient by the escorting officer or mental health professional, and/or facility when notice of possible danger thereto is received. Further, reasonable precautions shall be taken to lock and otherwise secure the domicile of the patient as soon as possible after the patient's initial detention. (Reference RCW 71.05.220) [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-141, filed 3/11/82.]

**WAC 275-55-151 Evaluation and examination--Involuntary patient.** Persons doing the initial detention evaluation and treatment pursuant to RCW 71.05.210 shall not include the county-designated mental health professional responsible for the detention, unless no other mental health professional is reasonably available and specific exemption has been granted by the director. [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-151, filed 3/11/82.]

**WAC 275-55-161 Treatment prior to hearings--Involuntary patient.** Any involuntary patient may refuse all but emergency lifesaving treatment beginning twenty-four hours prior to any hearing. On admission to the facility such patient shall be informed of his or her right to refuse all treatment except lifesaving treatment during such twenty-four hour period and shall again be so informed within one hour prior to the twenty-four

hour period before court hearing. The patient shall be asked if he or she wishes to decline treatment during such twenty-four hour period, and the answer shall be in writing and signed where possible. Compliance with this procedure shall be documented in the patient's clinical record. This section does not preclude use of physical restraints and/or seclusion to protect against injury to the patient or others. (Reference RCW 71.05.200) [Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-161, filed 3/11/82.]

**WAC 275-55-171 Early release or discharge of involuntary patient--Release of clinical summary--Notification of court.** (1) Nothing in these rules and regulations shall be construed so as to prohibit the superintendent or professional person in charge from granting an early release to and/or discharging an involuntary patient at any time when, in the opinion of the superintendent or professional person in charge, the involuntary patient:

(a) May be granted an early release on the grounds such patient:

(i) No longer presents a likelihood of serious harm to others, and is no longer gravely disabled; or

(ii) Is an appropriate candidate for and will accept voluntary treatment elsewhere upon referral; or

(iii) Is an appropriate candidate for and will accept voluntary treatment at the hospital or facility where the person is currently a patient.

(b) May be concurrently discharged, if granted an early release, on the grounds his or her condition is no longer appropriate for treatment at the hospital or facility.

(c) May not qualify for early release, but on the grounds his or her condition is no longer appropriate for treatment at the hospital or facility may be transferred or discharged under the provisions for conditional release as specified in WAC 275-55-181.

(2) Upon transfer or discharge of the involuntary patient not granted an early release, the hospital or facility shall notify the patient a clinical summary will be forwarded without his or her consent to the receiving facility or component for the purposes of effecting a conditional release, and such disclosure shall remain confidential.

(3) Upon early release, discharge or transfer, the patient shall be advised of his or her competency pursuant to WAC 275-55-221.

(4) Whenever an involuntary patient is granted an early release, the court ordering the original commitment shall be notified in writing of the date of release and release plans. The county-designated mental health professional shall be sent a copy of such written court notification. (Reference RCW 71.05.330) [Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-171, filed 3/11/82.]

**WAC 275-55-181 Conditional release--Involuntary patient.** (1) At any time during the period of commitment, the superintendent or professional person in charge may determine the involuntary patient receiving

inpatient services can be more appropriately served by outpatient treatment, such treatment may be required in accordance with RCW 71.05.340.

(2) Ongoing determination for conditional release shall be based on periodic personal contacts with the patient by the facility designated to provide outpatient treatment, (see WAC 275-55-271(2)), and will be documented in the patient's clinical record. Such contacts shall occur at the following intervals during the period of conditional release:

(a) Fourteen-day period - At least once weekly.

(b) Ninety-day period - At least once each month.

(c) One hundred and eighty-day period - At least once each month.

(3) Any patient conditionally released pursuant to RCW 71.05.340 and this section shall be notified orally and in writing of the terms and conditions of the release and shall be notified in writing of any subsequent modifications of such terms and conditions. Other notifications shall be as set forth in RCW 71.05.340. All conditions and modifications thereof shall be made a part of the patient's clinical record. Written acknowledgement from the patient shall:

(a) Be obtained for receipt of the terms and conditions of release by the superintendent or the professional person in charge of the releasing facility or component.

(b) Be obtained for any subsequent modification of the terms of conditional release by the professional person in charge of the receiving facility or component. [Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-181, filed 3/11/82.]

**WAC 275-55-191 Revocation of conditional release--Secretary's designee--Involuntary patient.** (1) The secretary's designee for purposes of revocation of conditional release under RCW 71.05.340 shall be:

(a) The superintendent of the state hospital or his or her specified designee where the patient was conditionally released, or

(b) The director of the division of mental health or his or her specified designee.

(2) Revocation procedures will be as otherwise specified in RCW 71.05.340, including the responsibilities of the designated county mental health professional. [Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-191, filed 3/11/82.]

**WAC 275-55-201 Discharge of indigent patient--Involuntary patient.** (1) No indigent patient who is an inpatient in any evaluation and treatment facility shall be discharged or conditionally released during or at the expiration of any involuntary confinement period without suitable clothing and funds of at least the minimum specified under RCW 72.02.100. If such patient has funds of less than such minimum amount, the patient shall be provided an amount necessary to reach such minimum. If the indigent patient has no funds, the total minimal amount shall be provided. Request for suitable clothing or funding therefor and funds shall be made by the person in charge of the facility to the superintendent of the nearest state hospital and the superintendent shall

furnish such clothes or funds as required under RCW 71.05.350. Such request shall be made at least seventy-two hours ahead of expected release in the case of any patient under a fourteen-day or longer involuntary confinement period.

(2) In the case of an indigent patient under initial detention, the person in charge of the facility may provide suitable clothing and funds as specified in this section, from resources of the facility, and shall immediately notify the superintendent of such action. The department may then be billed by the facility.

(3) For the purposes of this rule, the superintendent may designate a staff member within the department to handle funding and clothing requests.

(4) If funding is available, the superintendent may provide in addition to the minimum funding required by RCW 72.02.100, an additional amount of up to the optional amount specified in RCW 72.02.100 to any indigent patient applying therefor if such extra funding is necessary for personal and/or living expenses of such patient.

(5) As funds are available, the secretary may provide, as an alternative to the funding specified in subsection (1) of this section, for the conditionally released patient, a weekly payment of an amount specified in RCW 72.02.110 for a period of up to the total time of conditional release.

(6) No patient regardless of the length of involuntary confinement shall be released without transportation to his or her place of residence or other suitable place. If the patient has no suitable means of transportation and is also indigent, then the facility shall provide for transportation by the least expensive method of public transportation not to exceed a cost of one hundred dollars, or, in the alternative, the facility may provide such transportation.

(7) If the superintendent has reasonable cause to believe the patient to be released has ample funds to assume expenses of clothing, transportation, or other payments made herein, the person released shall be required to assume such expenses and the superintendent shall so advise.

(8) Where funding is available, the secretary or the superintendent may at his or her discretion provide funds or clothing pursuant to this rule and the laws of the state of Washington to voluntary patients. [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-201, filed 3/11/82.]

**WAC 275-55-211 Advising patient of rights.** (1) Any person voluntarily admitted for inpatient treatment to any agency shall, upon admission, be advised in writing or orally by the agency of his or her right to immediate release and shall be further advised in writing of all rights secured to him or her pursuant to RCW 71.05.050 and to WAC 275-55-241 (1) and (2).

(2) All persons involuntarily admitted to the inpatient, outpatient or emergency component of a facility shall, upon admission, be advised in writing or orally by the component of the following (Reference RCW 71.05.200 and 71.05.210):

(a) Each right the patient has as an involuntary patient (listed in WAC 275-55-241 (1) and (3)). In addition, when possible, a responsible member of the immediate family, guardian, or conservator, if any, and such other person as designated by the patient shall receive notification in writing of the patient's confinement and his or her rights retained as an involuntary patient. The patient shall be informed who has been notified.

(b) Within twenty-four hours of admission, the patient will undergo a medical and psychosocial evaluation to determine whether continued detention within the facility will be necessary.

(c) If the patient is not released within seventy-two hours, excluding Saturdays, Sundays, and holidays, the patient will be entitled to a judicial hearing before a superior court to decide whether the patient's continued detention within the facility is necessary.

(3) Upon discharge and/or early release as specified in WAC 275-55-110 and 275-55-171, every patient voluntarily admitted or involuntarily committed pursuant to chapter 71.05 RCW shall be advised in writing of the following: No person is presumed incompetent nor does any person lose any civil rights as a consequence of receiving evaluation and/or treatment services for a mental disorder, whether voluntary or involuntary, pursuant to Washington law dealing with mental illness. (Reference RCW 71.05.450) [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-211, filed 3/11/82.]

**WAC 275-55-231 Conversion to voluntary status by involuntary patient--Rights.** Patients committed by court order to involuntary treatment shall have all the rights of voluntary patients as specified in WAC 275-55-241 (1) and (2). The facility may convert the patient to voluntary status when the patient has signed an application to receive voluntary treatment. [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-231, filed 3/11/82.]

**WAC 275-55-241 Rights of patient.** Any agency, facility or component providing services defined in this chapter to persons with a mental disorder shall not withhold from any patient the following rights, and a list of such rights shall be prominently posted within the department or ward where such person is housed if an inpatient or receiving services from an emergency component. Outpatient facilities or components shall prominently post a list of such rights drawn from the following as are appropriate to an outpatient facility or component, such list to be posted within the reception area. The agency, facility or component shall specifically ensure, unless an imminent danger to the individual or others would result, each patient shall have the rights listed in subsection (1)(a), (i), (k), (o), (2)(a), (b), (3)(a), (c), (d), (f), and (g) of this section.

(1) Rights of all patients:

(a) The right not to be restrained from sending written communications of the fact of the patient's detention, commitment, or admission; any such communication will be mailed to the person to whom

addressed by the person in charge of the facility, or his or her designee.

(b) The right to adequate care and individualized treatment.

(c) The right to wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to the protection and safety of the patient or other persons.

(d) The right to keep and be allowed to spend a reasonable sum of his or her own money.

(e) The right of access to individual storage space for his or her private use.

(f) The right to have visitors at reasonable times.

(g) The right to have reasonable access to a telephone, both to make and receive confidential calls.

(h) The right to have ready access to letter writing material, including stamps, and to send and receive uncensored correspondence through the mails.

(i) The right not to consent to the performance of shock treatment or surgery, except emergency life-saving surgery, upon him or her, and not to have shock treatment or nonemergency surgery in such circumstances unless ordered by a court pursuant to a judicial hearing where the patient is present and represented by counsel, and the court appoints a psychiatrist, psychologist, or physician designated by such patient or his or her counsel to testify on behalf of the patient. (Reference RCW 71.05.210, 71.05.370, and 71.05.380)

(j) The right to dispose of property and sign contracts unless the patient has been adjudicated an incompetent in a court proceeding directed to the particular issue.

(k) The right not to have psychosurgery performed under any circumstances.

(l) The right to object to detention or request release through writ of habeas corpus.

(m) No person shall be presumed incompetent or lose any civil rights as a consequence of receiving evaluation or treatment for a mental disorder.

(n) The right of access to attorneys, courts, and other legal redress.

(o) The right to have all information and records compiled, obtained, or maintained in the course of receiving services kept confidential, pursuant to the provisions of RCW 71.05.390 through 71.05.420.

(2) Rights of all voluntary patients:

(a) The right to release, unless involuntary commitment proceedings are initiated. Specific patients' rights to release are as follows:

(i) Adult patient, no guardian - Release at request of patient.

(ii) Adult admitted by guardian - Release at request of guardian or patient.

(iii) Minor, thirteen years of age or under - Release at request of parent(s), conservator, guardian, or other person entitled to custody.

(iv) Minor, fourteen years of age or over - Release upon request of both minor and his or her parent(s), conservator, guardian or other person entitled to custody. If requested by minor only, release on next judicial day.

(b) The right to a review of condition and status at least each one hundred and eighty days. (Reference RCW 71.05.050, 72.23.070, and 71.05.380)

(3) Rights of all involuntary patients:

(a) Unless released within seventy-two hours as defined by WAC 275-55-020(21), all involuntary adult patients have a right to a judicial hearing not more than seventy-two hours, as defined, after initial detention to determine whether probable cause exists to detain such patient after seventy-two hours for a further period up to fourteen days.

(b) The right to communicate immediately with an attorney, and if indigent, the right to have an attorney appointed to represent the patient before and at such hearing, and the right to be told the name and address of the attorney appointed.

(c) The right to remain silent.

(d) The right to be told statements the patient makes may be used in the involuntary proceedings.

(e) The right to present evidence and to cross-examine witnesses testifying against the patient at the probable cause hearing.

(f) The right to refuse medication beginning twenty-four hours prior to any court proceeding wherein the patient has the right to attend and which bears upon the continued commitment of the patient.

(g) When taken into custody by a peace officer and then placed in a facility without prior authorization by the county-designated mental health professional, the involuntary patient shall be examined by a mental health professional within three hours of the patient's arrival, and shall be released within twelve hours unless the county-designated mental health professional files a supplemental petition for initial detention and the detained person receives a copy. (Reference RCW 71.05.150(5)). [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-241, filed 3/11/82.]

**WAC 275-55-261 Requirements for certifying evaluation and treatment components.** (1) Each county or combination of counties shall develop and coordinate an evaluation and treatment program consistent with chapter 71.05 and 71.24 RCW. Such program shall include, but is not limited to components of outpatient services, emergency services, and short-term inpatient services. The county may directly provide such a program in its entirety, or may provide one or more components of such a program directly, or may through contract or written agreement with an agency or agencies, provide the remaining component(s) required, or may through contract or agreement arrange with an agency or agencies to provide such a program in its entirety. Component(s) obtained on this basis from an agency or agencies shall be subject to all applicable provisions of these rules and of chapter 71.05 RCW. The county will maintain coordination responsibility over the program.

Any contract or agreement between county and agencies, or between two or more agencies, shall be required to comply with the standards for evaluation and treatment components, WAC 275-55-263, and shall indicate

the department will consider those standards in the department's site visit and certification procedure as directed by WAC 275-55-293.

(2) In addition to the responsibilities specified, the following shall be required of the county or of such individual designated by the county as administrator of the evaluation and treatment program:

(a) To identify, recommend to the department for certification, and coordinate the various facilities and components of the evaluation and treatment program.

(b) To assist the department in ensuring facilities and components are in compliance with all applicable rules and regulations set forth in chapter 71.05 RCW and this chapter.

(3) Any agency desiring certification of a component or components in order to become an evaluation and treatment facility, shall make application for such to the county-designated administrator of the evaluation and treatment program.

(4) The department is responsible for certifying each component of an agency desiring to become an evaluation and treatment facility. Upon formal request of the county-designated administrator of the evaluation and treatment program, the department shall:

(a) Inspect and evaluate the applicant agency's component or components for certification in accordance with the provisions of WAC 275-55-293.

(b) In site visits for the purposes of certification will, where possible, include the county-designated administrator of the evaluation and treatment program as part of the site visit team.

(5) The department is responsible for making periodic inspections of a certified component. Such inspections may be in addition to any conducted by the county-designated administrator of the evaluation and treatment program.

(6) All facilities shall be recognized elements of the county's mental health plan. The plan shall list the agencies for which certification is requested, the components to be provided by each, the method whereby components will be coordinated among the several agencies when more than one agency provides evaluation and treatment services, and the method whereby the services of the facility will be coordinated with other elements of the county mental health program. (Reference RCW 71.24.130) [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-261, filed 3/11/82.]

**WAC 275-55-263 Certification standards for evaluation and treatment components.** (1) The following general requirements shall apply to any agency desiring certification of a component or components in order to become an evaluation and treatment facility:

(a) The spectrum of evaluation and treatment services provided by the agency shall include at least one of the following components:

- (i) Outpatient.
- (ii) Emergency.
- (iii) Short-term inpatient.

(b) The agency may directly provide one or more of the components specified in subsection (1)(a) of this

section, or may indirectly provide one or more through contractual arrangement or agreements with other agencies. Such arrangements shall be set forth in WAC 275-55-261(1).

(c) One or more of the components specified in subsection (1)(a) of this section may be provided to persons under the age of eighteen only when the providing agency is in compliance with the provisions of WAC 275-55-331.

(d) The agency shall maintain a written statement describing the organizational structure, objectives, and the philosophy of the therapeutic program, such statement to include contractual affiliates (if any).

(e) The agency shall document and otherwise ensure that:

(i) Care for patients is provided in a therapeutic environment.

(ii) Patient rights as described in WAC 275-55-211 and 275-55-241 are incorporated into this environment.

(iii) The use of the least restrictive treatment alternative is considered for each patient and such consideration is documented in each patient's clinical record.

(iv) Continuity of care, coordination, and integration of services is provided.

(v) Immediate transfer from the outpatient component to the inpatient or emergency component of the agency or of the evaluation and treatment program is provided for a patient when a change in the patient's condition necessitates such transfer. In the case of the involuntary patient, such transfer shall be made pursuant to RCW 71.05.340(3). Patients within any component can and will be transferred without unreasonable delay to any other component, and the patient's necessary clinical information will be made available to persons responsible for the patient's treatment within any other component. (Reference RCW 71.05.390) In the event of a referral, the original agency will maintain responsibility for follow-up of the patient until such time as the receiving agency may assume primary service responsibility.

(vi) Referral services and assistance in obtaining supportive services appropriate to treatment including, but not limited to, casework services, vocational rehabilitation, and legal services, are provided to each patient.

(f) The agency desiring certification of the agency's component or components shall make application for such certification pursuant to WAC 275-55-261(3).

(2) In addition to the requirements specified for each in WAC 275-55-271, 275-55-281, and 275-55-291, the following general requirements shall apply to all facilities:

(a) Admissions. Admission to the inpatient component shall not be denied except under the following circumstances:

(i) There is a determination the person does not present a likelihood of serious harm, or an imminent likelihood of serious harm, or the person is not gravely disabled, and does not require inpatient care. Reference RCW 71.05.190 for necessary action in this case.

(ii) The person requires specialized medical care and support services of a type not provided by the facility.



(iii) A greater degree of control is required than can be provided by the facility.

(iv) No treatment space is available and is so documented.

(v) A less restrictive alternative provided by another facility is more appropriate and available.

(vi) For situations arising pursuant to subsection (2)(a)(ii) through (iv) of this section, the county-designated mental health professional shall make arrangements for appropriate placement elsewhere.

(b) Admission evaluations. Within twenty-four hours of first admission for persons under initial detention, twenty-four hours to include Saturday, Sunday, and holidays, evaluations shall be conducted to determine the nature of the disorder, the treatment necessary, and whether or not detention is required. Such evaluations shall include at least a:

(i) Medical evaluation by a licensed physician.

(ii) Psychosocial evaluation by a mental health professional.

(c) Treatment plan and clinical record. All components shall:

(i) Maintain, for each patient, a plan of treatment, and a plan for discharge including a plan for follow-up where appropriate. Such treatment and discharge plans shall be entered in the patient's clinical record and shall be revised periodically as appropriate.

(ii) Maintain, for each patient, a clinical record containing sufficient information to justify the diagnosis, delineate the individual treatment plan, and document the course of treatment. The responsibility of the agency is to safeguard the record against loss, defacement, tampering or use by unauthorized persons.

(d) Treatment. All components shall:

(i) Have immediately available at all times, as needed, professional personnel including, but not limited to, a licensed physician and a mental health professional skilled in crisis intervention.

(ii) Ensure each patient has access to necessary medical treatment and support services, and access to emergency life-sustaining treatment and medication.

(iii) Have psychiatric consultation available to other physicians or mental health professionals when treatment is not provided by or under the supervision of a psychiatrist.

(e) Use of restraints and seclusion. The use of medication, physical restraints, or locked seclusion rooms in response to assaultive, self-destructive or unruly patient behavior shall occur only to the extent necessary to ensure the safety of patients and staff, and subject to the following conditions:

(i) In the event of an emergency use of restraints or seclusion, a licensed physician must be immediately notified and shall authorize the restraints or seclusion.

(ii) No patient may be restrained or secluded for a period in excess of four hours without having been examined by a mental health professional. Such patient must be directly observed every thirty minutes, and the observation recorded in the patient's clinical record.

(iii) If restraint or seclusion exceeds twenty-four hours, patient shall be examined by a licensed physician.

The facts determined by his or her examination and any resultant decision to continue restraint or seclusion over twenty-four hours shall be recorded in the patient's clinical record over the signature of the authorizing physician. This procedure must be repeated for each subsequent twenty-four hour period of restraint or seclusion.

(f) Periodic evaluation. Each involuntary patient shall be evaluated periodically for release from commitment, and such evaluation will be documented in each involuntary patient's clinical record.

(g) Training. All components shall develop an inservice training plan, and provide regular training to all personnel having responsibility for any aspect of patient care. Documentation of the type and amount of training received by staff members shall be maintained. Such training shall include information about:

(i) The availability and utilization of less restrictive alternatives.

(ii) Approved methods of patient care.

(iii) Managing assaultive and/or self-destructive behavior.

(iv) Related services, including, but not limited to, transportation, law enforcement, courts, prosecutors, caseworkers, family support systems, advocacy, pharmacotherapy, and hospitals.

(v) The provisions and requirements of this chapter and chapter 71.05 RCW, and standards and guidelines promulgated by the department.

(vi) Other appropriate subject matter.

(h) Administration. All components shall:

(i) Maintain and prominently post written procedures for managing assaultive and/or self-destructive patient behavior.

(ii) Maintain adequate fiscal accounting records.

(iii) Prepare and submit such reports as are required by the secretary.

(iv) Maintain a procedure for collection of fees and third-party payments. [Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-263, filed 3/11/82.]

**WAC 275-55-271 Outpatient component.** (1) The outpatient component is defined as a setting where an array of treatment services is provided on a regular basis to patients not in residence in the component. These services are intended to stabilize, sustain, and facilitate recovery of the individual within his or her environment, and may include such services as day treatment or services provided directly by a licensed physician, or by an agency certified as a component of the program.

(2) In addition to the general requirements stated in WAC 275-55-263(2), the following requirements shall apply to all outpatient components:

(a) Outpatient services shall be available at least eight hours per day, five days per week.

(b) Such component shall provide a therapeutic program including, but not limited to, generally accepted treatment modalities such as:

(i) Individual.

(ii) Group.

- (iii) Family/marital.
- (iv) Pharmacotherapy.

(c) Such component shall provide treatment to each patient under the supervision of a mental health professional.

(d) Each patient must be seen at least weekly by assigned staff during the period of involuntary treatment. A mental health professional must review each outpatient case at least weekly to ensure updating of the treatment plan and such review must be recorded in the patient's clinical record. The frequency of patient contact and case review may be modified if in the opinion of a mental health professional such is warranted and the reasons for so doing are recorded in the patient's clinical record.

(e) Such component must have access to consultation by a psychiatrist or a physician with at least one year's experience in the direct treatment of mentally ill or emotionally disturbed persons, such access to be a minimum of one hour per week for each forty hours of direct client services provided by nonmedical staff.

(f) Such component shall include medical consultation with the involuntary patient to assess and prescribe psychotropic medication to meet the needs of the patient. Such consultation shall occur at least weekly during the fourteen-day period, and monthly during the ninety-day period and the one hundred and eighty-day period of involuntary treatment unless determined otherwise by the attending physician and the reasons for so doing are recorded in the patient's clinical record.

(g) Whenever possible, medication should be made available to the patient at a reduced rate through a state medication purchase contract, or through the state hospital pharmacy. [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-271, filed 3/11/82.]

**WAC 275-55-281 Emergency component.** (1) The emergency component is defined as a hospital emergency room or equivalent setting where immediate therapeutic intervention occurs. The term "emergency" refers to a set of circumstances (physiological, psychological, and/or social) posing an imminent threat to the safety and/or well-being of the patient or others.

(2) In addition to the general requirements stated in WAC 275-55-263(2), the following requirements shall apply to all emergency components:

(a) Such component shall have the ability to respond immediately to individual crisis situations, and to admit patients on a twenty-four hour per day, seven days per week basis, or to arrange for such admission to an inpatient component.

(b) Such component shall have the capability to detain persons dangerous to self, others, or gravely disabled, and shall provide or have access to at least one seclusion room meeting the requirements of WAC 248-18-530 (5)(a) now or as hereafter amended.

(c) Such component shall have immediate access to life support systems and personnel. A mental health professional and/or licensed physician shall be available for consultation and communication with the patient and

the component staff on a twenty-four hour per day, seven days per week basis. [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-281, filed 3/11/82.]

**WAC 275-55-291 Short-term inpatient component.**

(1) The inpatient component is a hospital or residential setting where an array of treatment services is provided on a twenty-four hour per day basis for patients on seventy-two hour detentions or fourteen-day commitments.

(2) In addition to the general requirements stated in WAC 275-55-263(2), the following requirements shall apply to all inpatient components:

(a) The inpatient component shall meet the structural standards required for state licensing as a psychiatric hospital, general medical hospital, community mental health center including an inpatient program, skilled nursing facility, intermediate care facility, or boarding home.

(b) Such component shall have the capability to admit the patient on a twenty-four hour per day, seven days per week basis.

(c) Such component shall have the capability to detain persons dangerous to self, others, or gravely disabled, and shall have access to at least one seclusion room meeting the requirements of WAC 248-18-530 (5)(a) now or as hereafter amended.

(d) Such component shall provide a therapeutic program including, but not limited to, generally accepted treatment modalities such as:

- (i) Individual.
- (ii) Group.
- (iii) Family/marital.
- (iv) Pharmacotherapy.
- (v) Therapeutic community.

(e) Such component shall provide treatment to each patient under the supervision of the professional person in charge.

(f) A mental health professional must have contact with each involuntary patient daily for the purpose of observation, evaluation, and the provision of continuity of treatment.

(g) Such component shall have access to a mental health professional and a licensed physician for consultation and communication with the patient and the component staff on a twenty-four hour per day, seven days per week basis.

(h) Such component shall periodically evaluate each involuntary patient for conditional release, and such evaluation shall be documented in each involuntary patient's clinical record.

(3) The director may exempt a nonhospital residential facility providing inpatient involuntary treatment from any of the requirements of this section, inappropriate to that type of facility, as well as from selected requirements in WAC 275-55-263(2). [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-291, filed 3/11/82.]

**WAC 275-55-293 Certification procedure--Waivers--Provisional certification--Renewal of certification.**

(1) In order to certify an agency's component or components, the department shall:

(a) Receive a formal request from the county-designated administrator of the evaluation and treatment program; and

(b) Conduct a site visit of the component or components including an inspection and examination of any records, procedures, materials, areas, programs, staff, and patients necessary to determine compliance with WAC 275-55-263, and the appropriate sections of WAC 275-55-271 through 275-55-291.

(2) The department shall issue full certification to a component only if the component is in full compliance with the applicable sections of this chapter.

(3) Variances from full compliance may be granted by the department in the form of a waiver, pursuant to the provisions of WAC 275-55-371.

(4) Provisional certification may be granted by the director to a component or components which are in substantial compliance with the applicable sections of this chapter. Such provisional certification shall specify the number and type of deficiencies temporarily allowed and the length of provisional status.

(5) Renewal of certification is required at least every other year, and may require a complete site visit of the component or components as specified in subsection (1)(b) of this section. [Statutory Authority: RCW 71.05.560. 83-03-010 (Order 1935), § 275-55-293, filed 1/12/83; 82-07-024 (Order 1775), § 275-55-293, filed 3/11/82.]

**WAC 275-55-295 Decertification.** The department may decertify any component in accordance with the provisions of RCW 71.05.540 (4) and (5), guidelines promulgated and procedures for investigation of complaints set forth by the director. [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-295, filed 3/11/82.]

**WAC 275-55-297 Appeal procedure.** (1) Any agency whose component or components have been denied certification, or have been decertified by the department may appeal such a decision. (Reference WAC 275-55-371)

(2) Such appeal shall:

(a) Be made in writing to the secretary;

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

(c) Specify clearly the issue to be reviewed;

(d) Be signed by, and include the address of the agency;

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

(3) An administrative review and redetermination shall be provided by the department within thirty days of the submission of the appeal, with written confirmation of the findings and the reasons for the findings to be forwarded to the affected agency as soon as possible. [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-297, filed 3/11/82.]

**WAC 275-55-301 Alternatives to inpatient treatment.** In considering all petitions for involuntary commitments to inpatient treatment as to whether the patient's presenting problem is appropriate for care and treatment, the professional person in charge of the inpatient component shall explore less restrictive alternatives, including possible outpatient treatment, and shall consider possible better, or equal treatment elsewhere, preferably within the patient's home community. [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-301, filed 3/11/82.]

**WAC 275-55-331 Requirements for evaluation and treatment facilities serving minors.** (1) The requirements for certification of components of evaluation and treatment facilities admitting minors shall be as specified in WAC 275-55-263 and in other applicable sections of this chapter, and shall include, but are not limited to, the following:

(a) The admission evaluation specified in WAC 275-55-263(2)(b) shall include assessment of factors possibly contributing to the emotional dysfunctioning of the minor, such as family dynamics, environmental influences, or interactions with other significant persons.

(b) Family therapy shall be available, and shall be provided as needed.

(c) Treatment plans for minors shall include attention to the educational, developmental, legal, and other social service needs of minors, as appropriate.

(2) In general, adults and minors shall be provided services separate from one another, wherever possible. Joint use by adults and minors of a facility's services is permitted only if the minor's clinical record contains documentation that:

(a) The anticipated effects of such joint use on the minor have been considered by the professional staff, and

(b) A professional judgment has been made that such joint use will not be deleterious to the minor.

(3) No minor shall be placed on an adult inpatient unit unless documented no other alternative is available, or an emergency exists, and documentation has been made pursuant to subsection (2) of this section.

(4) Evaluation and treatment services provided to minors shall be provided by:

(a) A child mental health specialist (as defined by WAC 275-25-710(3)), or

(b) A mental health specialist (as defined by WAC 275-25-710(1)) directly supervised by a child mental health specialist, or

(c) A mental health specialist receiving at least one hour per week of clinical consultation from a child mental health specialist for each involuntarily detained minor provided direct client services during the week. [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-331, filed 3/11/82.]

**WAC 275-55-341 Use of restraints and seclusion by agency not certified as an evaluation and treatment facility.** An agency not certified as an evaluation and treatment facility pursuant to WAC 275-55-263, or not

covered by other appropriate statutes or regulations, may use restraints and seclusion only as specified in WAC 275-55-263 (2)(e). [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-341, filed 3/11/82.]

**WAC 275-55-351 Research.** All research concerning mentally ill persons, whose cost of care is paid for by the department and who are voluntarily admitted or involuntarily committed under this chapter or involving disclosure of personal records shall be undertaken in accordance with department rules on the protection of human research subjects as specified in chapter 388-10 WAC. Furthermore, any person involved in evaluation or research concerning persons under this chapter shall be required to sign a statement as provided for in RCW 71.05.390. Such statement will be filed with the director. [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-351, filed 3/11/82.]

**WAC 275-55-361 Involuntary evaluation and treatment costs--Responsibility of involuntary patient.** (1) Any person, or his or her estate, or his or her spouse, or the parents of a minor becoming an involuntary patient pursuant to chapter 71.05 RCW shall be responsible for the cost of such evaluation and treatment. (Reference RCW 71.05.100) Payment of such costs by the involuntary patient, or on behalf of the involuntary patient by third-party payors, or other legally responsible persons or entities shall be made to:

(a) The state in instances where evaluation and treatment is provided in a facility maintained and operated by the department, pursuant to RCW 71.02.411.

(b) The local agency in instances where evaluation and treatment is provided by the agency and the agency is not a facility maintained and operated by the department.

(2) In instances where inability to pay or substantial hardship is determined for an involuntary patient pursuant to WAC 275-55-363(4), any unpaid costs for evaluation and treatment provided to such involuntary patient by a nondepartment agency shall be borne by the department, subject to the provisions of WAC 275-55-363, and 275-55-365. [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-361, filed 3/11/82.]

**WAC 275-55-363 Involuntary evaluation and treatment costs--Collection by agency.** (1) Definitions. For the purposes of this section:

(a) "Involuntary patient" is as defined by WAC 275-55-020(18).

(b) "Title XIX" means Title XIX of the Social Security Act.

(c) "CSO" means community services office of the department.

(2) Collection of costs for evaluation and treatment provided an involuntary patient by an agency not operated and maintained by the department shall be the responsibility of the agency. Such agency shall make reasonable efforts to make such collection pursuant to

the agency's own regulations and policies. Such effort shall also include, but is not limited to, billing all appropriate resources of the involuntary patient and the patient's family, third-party payors, and other legally responsible persons and entities.

(3) Any involuntary patient not having private insurance to cover his or her costs, not already eligible for Title XIX or other state or federal assistance for his or her costs, or not otherwise paying for his or her evaluation and treatment costs, shall be referred by the agency providing the inpatient component to a local CSO for determination of eligibility for Title XIX benefits. If such patient is determined so eligible by the CSO, the agency shall bill according to the instructions set forth by the department.

(4) In the case of any involuntary patient not eligible for Title XIX benefits the agency providing the inpatient component shall determine the amount, if any, the patient should participate in the treatment costs. Such participation shall be in accordance with department instructions as set forth in the applicable mental health division issuance. Physicians, community mental health centers and other agencies not providing inpatient care are not required to make this patient participation calculation.

(5) The agency may bill the department for the balance of costs not collectable by actions taken in accordance with subsections (2), (3), and (4) of this section and not recoverable by any other means or from any other sources. Such billing shall be subject to the following:

(a) Reimbursement is sought through the appropriate county as defined by WAC 275-55-365(1). All bills shall be verified by the county or the county's designee before forwarded by the county to the department for payment.

(b) Certification is made by the agency that every reasonable effort has been made to collect payment from all appropriate resources of the involuntary patient and the patient's family, third-party payors, and other legally responsible persons and entities prior to submitting a claim through the county. This would include, where appropriate, referral to a CSO for medicaid eligibility determination.

(c) Any collections made prior to such billing shall be shown and deducted from such billing. Any collections made subsequent to such billings shall be submitted to the department.

(6) In the event an involuntary patient is determined by the agency or by the local CSO (in instances where such patient had been referred for eligibility determination) to be fully capable of paying for his or her evaluation and treatment services, and such patient refuses to do so, the agency shall have primary responsibility for collection of costs and shall not expect the department to reimburse the agency for any uncollected balance, except as stated in the applicable mental health division issuance.

(7) The agency shall maintain appropriate records and other supporting material necessary to document

billings and collection of costs for evaluation and treatment provided any involuntary patient, and shall permit authorized representatives of the county and/or the department to make such review of the records of the agency as may be deemed necessary to satisfy audit purposes. Such review shall be restricted to records for involuntary patients only. [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-363, filed 3/11/82.]

**WAC 275-55-365 Involuntary evaluation and treatment costs--Responsibility of county.** (1) All requests for reimbursement shall be made through the county of detention which shall review and approve requests pursuant to the following:

(a) The person being billed for was in fact an involuntary patient for the period of evaluation and treatment specified.

(b) The date of initial detention is indicated.

(c) Date of the seventy-two hour (probable cause) hearing is indicated.

(d) Date of conversion to voluntary patient status is shown (if appropriate).

(e) Date of release, transfer or discharge is shown.

(f) Days allowed by an approved extension request are shown (if appropriate).

(g) The "patient participation" calculation is shown on inpatient facility invoices, or the patient is shown to be eligible for medicaid or LCP-MI.

(h) If insurance coverage is indicated, such coverage collections have been deducted.

(2) All reimbursement payments for evaluation and treatment costs for involuntary patients shall be made directly to the service-providing agency.

(3) No payments will be made to agencies not certified pursuant to WAC 275-55-263, and not a part of a county's evaluation and treatment program pursuant to WAC 275-55-261, except in the case of licensed physicians.

(4) The counties shall maintain appropriate records and other supporting material necessary to document related administrative costs, and shall submit such reports as the department shall request and shall permit authorized representatives of the department to make such review of records as may be deemed necessary to satisfy audit purposes. [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-365, filed 3/11/82.]

**WAC 275-55-367 Involuntary evaluation and treatment costs--Responsibility of department.** (1) In instances where an involuntary patient is unable to pay any or all of the costs of evaluation and treatment from all of the personal, family when legally responsible, or third-party payor resources available to him or her as required by WAC 275-55-361, or if payment would result in substantial hardship upon such patient or his or her family, the department shall be responsible for paying any uncollected balance of such costs, as set forth in the applicable mental health division issuance, except costs for which the CSO has determined the patient should continue to be liable.

(2) The department shall reimburse the counties for increased administrative costs, if any, resulting from implementation of the provisions of the 1973 Involuntary Treatment Act. Additional costs to the counties shall be reimbursed in accordance with the following rules, subject to the availability of state and federal funds.

(3) For all increased involuntary commitment administrative costs, the department shall award an amount to the counties to pay such costs pursuant to RCW 71.05-.550. "Increased costs" as used here shall mean costs exceeding the level financed by the county for calendar year 1973, resulting from implementation of the provisions of the 1973 involuntary treatment act, and subsequent amendments.

(a) Involuntary commitment administrative costs are for services not listed under the Title XIX modality schedule. Such costs include:

(i) All travel and transportation expenses, whether for staff or involuntary patients;

(ii) All investigative costs not otherwise recoverable as a Title XIX listed service;

(iii) Expenses for hearings, testimony, legal services, courts, and prosecutors; and

(iv) The percentage of total staff time of the county mental health coordinator and agency administrative staff allocated to and expended in the involuntary commitment process.

(b) State funds shall in no case be used to replace local funds from any source used to finance administrative costs for involuntary commitment procedures conducted prior to January 1, 1974.

(4) For the evaluation and treatment provided each and every involuntary patient by a qualifying agency, the department shall reimburse the agencies in the amount of the actual expenditures incurred pursuant to this chapter and applicable departmental instructions. Such reimbursement by the department shall not exceed the Title XIX rate and shall not be allowed for any costs already reimbursed by other means. Such reimbursement by the department shall cover the following involuntary evaluation and treatment statuses only:

(a) Emergency component services for individuals where a petition for initial detention is filed under RCW 71.05.160 within twelve hours of admission to that component.

(b) Initial detention period including Saturdays, Sundays, holidays and up to three judicial days.

(c) Fourteen-day period, including any involuntary outpatient treatment or less restrictive placement recommended by agency staff for the remainder of this period. Reimbursement beyond this fourteen-day period shall require approval from the department consistent with the applicable mental health division issuance.

(d) Conditional release effected pursuant to the applicable provisions of this chapter and chapter 71.05 RCW. Reimbursement shall be restricted to the initial seven-day period.

(e) Conversion to voluntary status. Reimbursement shall be restricted to inpatient or outpatient services

provided during the initial seventeen-day period, regardless of the day within that period the involuntary patient converts to voluntary status.

(5) The department may withhold department reimbursement in whole or in part from any county or agency in the event of a failure to comply with the provisions of this chapter. [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-367, filed 3/11/82.]

**WAC 275-55-371 Exceptions to rules--Waivers.** Any person or agency subject to the provisions of this chapter may seek a waiver of any requirement of this chapter, as set forth in this section.

(1) The applicant shall file an application for a waiver with the director.

(2) Any application for a waiver from any person or agency shall state, in writing, the following:

(a) The name and address of the person or agency seeking the waiver;

(b) The specific section or subsection of this chapter sought to be waived, and the specific practice or procedure required by such section or subsection;

(c) An explanation of why a waiver of the section or subsection is necessary;

(d) The alternative practice or procedure the applicant proposes to follow in lieu of that required by the section or subsection;

(e) A plan and timetable for compliance with the section or subsection for which the waiver is sought; and

(f) Signed documentation from the local mental health coordinator indicating the proposed waiver has been reviewed and what degree of support has been extended.

(3) Upon receipt of an application for a waiver, the director shall appoint a review board comprised of three members professionally acquainted with this chapter. Membership distribution shall be as follows:

(a) One member shall be employed by the state;

(b) One member shall be employed by a county; and

(c) One member shall be a practitioner in the field of voluntary or involuntary treatment, or a lay person active in one such field.

(4) The review board shall meet and consider the strength of the application, taking into account the following:

(a) The number of practices, procedures or other requirements sought to be waived by the applicant;

(b) The degree of noncompliance being sought;

(c) Whether a waiver would run counter to the intent of chapter 71.05 RCW;

(d) Whether a waiver would violate any law; and

(e) Whether any similar applications have been granted or denied.

(5) At the conclusion of the review, the review board shall file a majority recommendation with the director, stating:

(a) Whether a waiver should be granted;

(b) If granted, why the waiver is necessary;

(c) If granted, whether the waiver should be subject to compliance with conditions set forth by the review board; and

(d) If granted, the suggested duration of the waiver. In no case shall the duration exceed one year.

(6) The review board may accompany the recommendation with an additional recommendation the section or subsection in question be modified through the ordinary procedures for modifying WAC.

(7) Upon receipt of the review board's recommendation, the director shall grant or deny the waiver in writing, and shall so notify the applicant. This notice shall be given the applicant within thirty days of receipt of the original application by the director.

(a) If the waiver is granted, the notice shall include:

(i) The section or subsection waived;

(ii) Any conditions with which the applicant must comply;

(iii) The duration of the waiver, in no case to exceed one year from the date the waiver is granted;

(iv) The reason why the waiver is considered necessary.

(b) If the waiver is denied, the notice shall include reasons for the decision.

(8) Appeal of the denial of a waiver request may be made to the secretary, whose decision shall be final.

(9) Requirements prescribed by chapter 13.06 RCW and other legislation are not subject to waiver by the director or the secretary.

(10) A waiver granted by the director shall be attached to and become part of the county plan for that year. [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-371, filed 3/11/82.]

## Chapter 275-56 WAC

### COMMUNITY MENTAL HEALTH PROGRAMS

#### WAC

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**WAC 275-56-005 Purpose and authority.** Chapter 275-56 WAC establishes rules and regulations for county administration of community mental health programs, licensing service providers, information, accountability, contracts and services. Chapter 275-56 WAC is adopted under authority of chapter 71.24 RCW.

(1) Chapter 275-56 WAC enables participation in the community mental health system by service providers which are profit or nonprofit businesses, private or public businesses, individuals or partnerships, as well as corporations. A provider may contract with a county for one or more services defined by chapter 71.24 RCW.

(2) The rules and regulations of county administration are specified in two areas:

(a) County administration and planning (WAC 275-56-020 through 275-56-060), and

(b) County fiscal administration (WAC 275-56-065 through 275-56-085).

(3) Minimum standards for licensing service providers are specified in four areas:

(a) Licensing procedures (WAC 275-56-090 through 275-56-105);

(b) Organizational administration of the provider, including (WAC 275-56-110 through 275-56-215):

(i) Administration;

(ii) Provider fiscal administration;

(iii) Personnel management;

(iv) Quality assurance;

(v) Program evaluation;

(vi) Facilities.

(c) Services administration, including (WAC 275-56-220 through 275-56-330):

(i) Accessibility and awareness of services;

(ii) Client rights;

(iii) Client entry, service planning, and service operations;

(iv) Client records.

(d) Services, including (WAC 275-56-335 through 275-56-445):

- (i) Emergency services, including preadmission screening services;
- (ii) Outpatient services;
- (iii) Day treatment services;
- (iv) Consultation and education services;
- (v) Community support services. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-005, filed 4/7/83.]

**WAC 275-56-010 Priority populations.** Chapter 275-56 WAC establishes rules, regulations, and standards for community mental health programs providing for:

(1) Access to mental health services for residents of the state of Washington who, in priority order, are:

- (a) Acutely mentally ill;
- (b) Chronically mentally ill;
- (c) Seriously disturbed.

(2) Mental health services recognizing the special needs of underserved groups within the priority populations, including:

- (a) Minorities,
- (b) Children,
- (c) Elderly,
- (d) Disabled, and

(e) Low-income persons. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-010, filed 4/7/83.]

**WAC 275-56-015 Definitions.** For the purposes of the rules, regulations, and standards of chapter 275-56 WAC, the following words and phrases shall have the following meaning:

(1) "Acutely mentally ill" means a condition limited to a short-term severe crisis episode of:

- (a) A mental disorder as defined in this chapter;
- (b) Being gravely disabled as defined in this chapter;

or

(c) Presenting a likelihood of serious harm as defined in this chapter.

(2) "Available resources" means funds appropriated by the legislature during any biennium for the purpose of providing community mental health programs.

(3) "Case management" means assistance to the client and family or significant others to obtain, maintain or develop an appropriate place for the client in the community. This service involves assistance in obtaining the full range of needed services, routine monitoring, supervision of client's functioning, and establishing and maintaining support for the client and his or her family or significant others.

(4) "Child" or "children" means a person or persons under eighteen years of age.

(5) "Chronically mentally ill" means a person having a mental disorder and meeting at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years;

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months duration within the preceding year; or

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months.

(6) "Clients" means persons, couples or families receiving clinical, coordinative, or supportive services.

(7) "Clinical staff member" means a regularly employed or contracted staff member or supervisor engaged to any extent in providing direct evaluative, diagnostic, or therapeutic services to clients. The term does not include volunteers or students.

(8) "Community mental health program" means the total mental health program established by a county or group of counties acting in combination for the purpose of providing mental health services in accordance with the Community Mental Health Services Act, chapter 71.24 RCW.

(9) "Community Mental Health Services Act" means chapter 71.24 RCW.

(10) "Community support services" means those services for acutely and chronically mentally ill persons which include:

(a) Discharge planning for clients leaving state hospitals and other acute care inpatient facilities;

(b) Sufficient contacts with clients, family or significant other to provide for an effective program of community maintenance; and

(c) Medication monitoring.

(11) "Consultation" means review and recommendations regarding the job responsibilities, activities, or decisions of administrative, clinical, or clerical staff, contracted employees, volunteers, or students by a person or persons with appropriate knowledge and experience to make such recommendations. This definition does not constitute a definition of consultation and education.

(12) "Consultation and education services" means those services provided to assist others in the community to understand and care for acutely and chronically mentally ill and seriously disturbed persons and includes:

- (a) Consultation to other community providers, and
- (b) Educational and public information services.

(13) "County authority" means the board of county commissioners, county council or county executive having the authority to establish a community mental health program.

(14) "Crisis" means a situation where, because of severe internal or external stresses, a person is experiencing serious disruption in cognitive, volitional, psychosocial or physiological functioning.

(15) "Day treatment services" means those services for mentally ill persons which include training in basic living and social skills, supported work, vocational rehabilitation, day activities, and may include therapeutic treatment.

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



(17) "Direct treatment services" means clinical services provided directly to clients to meet the client's mental health needs, as distinct from activities conducted with other persons, organizations, or groups on behalf of clients, and also as distinct from supervisory, consultative or training activities conducted with regard to clients or services.

(18) "Disabled" means a developmentally disabled person or one with serious physical or sensory impairment.

(19) "Elderly" means a person sixty years of age or older.

(20) "Emergency" means a situation where there is likelihood of serious harm to the person, other persons or property resulting from the actions or threatened actions of a mentally ill person, or when the person is gravely disabled.

(21) "Emergency services" means those responses and intervention services provided to persons experiencing mental health emergencies or crises and include:

- (a) Twenty-four hour telephone service;
- (b) Twenty-four hour outreach services;
- (c) Crisis resolution services; and
- (d) Preadmission screening services.

(22) "Governing body" means the final decision-making body for a provider.

(23) "Gravely disabled" means a condition where a person, as a result of a mental disorder:

(a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or

(b) Manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognition or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(24) "Material adjustment" means a budget revision equaling ten percent of a cost center.

(25) "Mental disorder" means any organic, mental, or emotional impairment having substantial adverse effect on an individual's cognitive or volitional functions.

(26) "Mental health services" means those services required pursuant to chapter 71.24 RCW, including:

- (a) Emergency services, including screening for patients being considered for admission to state hospitals;
- (b) Outpatient services;
- (c) Day treatment;
- (d) Consultation and education services; and
- (e) Community support services.

(27) "Mentally ill persons" and "the mentally ill" means a person or condition defined in this chapter as:

- (a) Acutely mentally ill;
- (b) Chronically mentally ill; or
- (c) Seriously disturbed.

(28) "Minority" or "ethnic minority" means any of the following general population groups:

- (a) American Indian or Alaskan native,
- (b) Asian or Pacific Islander,
- (c) Black, or
- (d) Hispanic.

(29) "Outpatient services" means those services provided in less than a residential or day treatment setting for clients whose dysfunction is not so severe as to need such intense or restrictive service. Outpatient services may include, but are not limited to, evaluation, diagnosis, psychotherapy, medication management, and activities therapy.

(30) "Preadmission screening services" means those services provided for clients being considered for voluntary admission to state hospitals to determine the appropriateness of admission and availability of alternatives.

(31) "Properly executed accounting documents" means accounting documents processed in a manner consistent with provider policies and procedures and providing sufficient and adequate documentation for an audit of the agency's financial transactions.

(32) "Provider" means licensed service provider as defined in chapter 71.24 RCW.

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

(34) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to self or others as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a minor child diagnosed by a mental health professional as defined in RCW 71.05.020, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

(35) "Substantial gainful activity" is work that involves significant physical or mental activities done for pay or profit.

(36) "Supervision" means regular or occasional oversight of the administrative, clinical or clerical work performance of staff, students, volunteers or contracted employees by person or persons with the authority to give direction and require change.

(37) "Training" means planned educational events or activities designed to instill or enhance skills and to increase knowledge. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-015, filed 4/7/83.]

**WAC 275-56-020 County administration and planning--Biennial mental health needs assessment.** The county authority shall submit to the department a biennial mental health needs assessment.

(1) A biennial needs assessment of residents of the county who are acutely mentally ill, chronically mentally ill, or seriously disturbed, including minorities, children, elderly, disabled, and low-income groups in these priority populations shall be prepared for submittal to the state. The biennial needs assessment shall determine

need with respect to mental health services required by the Community Mental Health Services Act.

(2) The biennial needs assessment will include:

(a) Estimates of the type and extent of significant mental health needs of the mentally ill, including estimates of the number of chronically mentally ill persons, seriously disturbed persons, and acute crises occurring in the county during the biennium.

(b) A projection of the amount and type of mental health services necessary to meet identified mental health needs of the acutely mentally ill, chronically mentally ill, and seriously disturbed.

(c) Identification of public and private resources available to meet the mental health needs of the acutely mentally ill, chronically mentally ill, and seriously disturbed, including:

(i) Identification of licensed service providers in the county.

(ii) Assessment of the capability of the current mental health program and providers to meet the needs of the mentally ill.

(d) A prioritization of unmet needs for the mentally ill.

(3) The biennial needs assessment shall be conducted in accordance with department guidelines for needs assessment. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-020, filed 4/7/83.]

**WAC 275-56-025 County administration and planning--Biennial mental health plan and budget.** The county authority shall submit to the department a biennial mental health plan and budget.

(1) The biennial plan shall address the needs identified in the biennial needs assessment for the acutely mentally ill, chronically mentally ill, and seriously disturbed, including minorities, children, elderly, disabled, and low-income groups in these priority populations. The biennial plan shall be developed based on available resources and priorities established in the biennial needs assessment.

(2) The biennial plan shall include the following components:

(a) A plan narrative identifying needs to be met, goals and objectives, an action plan for coordination and delivery of mental health services, and program development activities related to needs and priorities identified in the biennial needs assessment. The plan narrative shall include all mental health services required by the Community Mental Health Services Act and may include optional services.

(b) A budget identifying revenues and expenditures for mental health services, program development activities, and administration of the mental health program and services. The budget will be submitted in accordance with the requirements specified in WAC 275-56-070.

(3) The biennial plan shall be developed in accordance with the planning guidelines of the department.

(4) The secretary may modify deadlines for submission of plans, responses to written reviews or contract

proposals when, in the secretary's judgment, the modification would enable the county to improve the program planning process.

(5) The secretary may authorize the county to continue providing services in accordance with the previous plan and contract, and reimburse at the average level of the previous contract, in order to continue services until the contract is executed.

(6) Any provider having applied to participate in the community mental health program who objects to county decisions regarding the biennial plan may request a hearing before the county authority. When an appeal is made, the county authority shall review the appeal and notify the provider, in writing, of the appeal disposition within thirty days after the appeal has been received.

(7) Any county objecting to the department's disposition of the county's biennial plan may request an administrative review pursuant to the Administrative Procedure Act, chapter 34.04 RCW. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-025, filed 4/7/83.]

**WAC 275-56-030 County administration and planning--Availability and accessibility of required mental health services for acutely mentally ill, chronically mentally ill, and seriously disturbed persons.** The biennial plan shall indicate how required mental health services are to be made available and accessible to the acutely mentally ill, chronically mentally ill, seriously disturbed including underserved groups within the priority populations, and may include optional services for these populations.

(1) The following mental health services shall be available to acutely mentally ill, chronically mentally ill, and seriously disturbed persons in accordance with the priorities established in the biennial needs assessment:

(a) Emergency services including preadmission screening services;

(b) Outpatient services;

(c) Day treatment;

(d) Consultation and education services;

(e) Community support services for the acutely mentally ill and chronically mentally ill;

(f) Inpatient services (optional); and

(g) Residential services (optional).

(2) The biennial plan shall indicate how mental health services are to be made available to priority clients throughout the county.

(a) The plan shall indicate where services are to be located.

(b) The plan shall indicate how services shall be extended to mentally ill persons who, because of situation, age, or disability, cannot travel to facilities where mental health services are routinely provided.

(3) Mental health services shall be designed for, available and accessible to children, elderly, minorities, disabled, and low-income persons who are acutely mentally ill, chronically mentally ill or seriously disturbed. In counties where a significant ethnic minority exists,

the county plan shall ensure that culturally relevant services are available and accessible to this population. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-030, filed 4/7/83.]

**WAC 275-56-035 County administration and planning—Providers eligible for funding.** The county authority shall ensure the biennial plan is inclusive of only licensed service providers.

(1) The county may become a provider under the following conditions:

(a) No other provider is available to provide the mental health services; and

(b) The county has demonstrated to the department that the county can provide the mental health services more efficiently and cost effectively than other available providers without loss of quality of care. Evidence that the county would be more efficient and cost effective than other available providers includes but is not limited to lower administrative costs, lower unit cost for comparable services, and higher productivity.

(2) Where the county is a licensed service provider of mental health services, the department shall meet the following responsibilities of the county authority for the services:

(a) Contract monitoring of the provider (WAC 275-56-050).

(b) Fiscal auditing of the provider (WAC 275-56-085).

(c) Review an appeal of the provider (WAC 275-56-025(6)).

(3) If a county decides not to participate in the community mental health program, the department shall assume all responsibilities of the county authority for planning and administering mental health services in that county.

(4) Providers contracting with the county for mental health services shall be licensed by the department in accordance with state minimum standards for community mental health programs.

(5) Counties proposing to contract with more than one licensed provider shall demonstrate the following criteria are met:

(a) Continuity of care is assured;

(b) Services will be provided in an efficient and cost-effective manner; and

(c) Duplication of services and administrative costs are minimized.

(6) County contracts with individual providers licensed under chapters 18.57, 18.71, 18.83 or 18.88 RCW shall require all fiscal accountability and client tracking information as required in this chapter.

(7) The department shall determine standards in this chapter applicable to individual providers which shall be incorporated in the contracts with the individual providers. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-035, filed 4/7/83.]

**WAC 275-56-040 County administration and planning—Biennial plan as a basis for contracting.** The

county authority shall utilize the biennial plan and budget as the basis for contracting.

(1) A work statement and budget shall be incorporated into the contract with the department.

(2) The contract between the county and the department shall serve as the basis for county contracts with providers.

(3) The county shall utilize standardized contract terms and conditions consistent with department guidelines for contracting and including requirements for at least the following:

(a) Reporting of revenue, expenditures, and statistical information on all mental health services provided to priority populations by the provider; and

(b) Compliance with minimum standards for community mental health programs. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-040, filed 4/7/83.]

**WAC 275-56-050 County administration and planning—County monitoring of providers.** The county authority shall be responsible for monitoring providers which have contracted with the county to provide mental health services.

(1) The county authority shall evaluate, at least annually, each provider's compliance with its contract work statement.

(2) Each biennium, the county authority shall ensure a program audit of the provider is conducted in accordance with guidelines of the department.

(3) The county shall notify the department of any findings resulting from the county's monitoring of providers indicating that the provider is not in compliance with contract terms. The county shall submit a written report of program evaluations and audits to the department within thirty days of completion.

(4) The responsibilities specified in this section may be assumed by one county where a combination of counties have established a community mental health program, and the administration of the program is provided by one county. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-050, filed 4/7/83.]

**WAC 275-56-055 County administration and planning—Client tracking information.** The county authority shall be responsible for ensuring that client tracking information for the chronically mentally ill is maintained on the state mental health client tracking system. The state mental health client tracking system will be a centralized file which may be used by county authorities for tracking of the chronically mentally ill.

(1) The counties shall require all providers of service to the chronically mentally ill to collect and submit the following information:

(a) A department-designated client identifier enabling the person to be uniquely identified in any mental health service he or she receives.

(b) Name of the state hospital, certified evaluation and treatment facility, other inpatient or residential facility or licensed provider referring the client, and the date of referral.

(c) Identification of the facility or provider accepting the client upon referral from another facility or provider, including designation of the licensed provider providing case management services, if any.

(d) Service utilization in the community mental health program since the most recent date of referral or release from another facility or provider, including provider name and beginning and ending dates of treatment.

(2) The client tracking information shall be provided to the state client tracking system by state hospitals, certified evaluation and treatment facilities, other inpatient or residential facilities, county-designated mental health professionals (chapter 71.05 RCW), and licensed providers under contract to the county authority or department.

(a) Referring entities referenced in this section shall provide the department with client tracking information consistent with department guidelines on notification of client referral or release.

(b) Providers accepting a client referred from another facility or provider shall notify the state client tracking system of the outcome of the referral, and any subsequent referrals, transfers, or termination of the client.

(3) The confidentiality of information contained in the client tracking file or record shall be maintained in accordance with WAC 275-56-240 and RCW 71.05.390 through 71.05.440. All county or provider staff having access to the client tracking file or record shall be instructed in these confidentiality requirements. A statement signed by the individual acknowledging his or her understanding and agreement to abide by these requirements shall be kept on file by the county or provider.

(4) If a county authority chooses to maintain a client tracking system based on other than the state mental health client tracking system, prior approval by the department is required. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-055, filed 4/7/83.]

**WAC 275-56-060 County administration and planning--County coordination of services.** The county authority shall ensure coordination of services for the acutely mentally ill, chronically mentally ill, and seriously disturbed, including underserved groups within these priority populations. The county shall utilize information from the state client tracking system to coordinate community support and outreach services. The county may contract with and designate a provider to meet the requirements of this section.

(1) Service providers discharging or referring chronically mentally ill clients to another service provider shall provide written notification to the state mental health client tracking system and the receiving agency of that discharge or referral within seventy-two hours.

(2) The receiving agency shall notify the state mental health client tracking system of the admission of the referred client within seventy-two hours of the admission. If the client has not been admitted within two weeks of the referral date, the receiving agency shall notify the state mental health client tracking system of the noncompleted referral.

(3) The county authority or its designee shall utilize information from the state mental health client tracking system to ensure efforts are made to provide needed services to all chronically mentally ill persons referred to providers, inpatient, or residential facilities within the county. When the county or its designee receives notification of noncompleted or inappropriate referrals, the county or its designee shall determine and document the reasons and attempt to arrange an appropriate referral.

(4) The county shall utilize information from the state client tracking system to routinely monitor continuity of care for chronically mentally ill clients.

(5) The county shall at least annually utilize client tracking information to assess the effectiveness of referral patterns and procedures. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-060, filed 4/7/83.]

**WAC 275-56-065 County fiscal administration--Disbursement of funds advanced by the department.** The county authority shall be responsible for establishing procedures to ensure proper application and use of funds advanced by the department for the community mental health program. The county shall maintain adequate documentation of disbursements of the advance account to providers. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-065, filed 4/7/83.]

**WAC 275-56-070 County fiscal administration--Submittal and approval of mental health budget.** The county authority shall submit a mental health budget to the department for approval consistent with guidelines of the department.

(1) The county budget shall include all available resources from the department and county mental health funds. The budget shall categorize estimated revenues and expenses according to the department's budgeting, accounting, reporting system (BARS).

(2) The mental health budgets of all providers contracting with the county shall be on file with the county. Provider budgets shall include available resources and other revenues that will support mental health services for acutely mentally ill, chronically mentally ill, and seriously disturbed clients. The provider budget shall categorize estimated revenues and expenses according to the department's standardized accounting system.

(3) The county mental health budget and all material adjustments thereof shall be reviewed and formally approved by the county authority prior to review and approval by the department.

(4) All county or provider requests for federal funding to support any aspect of the community mental health program shall be submitted to the department for review

and approval before the request is submitted to any federal agency. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-070, filed 4/7/83.]

**WAC 275-56-075 County fiscal administration-- Accounting records.** County accounting records shall clearly identify all revenues received from the department and expenditures thereof consistent with the department's budgeting, accounting, reporting system (BARS).

Accounting records shall be supported by properly executed accounting documents. Records, supporting documentation and statistical reports shall be retained for a period of five years, with the following qualifications:

(1) If any litigation, claim, or audit is started before the expiration of the five-year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

(2) Records for nonexpendable property acquired with resources from the department shall be retained for five years after final disposition. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-075, filed 4/7/83.]

**WAC 275-56-080 County fiscal administration-- Reports to and audits by the department.** The county shall maintain financial records and provide the department with information on the fiscal performance of the community mental health program.

(1) An original and one copy of the financial report shall be submitted to the department on a semiannual basis consistent with guidelines of the department.

(a) The report shall account for all mental health funds included in the county's contract with the department.

(b) The report shall be due in the department within forty days following the end of each reporting period.

(2) All county records of mental health funds provided to the county by the department shall be maintained in an auditable format. These records shall be available for audit upon request by the department or the department's designated audit agent. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-080, filed 4/7/83.]

**WAC 275-56-085 County fiscal administration-- Biennial fiscal audit of providers.** The county authority or designee shall be responsible for performing a biennial fiscal audit of each provider which is under contract to the county to provide mental health services.

(1) The biennial audit shall be conducted in accordance with applicable, generally accepted auditing standards (GAAS).

(2) Documentation shall verify that the reports of such audits have been reviewed by the governing body of the provider and the county authority.

(3) The biennial audit shall be completed within twelve months following the end of the department's biennium.

(4) The county shall notify the department of any audit findings indicating the provider is not in compliance

with the county's contract or with minimum standards for community mental health programs.

(5) The county may use an independent audit secured by the provider to meet the requirements of the biennial county audit.

(6) Where available resources from the department can be separated from other revenues of the provider, the audit shall apply only to available resources. Otherwise the county shall perform a biennial fiscal audit of all revenues of the provider. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-085, filed 4/7/83.]

**WAC 275-56-090 Licensing procedures for providers-- Applicability of minimum standards for community mental health programs.** Providers (excluding individual providers licensed under chapter 18.57, 18.71, 18.83 or 18.88 RCW) shall be licensed by the department before entering into a contract with the county to provide mental health services.

(1) A provider contracting with the county for all services required by the Community Mental Health Services Act shall meet all minimum standards for organizational administration, services administration, and services in this chapter.

(2) Where the provider contracts with the county for some but not all of the required mental health services, the department shall determine the minimum standards applicable to the provider and the contracted services.

(3) Where a provider is part of a superordinate structure (e.g., county, hospital, university), the standards shall apply only to the community mental health component of that structure.

(4) Where a provider is able to separate contracted mental health services for the acutely mentally ill, chronically mentally ill, and seriously disturbed from mental health services provided other client populations, organizational administration, services administration, and services standards shall apply only to the contracted services. The provider shall demonstrate to the department's satisfaction that the contracted services are distinct from other services with respect to the following:

(a) Budget, revenues, and expenditures,

(b) Staffing,

(c) Clients served, and

(d) Identification in the organizational structure. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-090, filed 4/7/83.]

**WAC 275-56-095 Licensing procedures for providers-- Application and approval.** The department shall review applications for licensure and approve those which meet minimum standards for community mental health programs.

(1) Applications for licensure shall be submitted to the department on forms furnished by the department. The applicant shall indicate the services for which licensure is requested.

(a) Applications shall be signed by the applicant's governing body and administrator.

(b) The applicant shall send a copy of the application to the county authority or the designee. The county authority or the designee may review the application and send written comments to the department with a copy to the applicant. If the department does not receive a response from the county authority or the designee within thirty days, the department shall proceed with the application.

(2) An on-site review shall be conducted for the purpose of collecting and analyzing the information necessary for the department to determine whether a provider is in compliance with the minimum standards specified in this chapter. The department shall provide forty-five days written notice prior to the date scheduled for the licensure review.

(3) The department shall notify the applicant of the results of the review and make the report of the on-site review available to the applicant and county authority within sixty days of the last day of the on-site review.

(4) The applicant may appeal the department's licensure decision within thirty days of notification of decision. The appeal shall be made in accordance with the Administrative Procedure Act, chapter 34.04 RCW. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-095, filed 4/7/83.]

**WAC 275-56-100 Licensing procedures for providers—Waiver of rules.** Any provider or applicant subject to the provisions of this chapter may seek a waiver of any requirement of this chapter.

(1) The provider or applicant shall file a written request for a waiver with the department which shall include:

(a) The name and address of the provider or applicant seeking the waiver;

(b) The specific section or subsection of this chapter for which waiver is sought;

(c) An explanation of why a waiver of the section or subsection is necessary;

(d) A description of the alternative practice or procedure the provider proposes to follow in lieu of that required by the section or subsection, or a plan for satisfying the requirement with the section or subsection for which the waiver is sought; and

(e) Signed documentation from the county authority or designee reviewing the waiver including recommendations regarding the request.

(2) Upon receipt of a request for waiver, the department shall consider the following:

(a) Impact on accountability, efficiency, and quality of care;

(b) The degree of noncompliance being sought;

(c) Whether the waiver would run counter to the intent of chapter 71.24 RCW or other laws or regulations; and

(d) Whether any similar requests for waiver have been granted or denied.

(3) The department's response to the waiver request shall be provided in writing within sixty days of receipt of the request.

(a) If the waiver is granted, the notice shall include:

(i) The section or subsection waived;

(ii) Any conditions which the applicant must comply with;

(iii) The duration of the waiver which shall in no case exceed two years from the date of the licensure; and

(iv) That the waiver shall be subject to review and possible renewal, if requested.

(b) If the waiver request is denied, the notice shall include reasons for the decision.

(4) The denial of a waiver request may be appealed to the secretary, whose decision shall be final. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-100, filed 4/7/83.]

**WAC 275-56-105 Licensing procedures for providers—Licensure status.** The department shall, based on findings of a licensure review, assign the provider one of the following licensure statuses:

(1) Licensed

(a) Under this status the provider is eligible to enter into a contract with the county authority to provide those mental health services for which the provider is licensed.

(b) The department may require the provider to submit and implement a plan of correction to resolve deficiencies. The department may revoke the license if the provider does not implement the provider's plan of correction.

(c) At any time the department receives information indicating the provider has not continued to comply with minimum standards for community mental health programs, the department may conduct a new licensure review.

(d) The department may revoke the license if the review determines the provider is not in substantial compliance.

(e) If evidence indicates that the health and safety of the client is in danger, the revocation may be made effective immediately.

(2) Interim licensure

(a) Interim licensure shall be given to all providers contracting with a county authority to provide mental health services as of the effective date of this chapter.

(b) Interim licensure shall remain in effect until notification of licensure status resulting from the department's first licensure review of the provider or until two years following the effective date of this chapter.

(c) Following the department's first licensure review the provider shall have the licensure status assigned by the department.

(3) Probationary licensure

(a) Under this status the provider is eligible to contract with the county authority on conditions specified by the department.

(b) To achieve full licensure the provider shall demonstrate to the department that it has met the conditions of the probationary status.

(c) The provider shall request the department to review its corrective actions within six months of notification of probationary status or its licensure shall be revoked.

(d) The department shall review the provider's corrective actions and make a redetermination of licensure status within six months of the date of the provider's request for review.

(e) Probationary status shall only be assigned a provider as an outcome of the department's first licensure review of a provider or of a new service of that provider.

**(4) Provisional licensure**

A new provider or a provider planning to offer a new service may be given a provisional license for up to one year if the following conditions are met:

(a) It has an acceptable detailed plan for the development and operation of such service;

(b) It can demonstrate the availability of administrative and clinical expertise required to develop and provide the planned services; and

(c) It has the fiscal management and existing or projected resources to reasonably assure the stability and solvency of the planned service.

(5) The provider's contract with the county authority shall be terminated thirty days following the department's notification to the provider and the county authority of failure to attain or maintain licensure.

(6) Providers failing to attain licensure or whose licensure has been revoked may reapply for licensure no earlier than six months following the date of the department's notification.

(a) The application shall document the actions the provider has taken to correct deficiencies found in the prior licensure review.

(b) If the application demonstrates the provider has made every reasonable effort to correct deficiencies, the department shall schedule a licensure review to evaluate compliance with those standards previously unmet.

(7) A license shall be in effect for two years or until a review for relicensure has been conducted. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-105, filed 4/7/83.]

**WAC 275-56-110 Provider administration--Policies and procedures.** The provider shall have written policies and procedures for operations and administration. The provider's policies and procedures shall include:

- (1) Fiscal administration,
- (2) Personnel management,
- (3) Affirmative action,
- (4) Staff training,
- (5) Quality assurance,
- (6) Client rights,
- (7) Client records,
- (8) Client entry, service planning, operations, and
- (9) Services. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-110, filed 4/7/83.]

**WAC 275-56-115 Provider administration--Governing body.** The provider shall have a governing body which shall be responsible for the provider's:

- (1) Policies,
- (2) Total budget,
- (3) Biennial plan and budget for services proposed for contract with the county authority, and

(4) Contract with the county authority for mental health services. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-115, filed 4/7/83.]

**WAC 275-56-120 Provider administration--Designation of administrator.** The provider shall designate an administrator responsible to the governing body for administration of the provider's mental health services. The responsibilities of the administrator shall include the acquisition, control, utilization, and planning for the physical, human, and financial resources of the provider. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-120, filed 4/7/83.]

**WAC 275-56-125 Provider administration--Organizational structure.** The provider shall have an organizational structure specifying lines of authority and responsibility. The provider shall have an organizational chart identifying all programs, program interrelationships and lines of authority including the governing body, administrator, administrative staff, program managers, and staff positions, as applicable. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-125, filed 4/7/83.]

**WAC 275-56-130 Provider fiscal administration--Fiscal policies and procedures.** The provider shall have its current fiscal policies and procedures available in written form. Policies and procedures shall be defined in the following areas:

- (1) Accounts receivable,
- (2) Accounts payable to include purchasing,
- (3) Payroll,
- (4) General ledger, and
- (5) Internal control. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-130, filed 4/7/83.]

**WAC 275-56-135 Provider fiscal administration--Written schedule of fees.** The provider shall establish and use a sliding fee schedule based on the resources available to the client to pay for mental health services and the provider's actual cost of care.

- (1) The fee schedule shall be approved by the department as part of the licensing process.
- (2) The fee schedule shall be accessible to the provider's staff and clients. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-135, filed 4/7/83.]

**WAC 275-56-140 Provider fiscal administration--Procedures to maximize revenues.** The provider shall establish procedures to maximize other revenues.

- (1) Fees shall be collected from third parties when available.
- (2) Fees shall be collected from clients, parents of a child, or legal guardian consistent with the sliding fee schedule for billable services.
- (3) Fees shall be collected for consultation and education services whenever possible.
- (4) All receipts shall be deposited intact.

(5) All services rendered shall be recorded and shall be billed as appropriate.

(6) Members of the governing body, clinical staff, and consultants shall not engage in activities constituting a conflict of interest impairing the provider's ability to maximize revenues, including, but not limited to:

(a) The provider's facilities or services shall not be used by such persons for private practice unless the person compensates the provider at a reasonable rate.

(b) Governing body members, clinical staff or consultants with private practices shall not recruit clients away from the provider or be given preference for client referral made outside the provider agency unless there is no reasonable alternative.

(c) No private practice or other remunerative activity shall be conducted during hours when the staff member is being paid by the provider. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-140, filed 4/7/83.]

**WAC 275-56-145 Provider fiscal administration-- Budget of expected revenues and expenses.** The provider shall prepare a formal, written budget of all expected revenues and expenses for mental health services. The budget shall categorize revenues by source and expenses by types of services and/or program components consistent with the department's standard accounting system. The written budget and all material budget revisions shall be reviewed and formally approved by the governing body. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-145, filed 4/7/83.]

**WAC 275-56-150 Provider fiscal administration-- Accounting system.** The provider shall maintain an appropriate accounting system for administration of financial resources.

(1) The provider shall maintain the accounting system in accordance with applicable, generally accepted accounting principles (GAAP).

(2) Accounting records shall clearly identify all revenues by source.

(3) All expenses shall be recorded in a manner to clearly show the budget category charged. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-150, filed 4/7/83.]

**WAC 275-56-155 Provider fiscal administration-- Documentation and retention of accounting transactions.** Accounting transactions shall be supported by properly executed documents. Financial records, supporting documentation, and statistical reports shall be retained for a period of five years, with the following qualifications:

(1) If any litigation, claim or audit is started before the expiration of the five-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved.

(2) Records for nonexpendable property acquired with resources from the department shall be retained for five years after final disposition of the property. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-155, filed 4/7/83.]

**WAC 275-56-160 Provider fiscal administration-- Fiscal management system reporting.** The provider shall maintain accurate and complete information regarding the fiscal performance of its mental health program.

(1) Financial statements shall be prepared at least annually in conformity with generally accepted accounting principles (GAAP) and shall be available to the county authority and department upon request.

(2) If the provider has a contract with the county, the provider shall submit to the county at least quarterly revenue and expense reports for available resources based on the department's budgeting, accounting, reporting system (BARS). The revenue and expense reports shall include the relationship of the approved budget to actual revenue and expenditure.

(3) Providers utilizing Medicaid funding shall comply with WAC 388-87-007(9), and the terms of their Medicaid contract.

(4) Where a client utilizes more than one service of a provider at the same time, the client may not be charged for more than one service. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-160, filed 4/7/83.]

**WAC 275-56-165 Provider fiscal administration-- Independent audit of financial operations.** The provider's financial operations shall receive an independent audit at least biennially.

(1) The audit shall be conducted in accordance with generally accepted auditing standards (GAAS).

(2) Documentation shall verify that the report of the audit has been reviewed by the governing body.

(3) The audit shall be completed within twelve months following the end of the state's biennium.

(4) The county biennial fiscal audit of the provider may be used to meet the audit requirements of this section. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-165, filed 4/7/83.]

**WAC 275-56-170 Personnel management-- Personnel records.** A personnel record shall be kept on file by the provider for each staff member. The personnel record shall contain:

(1) Documentation verifying education, experience, and clinical training;

(2) Verification of required licensure or certification;

(3) Job description;

(4) Documentation of continuing education including in-service training received and training needs; and

(5) Documentation of the staff member's review of client rights. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-170, filed 4/7/83.]

**WAC 275-56-175 Personnel management-- Staff qualifications.** All direct treatment services shall be provided and supervised by staff members with the appropriate clinical qualifications.

(1) All direct treatment services shall be provided by a mental health professional or under the clinical supervision of a mental health professional defined pursuant to chapter 71.05 RCW as follows:



(a) A physician or osteopath licensed pursuant to chapter 18.57 or 18.71 RCW, who is board eligible in psychiatry; or

(b) A psychologist licensed pursuant to chapter 18.83 RCW; or

(c) A psychiatric nurse or social worker; or

(d) A person having at least a masters degree in behavioral, nursing sciences, or related field from an accredited college or university and having at least two years' experience in the direct treatment of mentally ill clients under the supervision of a mental health professional; or

(e) A person professionally registered or certificated (e.g., registered nurse, occupational therapist, physical therapist) and having at least three years' experience in working with mentally ill clients under supervision of a mental health professional. Such a person shall be defined as a mental health professional only when working within the skill areas for which he or she is registered or certificated.

(2) A clinical staff member or trainee not meeting the qualifications stated in subsection (1) of this section shall only provide direct treatment, screening, case management or support services under the following conditions:

(a) The person has been evaluated by a mental health professional and determined to possess the skills and knowledge necessary to work with the client population to be served, and in the identified function or role to be performed; and

(b) The service is provided under the supervision of a mental health professional or as part of an organized treatment team. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-175, filed 4/7/83.]

**WAC 275-56-180 Personnel management--Clinical supervision.** All persons providing direct treatment services shall receive appropriate clinical supervision.

(1) Clinical supervision shall be provided by a mental health professional.

(2) Full-time clinical staff members who are mental health professionals providing direct treatment services shall receive at least one hour per week of clinical supervision and/or consultation. Proportionately less time is required for part-time staff. Persons with medical and/or overall clinical responsibilities shall receive appropriate peer consultation.

(3) Other full-time clinical staff members providing direct treatment services shall receive at least two hours per week of clinical supervision from a mental health professional. Proportionately less time is required for part-time staff.

(4) Volunteers and trainees providing direct services, who are mental health professionals, shall receive at least three hours per week of clinical supervision from a mental health professional. Proportionately less time is required for persons providing direct treatment services on a part-time basis.

(5) Volunteers and trainees providing direct treatment services, who are not mental health professionals, shall receive at least one hour of clinical supervision from a

mental health professional for every five hours of direct treatment services provided. Volunteers, trainees or other persons providing telephone screening or telephone crisis counseling shall not be subject to this subsection, given clinical supervision is available in person, by telephone, or by radio communication at all times.

(6) Clinical backup by a mental health professional in person, by telephone, or by radio communication shall be available to staff at all times when service is being provided.

(7) Where required by law, specialized services (e.g., medical, psychiatric, psychological, and nursing services) shall be provided or supervised by appropriately licensed or credentialed persons in accordance with respective professional standards. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-180, filed 4/7/83.]

**WAC 275-56-185 Personnel management--Qualifications appropriate to the needs of the client population.** The clinical qualifications of persons providing and/or supervising direct treatment services shall reflect the needs of the client population.

(1) Services to persons acutely mentally ill, chronically mentally ill, or seriously disturbed shall be provided by or under the supervision of a mental health professional with at least two years of experience in treatment of such clients.

(2) Services directed to children shall be provided by, under the supervision of, or with consultation from a child mental health specialist defined as follows:

(a) A mental health professional having completed a minimum of one hundred actual hours (not quarter or semester hours) of specialized training devoted to the study of child development and the treatment of seriously disturbed children and their families; and

(b) Having the equivalent of one year of full-time experience in the treatment of seriously disturbed children and their families under the supervision of a child mental health specialist.

(3) Services directed to the elderly shall be provided by, under the supervision of, or with consultation from a geriatric mental health specialist defined as follows:

(a) A mental health professional having completed a minimum of one hundred actual hours (not quarter or semester hours) of specialized training devoted to the problems and treatment of the elderly; and

(b) Having the equivalent of one year of full-time experience in the treatment of the elderly, under the supervision of a geriatric mental health specialist.

(4) Services directed to minority persons shall be provided by, under the supervision of or with consultation from a minority mental health specialist defined as follows:

(a) A mental health professional having completed a minimum of one hundred actual hours (not quarter or semester hours) of specialized training devoted to minority issues and treatment of minority persons; and

(b) Having the equivalent of one year of full-time experience in the treatment of persons in the minority group he or she serves. Such experience shall have been

supervised by a mental health professional and shall have included consultation with minority providers and/or community leaders who are members of the minority group served.

(5) Services directed to disabled persons shall be provided by, under the supervision of or with consultation from a mental health specialist with special expertise in working with that disabled group.

(a) If the client is deaf, the specialist shall be able to communicate with the person and be knowledgeable of the special psychosocial problems of the deaf.

(b) The specialist for developmentally disabled clients shall have a minimum of one hundred actual hours (not semester or quarter hours) of specialized training devoted to the problem and treatment of the developmentally disabled, or have one year of supervised experience in a developmental disability or special education program, or be a developmental disability or special education professional.

(6) Where the mental health specialists required under this section are unavailable, the provider shall:

(a) Document effort to acquire the services of the required specialists; and

(b) Develop a training program using in-service training or outside resources to assist existing staff members to acquire necessary skills and experience to become qualified specialists; or

(c) Contract or otherwise establish a working relationship with the required specialists to provide all or part of the direct treatment services for these populations or to supervise or provide consultation to staff members providing direct treatment services to these populations. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-185, filed 4/7/83.]

**WAC 275-56-190 Personnel management--Administrative qualifications.** Provider administration shall be provided by staff members with the appropriate administrative qualifications.

(1) The administrator shall have at least a masters degree in a social, behavioral, medical, nursing, or administrative discipline from an accredited college or university, and a minimum of two years' administrative experience and two years' experience in human services, or be certified in a relevant professional field (e.g., nurse, occupational therapist), providing the person, in addition, has at least three years' administrative experience and three years' experience in human services.

(2) The staff member with overall responsibility for provider clinical services shall be a mental health professional with at least five years' experience in mental health services, including at least two years in a supervisory capacity. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-190, filed 4/7/83.]

**WAC 275-56-195 Personnel management--Affirmative action.** The provider shall have an affirmative action program which complies with Title VII of the Civil Rights Act of 1964, the Equal Pay Act of 1963,

Section 504 of the 1974 Rehabilitation Act, the department's affirmative action guidelines, and other applicable federal, state, and local laws and regulations. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-195, filed 4/7/83.]

**WAC 275-56-200 Personnel management--Training opportunities.** Training opportunities shall be made available to administrative, clinical and clerical staff, and volunteers through in-service programs and/or training offered by outside resources.

(1) Each full-time clinical staff member shall receive a minimum of forty hours of training per year without loss of pay. Proportionately less training shall be received by part-time clinical staff.

(2) Volunteers, trainees or other nonprofessional persons providing telephone screening or telephone crisis counseling shall receive a minimum of thirty hours of appropriate training prior to providing telephone screening or telephone crisis counseling.

(3) Required training is in addition to routine supervision or consultation.

(4) Training shall be consistent with needs identified in the individual's personnel file.

(5) All training received by staff and volunteers shall be documented in the personnel files. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-200, filed 4/7/83.]

**WAC 275-56-205 Quality assurance--Case review.** A quality assurance case review process shall be established for all direct treatment services.

(1) The quality assurance review shall objectively assess the progress and outcome of treatment.

(a) The review shall be conducted by a person or persons not participating in treatment of the case under review. The review may be conducted by an outside consultant.

(b) At least one mental health professional shall participate in the review.

(c) At least fifteen cases or five percent, whichever is larger, of the provider's open cases shall be randomly sampled every three months and reviewed for quality of care.

(i) The sample shall be stratified to:

(A) Represent each mental health service at least every six months;

(B) Represent at least one case from each primary therapist or case manager every six months.

(ii) The cases shall represent acutely mentally ill, chronically mentally ill, and seriously disturbed persons appropriate to the service provided.

(2) The case review shall result in a determination of whether:

(a) The client's psychosocial, medical and treatment history, mental and medical status, and special assessments support the needs, problems, and diagnosis specified in the individual's service plan.

(b) Treatment goals follow from identified needs and problems, identify the expected outcome of treatment, and can be realistically achieved;

(c) Case progress indicates the goals of treatment have been or will be achieved;

(d) Medication and other services prescribed or assigned are utilized appropriately; and

(e) The client should continue in treatment.

(3) Client records shall be accurate and complete and shall contain the information required by this chapter.

(4) Corrective actions shall be recommended where a case review indicates inappropriate clinical care.

(a) Corrective action shall be considered for both the service program and the individual client's service plan.

(b) Recommendations for corrective action shall be submitted to the primary therapist or case manager, his or her supervisor, and other appropriate supervisors.

(c) Actions taken in regard to an individual client as a result of the review shall be documented in the client's record. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-205, filed 4/7/83.]

**WAC 275-56-210 Program evaluation--Requirements.** The provider shall have a system for determining the degree to which service activities meet its goals and objectives.

(1) The provider shall have an information system providing relevant, accurate, and timely data in order to monitor program goals and objectives. The provider shall maintain sufficient data to report the Washington state mental health information system minimum data set.

(2) At least one study of provider operations and intended results of services shall be completed annually. The studies shall address priority issues of concern to the provider and be related to its goals and objectives.

(3) Program evaluation or research involving human subjects shall be conducted in accordance with RCW 71.05.390, and "Guide to DSHS policy on protection of human research subjects," July 1, 1981. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-210, filed 4/7/83.]

**WAC 275-56-215 Facility characteristics.** Provider services shall be provided in a setting safe and conducive to the attainment of therapeutic goals.

(1) Provider facilities shall meet federal, state, and local requirements, including building, health, and fire codes.

(2) Group therapy rooms shall be of adequate size to accommodate the groups without crowding.

(3) Rooms used for client services shall be fully enclosed, have closing doors, and shall be reasonably soundproofed to reduce both distracting noises and the possibility of conversations being overheard outside the room.

(4) If physical examinations are routinely performed within the facility, a suitably equipped examination room shall be available. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-215, filed 4/7/83.]

**WAC 275-56-220 Services administration--Accessibility.** Services shall be accessible in a nondiscriminatory manner and at times and locations which facilitate client utilization of services.

(1) Services to acutely and chronically mentally ill and seriously disturbed clients from underserved groups, including minorities, children, the elderly, disabled, and low-income persons shall be accessible and meet the special needs of these populations.

(a) The provider shall eliminate or substantially reduce physical, communication, and sociocultural barriers to utilization of services.

(b) Services shall be compatible with the culture and in the language of ethnic minority clients where a significant ethnic minority population exists in the county.

(c) In-home services shall be available to homebound persons, where possible.

(d) Alternative service delivery models shall be provided, where possible, to enhance utilization by these underserved groups.

(2) Services shall be provided regularly on some evenings and/or weekends as determined by client and potential needs.

(3) If the provider does not offer appropriate services, the client shall be referred to such services and the provider shall facilitate the referral. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-220, filed 4/7/83.]

**WAC 275-56-225 Services administration--Awareness of services.** The location of the provider and services offered shall be made known to the public.

(1) The provider shall maintain listings in all telephone and other public directories of the service area.

(2) The provider shall publish and disseminate brochures and other materials describing services and hours of operation.

(3) The provider shall publish and disseminate bilingual brochures and other materials when there is a significant non-English speaking population in the service area. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-225, filed 4/7/83.]

**WAC 275-56-230 Services administration--Client rights.** The provider shall maintain written policies and procedures relating to client rights, and shall ensure all personnel are informed and adhere to policies and procedures.

(1) Clients, prospective clients, and/or legally responsible others shall be informed of client rights at admission.

(2) The provider shall post a written statement of client rights in public areas. A copy shall be available to clients on request. Providers of only telephone services (e.g., crisis lines) shall post the statement of client rights in a location visible to staff and volunteers during working hours.

(3) The statement of client rights shall include at least:

(a) The right to receive appropriate care and treatment, employing the least restrictive alternatives available;

(b) The right to be treated with respect and dignity;

(c) The right to receive treatment which is nondiscriminatory and sensitive to differences of race, culture, language, sex, age, national origin, disability, creed, socioeconomic status, marital status, sexual orientation, and ability to pay.

(d) The right to an individualized service plan reflecting problems and/or needs identified for or with the client.

(e) The right to confidentiality as specified in relevant statutes (chapter 71.05 RCW) and regulations (chapter 275-55 WAC).

(4) Policies of the provider shall address circumstances where confidentiality shall not be maintained, including at least:

(a) Where there is reason to suspect the occurrence of child abuse or neglect;

(b) Where there is a clear threat to do serious bodily harm to self or others;

(c) To a court under court order;

(d) The right to refuse any proposed treatment consistent with chapter 71.05 RCW;

(e) The right to review the client's case record under conditions specified in WAC 275-56-235(2);

(f) The right to receive an explanation of all medications prescribed, including expected effect and possible side effects;

(g) The right to be free of any sexual exploitation or harassment;

(h) The right to lodge a grievance with the provider if the client has reason to believe his or her rights have been violated. The statement shall include the grievance procedure. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-230, filed 4/7/83.]

**WAC 275-56-235 Services administration—Protection of client rights.** The provider shall protect and ensure the rights of all clients and former clients.

(1) Neither evaluation nor treatment services shall be provided to any person under fourteen years of age without the signed consent of the parent or guardian. In an emergency, such child may be seen for one session without consent of parent or guardian. Parental consent for evaluation or treatment services shall not be necessary in the case of a child referred by child protective services or other public agency because of physical, sexual, or psychological abuse or neglect by a parent or parent surrogate.

(2) When client, or the parent or guardian of a child thirteen years of age or under, requests review of his or her case record, the provider shall:

(a) Grant the request within seven days, except the request need not be granted if the provider knows or has reason to believe the parent or parent surrogate has been a child abuser or might otherwise harm the child.

(b) Review the case record in order to identify and remove any material confidential to another person.

(c) In the presence of a staff member, allow the client sufficient time and privacy to review the record to his or her satisfaction. A clinical staff member shall be available to answer questions.

(d) Permit the following persons to be present during the review, with the consent of the client;

(i) Next-of-kin,

(ii) The family physician, or

(iii) The client's attorney.

(e) Document the review session in the client's record.

(3) The written, informed consent of the client or responsible other shall be obtained before:

(a) Use of any medication.

(b) Initiation of any nonemergency service plan.

(c) Use of any unusual diagnostic or treatment procedure.

(d) Use of any audio and/or visual device to record the client's behavior.

(e) The client serves as a subject for any research. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-235, filed 4/7/83.]

**WAC 275-56-240 Services administration—Confidentiality of client information.** The provider shall protect the confidentiality of all information relating to clients or former clients.

(1) The provider shall disclose no confidential information, including the fact a person is or has been a client, without a current consent signed by the client or legally responsible other.

(2) Standardized forms authorizing release and/or exchange of confidential information shall be used and contain the following:

(a) The name of the client,

(b) The date,

(c) The name and address of the provider,

(d) The name and address of the person or entity to whom the information is to be provided,

(e) The reason for disclosure,

(f) The specific kind of information to be disclosed,

(g) The period of time the consent is to be in force,

(h) The signature of the client and/or responsible other, and

(i) The signature of a witness.

(3) Exceptions to subsection (1) of this section are as follows:

(a) Disclosures permitted under relevant statute (chapter 10.77 and 71.05 RCW) or regulations (chapter 275-55 WAC);

(b) To a court under court order;

(c) The fact of admission and any pertinent information and records may be disclosed:

(i) To provider personnel, as needed; however, volunteers and trainees shall have access to client records only to the extent necessary for treatment;

(ii) To the extent necessary to make an insurance or medical assistance claim;

(iii) To a county-designated mental health professional (chapter 71.05 RCW);

(iv) To a hospital or emergency medical personnel for purposes of dealing with an emergency; and

(v) To law enforcement or public health officers under the following conditions:

(A) Only to the extent necessary to carry out the responsibilities of the law enforcement or public health officer;

(B) Such persons shall be responsible for keeping all information confidential pursuant to these standards.

(vi) To a certified evaluation and treatment facility (chapter 71.05 RCW);

(vii) To the person designated by the county to track the chronically mentally ill. Such disclosures shall be limited to the facts of admission, discharge or referral of chronically mentally ill persons;

(d) Pertinent information must be disclosed, and the provider is obligated to initiate disclosure, under the following conditions:

(i) To child protective services in accordance with RCW 26.44.030;

(ii) To law enforcement officers and the intended victim when there is a clear and serious threat of homicide or intent to do serious bodily harm to another person or persons.

(4) All disclosures made, both with and without the client's consent, shall be documented in the case record to include:

- (a) Date of disclosure;
- (b) Person or entity receiving information;
- (c) Nature of information disclosed;
- (d) Reasons for disclosure if consent has not been obtained. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-240, filed 4/7/83.]

**WAC 275-56-245 Services administration--Resolving client grievances.** The provider shall act promptly to hear and take appropriate steps to resolve client grievances. Procedures shall ensure the involvement of appropriate supervisory and administrative staff, and the governing body, as necessary. Confidential information shall not be disclosed to the governing body pursuant to client grievances without the signed consent of the client. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-245, filed 4/7/83.]

**WAC 275-56-250 Services administration--Policies and procedures for provider operations.** The provider shall have written policies and procedures relating to emergency and nonemergency client entry, individual service planning, coordination of services with state mental health facilities and other providers, medical responsibility, and financial and billing practices which shall be consistent with other requirements of this chapter. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-250, filed 4/7/83.]

**WAC 275-56-255 Services administration--Screening and information and referral.** Screening and information and referral shall result in an action on behalf of the prospective client.

(1) In case of a request for mental health information, accurate information shall be provided, and a determination of the need for a referral for further service shall be made.

(2) In case of a request for service:

(a) Screening shall result in an intake appointment if screening indicates that the person is acutely or chronically mentally ill or seriously disturbed and the provider offers an appropriate and available service;

(b) If the prospective client chooses to wait for services, the first available intake time shall be assigned the client. Acutely mentally ill persons may be placed in front of any waiting list;

(c) Screening shall result in a referral to another provider if the requested services are not available from the provider. If no appropriate referral is available, such shall be documented;

(d) Where appropriate, screeners shall provide follow-up with the prospective client.

(3) Screening dispositions shall be made by or under the clinical supervision of a mental health professional, and a record shall be maintained of all referrals. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-255, filed 4/7/83.]

**WAC 275-56-260 Services administration--Intake and initial evaluation.** At intake a clinical staff member shall assess and document the client's presenting problems, history, mental status, need for additional examinations, and treatment needs.

(1) A formal, standardized application for services shall be completed by or for each client and shall become a part of the client's record.

(2) Information describing client rights and confidentiality of information shall be provided at the time of intake.

(3) The initial evaluation shall include:

(a) A clear statement of the presenting problems preferably in the client's own words and/or the parent's words in the case of a child.

(b) A psychosocial, substance abuse, and medical history.

(c) A history of mental health treatment covering at least the last two years.

(d) For children, a developmental history and assessment of academic background and learning problems.

(e) A mental status examination.

(f) Direct observation of client behavior.

(g) An assessment of the client's current level of functioning, strengths, needs, and problems, a provisional diagnosis (Diagnostic and Statistical Manual, 3rd edition), and a determination as to whether the person is acutely mentally ill, chronically mentally ill or seriously disturbed.

(h) The name and telephone number of the client's present or most recent physician, and the date of the most recent examination or treatment by the physician.

(4) The client shall be referred for a medical examination when determined necessary. All clients aged sixty and over shall be referred for a medical examination, if

such examination has not been done within the preceding ninety days.

(5) The need for special psychiatric, psychological, neurological, medical or other examinations, tests or procedures shall be determined. The basis for such decisions shall be documented and appropriate referrals made. Before a diagnosis of primary degenerative dementia with senile or presenile onset is made, assessments shall be completed to rule out all forms of treatable medical or mental disorders.

(6) Fees appropriate to the client's ability to pay shall be established, and the client shall be informed of the fees and of the provider's fee policies during the intake process. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-260, filed 4/7/83.]

**WAC 275-56-265 Services administration--Drug use profile.** A drug use profile shall be developed at intake and maintained throughout the client's treatment.

(1) The drug use profile shall include the names and dosages of all prescribed and nonprescribed drugs (when the information is available) used currently and during the previous six months. The record of prescribed drugs used prior to or during the course of treatment shall include, as available, names and dosages, name of prescribing person, dates and reasons for changes or discontinuance, and any significant side effects.

(2) Except in an emergency, there shall be signed consent of client or responsible other before utilization of medication. In the event the client refuses to sign, efforts to obtain signature shall be documented. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-265, filed 4/7/83.]

**WAC 275-56-270 Services administration--Coordination of service.** Staff responsibilities for planning, providing, and coordinating services shall be clearly assigned.

(1) Each client in a direct treatment service shall be assigned a primary therapist.

(2) When a client is served by both a primary therapist and a case manager, these persons shall confer on a regular basis, and document such conferences. In the absence of an assigned case manager, the primary therapist shall coordinate needed services on behalf of the client. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-270, filed 4/7/83.]

**WAC 275-56-275 Services administration--Development of individualized service plan.** An individualized service plan shall be developed for each client.

(1) The plan shall identify each problem or need to be addressed in treatment.

(2) The plan shall contain clearly stated goals for treatment.

(a) Each goal shall state the intended result to occur in client behavior, skills, attitudes, or circumstances as a result of treatment.

(b) The plan shall specify an expected timeframe for the attainment of goals and for termination.

(3) The plan shall identify the services and specific treatment modalities to be utilized.

(a) The plan shall include referral for necessary services not offered by the provider.

(b) The primary therapist and/or case manager responsible for providing and coordinating services shall be identified.

(4) The plan shall clearly show the relationships between the proposed services, intended results, and needs of the client, including how treatment goals are to be met by the particular modalities and techniques to be utilized.

(5) An assessment and review of progress and updating of the plan shall be performed at least every ninety days in the case of outpatient, day treatment or community support services.

(6) The client shall participate in service planning and implementation according to his or her ability, and the family shall be involved where available and appropriate to the client's needs.

(7) The client or responsible other shall consent to treatment by signing the initial service plan and when significant changes are made in the plan. In the event the client refuses to sign, efforts to obtain signature shall be documented.

(8) The service plan shall be completed and a mental health professional shall review and sign the plan within thirty days. When appropriate and sufficient staff are available, the initial service plan shall be reviewed and revised as necessary by a multidisciplinary treatment team including individuals licensed under chapter 18.57, 18.71, 18.83 or 18.88 RCW. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-275, filed 4/7/83.]

**WAC 275-56-280 Services administration--Group service plan.** In the case of outpatient groups, a group service plan shall be developed which identifies the goals of the group, the modalities and approaches to be used to attain those goals and common need characteristics of clients to be referred to the group.

(1) Clients, staff, supervisors, and consultants shall be involved, as appropriate, in development and review of the group service plan.

(2) The supervisor of the unit or program providing the group service shall review and sign the plan initially and whenever it is revised. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-280, filed 4/7/83.]

**WAC 275-56-285 Services administration--Progress notes and review.** Client progress in meeting goals shall be documented in the case record.

(1) Progress notes shall be recorded in the case and group record as follows:

(a) After every client contact for outpatient services;

(b) At least weekly for day treatment services;

(c) After each event for emergency services;

(d) Providers utilizing a problem-oriented record system may record progress less frequently, provided a narrative summary of client progress is entered in the case

record at least every thirty days, and the date and type of each contact is recorded.

(2) Progress notes shall document each service provided, including date, nature of service, progress toward established goals, changes in service plan, referrals, extraordinary events, and be signed by the responsible staff member.

(3) The service plan and progress shall be formally assessed at least every ninety days for outpatient, day treatment, and community support services.

(4) The assessment of progress shall cover course and progress of treatment in relationship to client needs, problems and goals, noting unusual events, assessing current status and need for continued treatment, reprojecting length of treatment, and modifying the service plan, if necessary.

(5) The clinical supervisor shall participate where possible in the formal progress assessment, and in all cases shall review, approve, and sign summaries prepared by the primary therapist or case manager. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-285, filed 4/7/83.]

**WAC 275-56-290 Services administration--Transfer and termination.** Continuity of care shall be assured and cases shall be closed promptly upon transfer or termination.

(1) A comprehensive summary shall be prepared by responsible staff and shall be made available to the provider assuming primary responsibility for the client. A copy shall be placed in the client's record.

(2) Cases involving planned transfer and termination shall be closed within fourteen days of final contact.

(3) Planned and/or necessary leaves from treatment for up to ninety days shall be documented in the client's record, and the case need not be closed.

(4) Other cases shall be closed within ninety days of the last attempt to contact the client. Unexplained interruptions in client contacts shall be followed up by the primary therapist or case manager, and these attempts documented in the client's record. Special efforts shall be made to contact the client when he or she is thought to be dangerous to self or others or property or gravely disabled, and shall be documented in the client's record. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-290, filed 4/7/83.]

**WAC 275-56-295 Services administration--Medical responsibility.** Medical responsibility shall be vested in a psychiatrist, other physician or osteopath.

(1) A physician licensed to practice pursuant to chapter 18.57 or 18.71 RCW, and at least board eligible in psychiatry, shall be responsible for medical services.

(a) Providers unable to recruit a psychiatrist may employ a physician without board eligibility in psychiatry provided:

(i) Psychiatric consultation is provided to the physician at least monthly; and

(ii) The psychiatrist is accessible in person, by telephone, or by radio communication to the physician for emergency consultation.

(iii) The physician participates in at least twenty hours per year of continuing medical education in psychiatry.

(b) The provider may divide medical responsibility among a number of physicians employed in part-time staff or consultative roles.

(2) Medications shall be reviewed at least every three months by a physician. A registered nurse or licensed practical nurse may administer medications under the supervision of a physician. Medications shall be monitored by a physician or registered nurse (WAC 308-120-300).

(3) Medication information shall be maintained in the client record documenting at least the following for each prescribed medication:

(i) Name of medication,

(ii) Dosage and method of administration,

(iii) Purpose of medication,

(iv) Dates prescribed, reviewed and/or renewed,

(v) Observed effects and side effects, including laboratory findings and corrective actions taken for side effects,

(vi) Reasons for change or termination of medication, and

(vii) Name and signature of prescribing person.

(4) When a psychiatrist is available, he or she shall participate in multidisciplinary teams responsible for treatment planning and review.

(5) When medical problems are suspected or identified, a psychiatrist or other physician shall be consulted and included in treatment planning at regular intervals. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-295, filed 4/7/83.]

**WAC 275-56-300 Services administration--Medication storage.** Medication storage areas shall be inspected and inventoried at least quarterly by the administrator, or designated clinical staff member.

(1) All medication shall be kept in locked storage.

(2) Any medications kept in a refrigerator containing other items shall be kept in a separate container with proper security.

(3) No outdated medications shall be retained, and medications shall be disposed of in accordance with regulations of the state board of pharmacy.

(4) Medications for external use shall be stored separately from oral and injectable medications. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-300, filed 4/7/83.]

**WAC 275-56-305 Services administration--Extraordinary occurrences.** There shall be written procedures for the handling, review, and documentation of extraordinary occurrences.

(1) Procedures shall be established for responding to and reviewing situations involving:

(a) Injury to clients or staff;

(b) Suicide or homicide by a client;

(c) Client behavior so bizarre or disruptive as to threaten the program;

(d) Disaster or threatened disaster of natural or human origin.

(2) Extraordinary occurrences shall be reported to appropriate supervisory staff, administrator, and governing body.

(3) Each such occurrence shall be subject to a case review by one or more mental health professionals not participating in the treatment of the client.

(a) A corrective action plan to prevent similar occurrences shall be developed where appropriate.

(b) The review, correction action plan, and its implementation shall be documented, including entries in the client's record where appropriate. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-305, filed 4/7/83.]

**WAC 275-56-310 Services administration--Policies and procedures related to client records.** There shall be written policies and procedures relating to client records. Policies and procedures will include:

(1) Record content, format, and completeness,

(2) Maintenance of outpatient group records,

(3) Records of emergency contacts,

(4) Security and confidentiality of client records, including storage, access, and release of information. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-310, filed 4/7/83.]

**WAC 275-56-315 Services administration--Content of client records.** A record shall be established and maintained for each client completing intake.

(1) The record shall contain documentation of application for services and authorization for treatment, including:

(a) Application for services;

(b) Fees to be charged for services;

(c) Signed authorization for release and/or receipt of information where appropriate, and documentation of any disclosures;

(d) Signed consent for use of any medication.

(2) The record shall contain the individualized service plan, including screening and intake information sufficient to justify the treatment planned, reports of special evaluative procedures, progress notes, periodic treatment summaries, and transfer and termination summaries. Each entry shall be signed by the primary therapist or case manager.

(3) The record shall contain a report of each collateral contact.

(4) The record shall contain cross-references to outpatient group records as appropriate.

(5) The record shall contain records or summaries of any psychiatric inpatient services or residential treatment provided during two years prior to current intake.

(6) The record shall contain a drug use profile when applicable, established at intake and maintained throughout the course of treatment.

(7) The record shall contain documentation of any unusual events, emergencies, or special procedures.

(8) The record shall contain notes documenting case review with the supervisor's signature.

(9) The records of other immediate members of the family who are clients of the provider shall be cross-referenced. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-315, filed 4/7/83.]

**WAC 275-56-320 Services administration--Outpatient group records.** A record shall be established and maintained for each outpatient group including:

(1) A plan for the group, including goals and objectives;

(2) Name of staff responsible for conducting the group;

(3) A current roster of all clients and/or participants;

(4) Brief notes recorded after each session documenting group activities and events; and

(5) Modifications in the group plan. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-320, filed 4/7/83.]

**WAC 275-56-325 Services administration--Telephone and outreach emergency services records.** Providers of telephone and outreach emergency services shall maintain records documenting all emergency contacts.

(1) Emergency records shall document, when possible, the following:

(a) Client name, address, and telephone number;

(b) Name and telephone number of person or agency making initial contact (if other than client);

(c) Time of initial contact;

(d) Responsible staff;

(e) Time and location of outreach;

(f) Nature of emergency;

(g) Summary of services provided;

(h) Referrals or other disposition;

(i) Names of persons and agencies cooperating in emergency response;

(j) Follow-up; and

(k) Condition of client at termination of contact.

(2) Documentation shall occur after each contact. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-325, filed 4/7/83.]

**WAC 275-56-330 Services administration--Security of client records.** All client records shall be stored in a manner ensuring record security and client confidentiality.

(1) Records shall be maintained in locked cabinets, and/or shall be housed in a fully enclosed room with a lockable door.

(2) All records checked out during the working day shall be returned to the records room by the end of the day. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-330, filed 4/7/83.]

**WAC 275-56-335 Services administration--Retention and destruction of client records.** Records shall be retained by the provider in accordance with WAC 275-56-325 and shall be destroyed in a manner completely eradicating content and client names.



(1) Client records shall be retained for a period of not less than five years beyond the last contact with the client.

(2) When the client is a minor, the record shall be maintained for a period of not less than three years beyond the client's eighteenth birthday, or five years beyond the last contact, whichever is the longer period of time.

(3) A complete termination summary and reports of special assessment and/or examination procedures shall be retained for a period of not less than ten years beyond the last contact with the client or three years beyond the client's eighteenth birthday, whichever is the longer period of time.

(4) Emergency records such as telephone crisis logs shall be retained for not less than two years. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-335, filed 4/7/83.]

**WAC 275-56-340 Emergency services--Written descriptions.** There shall be written descriptions of all emergency services components specifying:

- (1) Nature, location, and availability of services;
- (2) Qualifications of staff;
- (3) Client needs addressed by these services;
- (4) Usual referral sources and procedures;
- (5) Policies for each emergency service component to include criteria for outreach response;
- (6) Policies on responding to referrals, preadmissions screening services, and liaison and communication with state hospitals, and other common referral sources, and other preadmission screening services;
- (7) Expected client outcomes stated, as much as possible, in behavioral terms; and
- (8) Expected service outcome stated in terms of appropriate admission to state hospitals and diversion to less restrictive alternatives. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-340, filed 4/7/83.]

**WAC 275-56-345 Emergency services--Staffing.** Emergency services shall be provided by qualified staff.

(1) Emergency services shall be directed by a mental health professional with at least two years supervised experience in emergency services.

(2) Nonprofessional staff, volunteers, and students providing telephone or outreach crisis intervention shall be directly supervised by or have immediate access to consultation from a mental health professional at all times.

(3) Staff providing preadmission screening shall be mental health professionals trained in assessing clinical status, severity of disturbance, and availability of less restrictive and/or less costly alternatives. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-345, filed 4/7/83.]

**WAC 275-56-350 Emergency services--Twenty-four hour telephone services.** Telephone emergency services shall be provided twenty-four hours per

day, seven days per week, by the provider or in cooperation with other providers.

(1) The telephone service shall:

(a) Be provided in accordance with written protocol;

(b) Respond promptly to calls and provide information, referral or immediate counseling to assist the caller in resolving the emergency;

(c) Determine the presence of an emergency and connect caller, as needed, to centralized emergency services (911) or, in the absence of such capability, mobilize and coordinate necessary related services (e.g., medical, police, fire, ambulance, child protective services, county-designated mental health professional);

(d) Facilitate provision of needed follow-up services; and

(e) Document all telephone contacts and disposition, including any significant departures from protocol.

(2) Emergency telephone numbers shall be prominently listed in all telephone directories in the areas served by the provider. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-350, filed 4/7/83.]

**WAC 275-56-355 Emergency services--Twenty-four hour outreach services.** Twenty-four hour emergency outreach services shall be provided in the home or other community setting. Outreach services shall consist of face-to-face evaluation and treatment of mental health emergencies and crises for acutely mentally ill persons of all ages, and will:

(1) Be provided in accordance with written protocol;

(2) Be provided promptly after screening and dispatch, and document any decision not to respond;

(3) Seek to stabilize the emergency or crisis situation and provide immediate or continuing treatment and support in the least restrictive environment available;

(4) Be closely coordinated with the county's involuntary treatment system, and draw upon the resources of that system as needed;

(5) Utilize and mobilize all necessary community emergency resources;

(6) Be appropriate to the age of the person, and involve family and significant others when indicated and possible;

(7) Refer, when appropriate, to other services of the provider or to other resources;

(8) Provide follow-up on emergency contacts to maintain stabilization and to ensure referrals are carried out and needed services and linkages are provided; and

(9) Document all contacts and the contact's disposition, including any significant departures from written protocol. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-355, filed 4/7/83.]

**WAC 275-56-360 Emergency services--Crisis intervention services.** Sufficient evaluation and treatment services shall be provided to clients to determine severity and urgency of disturbance, to stabilize crises, and to determine need for further treatment.

(1) Crisis intervention services shall be provided in accordance with written protocol. Any significant departure from protocol shall be documented in the client's record.

(2) At a minimum, one face-to-face assessment and/or evaluation session and up to four treatment and/or crisis stabilization sessions shall be available to persons requesting services. Such clients may be referred to another provider if assessment and/or evaluation reveals the appropriate services are not offered by the provider.

(3) No later than the fourth treatment and/or crisis stabilization session, there shall be a determination as to whether the client is an acutely or chronically mentally ill or seriously disturbed person in need of further treatment.

(4) When a client receiving brief treatment and/or crisis stabilization services is determined to be acutely or chronically mentally ill or seriously disturbed and in need of further treatment, the provider shall maintain continuity of care through transfer to other services of the provider or referral to other appropriate providers and resources.

(5) There shall be formal agreements or working relationships regarding emergency procedures and responsibilities with other emergency-related community agencies and inpatient facilities.

(6) A complete and current list of community resources shall be maintained and be available at all times to staff providing emergency services. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-360, filed 4/7/83.]

**WAC 275-56-365 Emergency services--Preadmission screening services.** Screening shall be provided for voluntary admission to state hospitals. Information, screening, and assessment shall be provided to persons on referral or at their own request to determine need for and appropriateness of admission to a state hospital.

(1) Information and assistance shall be provided in the same manner and subject to applicable standards for emergency services.

(2) All common referral sources shall be informed of the availability of preadmission screening services and requested to utilize these services in lieu of direct referral to a state hospital.

(3) Assessments shall include face-to-face or telephone contact with the client and discussion with the referral source when possible.

(4) The availability of appropriate alternatives shall be explored and discussed with client and referral source. Admission to a less restrictive and/or less costly alternative shall be facilitated where appropriate.

(5) Screening services shall utilize state hospitals when the following conditions are met:

(a) The client meets standards for involuntary commitment under chapter 71.05 RCW;

(b) The client will accept voluntary admission;

(c) No appropriate alternative is available to the client; and

(d) The state hospital serving the county agrees to admit the client.

(6) Pre-admission screening of involuntary clients shall be performed subject to chapter 71.05 RCW and chapter 275-55 WAC. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-365, filed 4/7/83.]

**WAC 275-56-370 Emergency services--Record of preadmission screening services.** A record of all preadmission screening services shall be maintained. The record shall document:

(1) Client name and other information required by the department;

(2) Referring agency or person;

(3) Referral information, including evidence of appropriateness for involuntary detention;

(4) Services provided, including assessments performed; and

(5) Recommendations and disposition, including staff efforts to facilitate admission to a state hospital or alternative setting. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-370, filed 4/7/83.]

**WAC 275-56-375 Outpatient services--Written descriptions.** There shall be written descriptions of all outpatient service components specifying:

(1) Nature, location, and availability of services;

(2) Qualifications of staff;

(3) Client needs addressed by these services;

(4) Policies for each service component; and

(5) Expected outcomes stated, as much as possible, in behavioral terms. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-375, filed 4/7/83.]

**WAC 275-56-380 Outpatient services--Staffing.** Outpatient services shall be provided by qualified staff.

(1) Outpatient services shall be directed by a mental health professional with at least two years of supervised postgraduate experience in mental health services, including experience with the major treatment modalities offered, and with acutely and chronically mentally ill and seriously disturbed clients.

(2) Staff providing outpatient services shall be trained and experienced in the clinical modalities and techniques they utilize.

(3) Staff shall be assigned to outpatient service programs and locations on the basis of training and experience consistent with client needs in those programs and locations. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-380, filed 4/7/83.]

**WAC 275-56-385 Outpatient services--Service delivery.** Outpatient services shall be provided to acutely and chronically mentally ill and seriously disturbed persons when appropriate to their treatment needs.

(1) Outpatient services shall include the following modalities:

(a) Individual therapy,

(b) Group therapy,

- (c) Family therapy,
  - (d) Marital or couples therapy,
  - (e) Medication evaluation and monitoring, and
  - (f) Activities therapy.
- (2) Outpatient services shall be provided in accordance with written protocol. Significant departures from protocol shall be documented in the client's record.
- (3) Outpatient services to underserved groups (minorities, children, elderly, disabled, and low-income persons within the priority populations) shall, where possible, include alternative models of service delivery such as:
- (a) Services in a location and environment appropriate to the clientele;
  - (b) Outreach services such as home visits, school visits or visits to other community agencies; and
  - (c) Services offered by natural care givers or traditional healers. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-385, filed 4/7/83.]

**WAC 275-56-390 Day treatment services--Written descriptions.** There shall be written descriptions of all day treatment service components specifying:

- (1) Nature, location, and availability of services;
- (2) Qualifications of staff;
- (3) Client needs addressed by these services;
- (4) Policies for each service component and each regularly scheduled session; and
- (5) Expected outcomes stated, as much as possible, in behavioral terms. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-390, filed 4/7/83.]

**WAC 275-56-395 Day treatment services--Staffing.** Day treatment services shall be provided by adequate numbers of qualified staff.

- (1) Day treatment services shall be directed by a mental health professional with at least two years supervised postgraduate experience in day treatment or related programs for acutely and chronically mentally ill and seriously disturbed persons.
- (2) One paid staff member shall be present in all day treatment sessions conducted by the provider.
- (3) Minimum staff-to-client ratios for day treatment sessions shall be maintained as follows:
- (a) One clinical staff member for every four scheduled clients thirteen years of age and under, with at least one such staff member a child mental health specialist;
  - (b) One clinical staff member for every six scheduled clients aged fourteen through seventeen, with at least one such staff member a child (adolescent) mental health specialist;
  - (c) One clinical staff member for every twelve scheduled clients aged eighteen and over with at least one such staff member a mental health professional, and with one such staff member a geriatric mental health specialist in sessions serving primarily elderly clients. One clinical staff member for every eight scheduled clients shall be present in any group therapy. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-395, filed 4/7/83.]

**WAC 275-56-400 Day treatment services--Service delivery.** Day treatment services shall be provided on a regular basis to acutely and chronically mentally ill and seriously disturbed persons needing this type of service.

- (1) Day treatment services shall be provided in accordance with written protocol. Significant departures from protocol shall be documented in the client's record.
- (2) Day treatment services shall be available to clients at least three times weekly.
- (3) Day treatment services shall be planned and structured activities designed for:
- (a) Maintaining clients in an environment less restrictive than an inpatient setting through structuring of their day and leisure time.
  - (b) Developing daily living, social, and prevocational skills to increase the likelihood of clients engaging in productive activities, and attaining the capacity for independent or semi-independent living.
  - (c) Assisting clients in making the transition from acute inpatient services or serving as an alternative to inpatient care.
  - (4) The provider shall maintain formal agreements or working relationships and coordinate services where possible with other persons, agencies or facilities serving day treatment clients. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-400, filed 4/7/83.]

**WAC 275-56-405 Day treatment services--Service components.** Day treatment services shall include components necessary to meet the maintenance or psychosocial habilitation or rehabilitation needs of clients.

- (1) Each day treatment program shall provide or arrange for the following service components:
- (a) Training in basic living and social skills;
  - (b) Vocational habilitation or rehabilitation, including prevocational services;
  - (c) Sheltered work, training or education;
  - (d) Day activities, including socialization and recreation;
  - (e) Therapeutic community or milieu therapy.
- (2) The particular mix of components shall be determined by client needs. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-405, filed 4/7/83.]

**WAC 275-56-410 Day treatment services--Age-appropriate services.** Day treatment services shall be age-appropriate.

- (1) Services to school-age children shall include or arrange for suitable educational and developmental programs.
- (a) Clients with special educational needs shall be provided with special educational programs by cooperative arrangements with schools.
  - (b) Day treatment shall be scheduled to permit regular school attendance for clients able to function in a regular school setting.
  - (2) Services to children shall include parent involvement, when possible.

(3) Services to elderly shall include attention to medical and nutritional needs and shall be capable of providing or arranging for emergency medical services during all operational hours. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-410, filed 4/7/83.]

**WAC 275-56-415 Consultation and education services—Written descriptions.** There shall be written descriptions of all consultation and education service components specifying:

- (1) Nature and availability of services,
- (2) Target population,
- (3) Client needs to be addressed,

(4) Policies for consultation and education services shall include fee for such services where appropriate, and

(5) Expected outcomes stated in terms of the specific changes in skills, knowledge or awareness to be accomplished on the part of the target population and/or their clients. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-415, filed 4/7/83.]

**WAC 275-56-420 Consultation and education services—Staffing.** Consultation and education services shall be provided by qualified persons who will be supervised by a mental health professional. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-420, filed 4/7/83.]

**WAC 275-56-425 Consultation and education services—Service delivery.** Consultation and education services shall be provided to assist others in the community to understand and care for acutely and chronically mentally ill and seriously disturbed persons.

(1) Case consultation shall be available to staff of other services, including inpatient and residential facilities, and other community care givers as a means of developing or improving service delivery for the priority populations.

(2) The following components may be provided:

(a) Program consultation to other entities to assist in program design and planning for treatment and support services for acutely and chronically mentally ill and seriously disturbed persons;

(b) Continuing education programs and training for community care givers to develop and/or increase their skills in providing mental health services to the priority populations and underserved groups;

(c) Information and education for the public about mental health issues and services through various public media (newspapers, television, radio), and presentations to community groups; and

(d) Educational services for families of acutely and chronically mentally ill and seriously disturbed persons.

(3) Records shall be maintained of all consultation and education services provided. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-425, filed 4/7/83.]

**WAC 275-56-430 Community support services—Written descriptions.** There shall be written descriptions of all community support service components specifying:

(1) Nature and availability of services;

(2) Qualifications of staff;

(3) Client needs addressed by such services and criteria for enrollment in community support services;

(4) Policies for each service component and each regularly scheduled activity (e.g., state hospital liaison); and

(5) Expected outcomes should be stated, as much as possible, in behavioral terms. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-430, filed 4/7/83.]

**WAC 275-56-435 Community support services—Staffing and case management.** Community support services shall be provided by qualified staff.

(1) Community support services shall be under the direction of a mental health professional with at least two years' supervised experience in direct treatment of acutely and chronically mentally ill persons.

(2) One person shall be assigned to serve as case manager for each client enrolled in community support services.

(a) The case manager shall be responsible for coordination of services, including mental health, residential, social, vocational, health, educational, income management, and other necessary support services on the client's behalf.

(b) The case manager shall provide consultation and assist other significant persons (e.g., family, landlord, clergy, police, physician, attorney) to be supportive and act in the best interests of the client.

(c) The case manager shall meet with or otherwise contact the enrolled client at intervals identified in the individual's service plan.

(d) The case manager shall participate with the primary therapist and other involved staff of the provider in treatment and discharge planning for the enrolled client, where possible, and shall periodically review available treatment records on the client. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-435, filed 4/7/83.]

**WAC 275-56-440 Community support services—Coordination with inpatient facilities and other agencies.** The provider shall establish and maintain working arrangements with psychiatric inpatient facilities, social and health agencies, and other community resources necessary for acutely or chronically mentally ill persons to live in the community.

(1) The provider shall maintain liaison with state mental health facilities, certified evaluation and treatment facilities (chapter 71.05 RCW), and, whenever possible, other local inpatient psychiatric facilities so as to be informed of the status of clients, former clients, and potential clients needing community support services.

(a) Contact with the inpatient facility and attending staff shall take place at least weekly when an enrolled

client is in the inpatient facility or when an inpatient has been referred for community support services.

(b) The provider shall participate in treatment and discharge planning for both voluntary and involuntary patients in these inpatient facilities when those patients are enrolled clients of the provider or have been referred for community support services.

(2) Working relationships or formal agreements shall be established and maintained with the county-designated mental health professionals (chapter 71.05 RCW); community services offices (CSO); social security and employment security offices; division of vocational rehabilitation; and residential services in the county contracting with the department or county for mental health services.

(3) Liaison shall also be developed and maintained, where possible, with sheltered workshops, community colleges, housing authorities, family advocate and self-help groups, agencies serving the elderly, and other agencies and organizations offering special services needed by the acutely or chronically mentally ill. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-440, filed 4/7/83.]

**WAC 275-56-445 Community support services--Service delivery.** A program of community support services shall be provided to acutely and chronically mentally ill persons to assist such persons in living in the community.

(1) Services shall be provided in accordance with written protocol. Any significant departure from protocol shall be documented in the client's record.

(2) Acutely and chronically mentally ill persons seeking or referred for community support services shall be screened, admitted to the service, and assigned a case manager if appropriate.

(3) Staff shall attempt to contact referred clients within two working days of the client's release from a state mental health facility, certified evaluation and treatment facility (chapter 71.05 RCW), or other inpatient psychiatric facility in order to describe and offer community support and other available services. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-445, filed 4/7/83.]

**WAC 275-56-450 Community support services--Record of community support services.** A record of all community support services shall be maintained. The record shall document:

(1) The name and other information required by the department for each client assigned a case manager or receiving other community support services.

(2) Services provided, including contacts with the client and significant others by the case manager and other community support services on the client's behalf, shall be documented in the client's record. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-450, filed 4/7/83.]

**Chapter 275-59 WAC**

**CRIMINALLY INSANE PERSON COMMITTED TO THE CARE OF THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--EVALUATION, PLACEMENT, CARE AND DISCHARGE**

<b>WAC</b>	
275-59-010	Purpose.
275-59-020	Definitions.
275-59-030	Mental health division.
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.
275-59-080	Conditional release.
275-59-090	Retroactivity.

**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 275-59-010 Purpose.** These regulations are adopted pursuant to and in accordance with chapter 117, Laws of 1973 1st ex. sess. They are adopted to provide procedures for the evaluation, placement, care and discharge of persons committed to the care of the department of social and health services, under the aforementioned Act, relating to the criminally insane. [Order 846, § 275-59-010, filed 8/9/73.]

**WAC 275-59-020 Definitions.** (1) "Secretary" means the secretary of the department of social and health services or his designee.

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

(3) "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 275-59-041 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 275-59-080 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.]

**WAC 275-59-090 Retroactivity.** (1) This chapter shall apply to persons committed to the secretary or the department, under prior rules and regulations, as incompetent to stand trial or as being criminally insane and therefore requires that these individuals be provided:

- (a) An individualized treatment plan;
- (b) An evaluation to be forwarded to the committing court;
- (c) Applicability of time limitations and requirements provided herein;
- (d) A maximum release date; and
- (e) An opportunity to apply for conditional release. [Order 846, § 275-59-090, filed 8/9/73.]

**Chapter 275-76 WAC**

**ADULT CORRECTIONAL INSTITUTIONS--  
DETAINER**

WAC	
275-76-005	Definitions.
275-76-010	Purposes of detainers.
275-76-020	Form of detainers.
275-76-030	Evaluation of detainer request.

275-76-040	Trial or pretrial detainers.
275-76-050	Commitment detainers.
275-76-060	Probation or parole revocation detainers.
275-76-070	Miscellaneous detainers.
275-76-080	Resident to be made available.
275-76-090	Reduced custody programs.
275-76-100	Requested resident on parole.
275-76-110	Transfer of resident to mental hospital.
275-76-120	Recommendation for withdrawal of detainer.
275-76-130	Identification of requesting authority's transferring agency.
275-76-140	Failure of requesting authority to take custody.
275-76-150	Detainer request by nonsignator of interstate agreement on detainers.

**WAC 275-76-005 Definitions.** For purposes of this chapter:

(1) "Detainer" shall mean a formal written request by a requesting authority to the superintendent of a custodial institution subject to the jurisdiction and control of the department asking that the superintendent

- (a) Notify the requesting authority when the release of a particular resident is imminent, and/or
- (b) Hold the resident pending transfer of the resident to the custody of the requesting authority.

(2) "Superintendent" shall refer to the chief administrator of a custodial institution subject to the jurisdiction and control of the department, or his authorized agents.

(3) "Department" shall mean the department of social and health services of the state of Washington.

(4) "Requesting authority" shall mean any criminal justice agency which files a detainer with the department or with the superintendent of a custodial institution subject to the jurisdiction and control of the department.

(5) "State administrator" shall refer to the state officer designated, in accordance with the provisions of chapter 9.100 RCW, to administer the interstate agreement on detainers within the state of Washington.

(6) "Resident" shall refer to an inmate of a correctional facility subject to the jurisdiction and control of the department. [Order 797, § 275-76-005, filed 5/10/73.]

**WAC 275-76-010 Purposes of detainers.** Detainers may be filed with the department or with the superintendent of a custodial institution subject to the jurisdiction and control of the department in order to accomplish any of the following purposes:

(1) "Trial or pretrial detainers" — to secure the return of a resident to the jurisdiction and custody of the requesting authority for trial on pending criminal charges or for pretrial proceedings on potential but not yet pending criminal charges;

(2) "Commitment detainers" — to secure the return of a resident to the jurisdiction and custody of the requesting authority for a hearing on whether the resident's probation or parole, previously granted in connection with a prior conviction and sentence, should be revoked;

(3) "Probation or parole revocation detainers" — to secure the return of a resident to the jurisdiction and custody of the requesting authority for a hearing on whether the resident's probation or parole, previously granted in connection with a prior conviction and sentence, should be revoked;

(4) "Miscellaneous detainees" — to secure the return of a resident to the jurisdiction and custody of the requesting authority for such miscellaneous purposes as are necessary and valid in the context of the criminal justice system. [Order 797, § 275-76-010, filed 5/10/73.]

**WAC 275-76-020 Form of detainees.** A detainer filed with the department or with the superintendent of a custodial institution subject to the jurisdiction and control of the department shall contain, and describe in detail, the following information:

- (1) The identity of the requesting authority;
- (2) The purpose of the detainer;
- (3) The legal basis for the detainer, including, in all cases, a description of the factual circumstances which provide the basis for the issuance of the detainer;
- (4) The sentence or possible penalties which the resident will face if delivered to the custody of the requesting authority;
- (5) A statement as to whether it is the intention of the requesting authority to execute the detainer and subject the resident to trial, hearing, or incarceration. [Order 1009, § 275-76-020, filed 2/13/75; Order 797, § 275-76-020, filed 5/10/73.]

**WAC 275-76-030 Evaluation of detainer request.** Whenever a superintendent receives a detainer request he shall evaluate the request to determine if it complies in form and content with the provisions of this chapter.

(1) If the superintendent determines that a detainer request is valid, he shall acknowledge in writing to the requesting authority that the detainer has been received and will be honored by the department in accordance with the provisions of the interstate agreement on detainees.

(2) If the superintendent determines that a detainer fails to comply with the provisions of this chapter and is therefore invalid, he shall forward the detainer request to the state administrator who shall then make a final determination as to the validity of the detainer.

(a) If the state administrator determines that the detainer is invalid he shall immediately

(i) Notify the requesting authority that the detainer will not be honored by the department;

(ii) Inform the requesting authority in detail of the manner in which the detainer fails to comply in form and/or content with the provisions of this chapter;

(iii) Inform the requesting authority that the detainer will be honored if refiled in compliance with the provisions of this chapter.

(b) If the administrator determines that the detainer is valid, he shall immediately inform the superintendent of his decision and ask the superintendent to acknowledge in writing to the requesting authority that the detainer has been received and will be honored by the department.

(3) If the superintendent determines that a detainer is in fact merely a request for notice as to the resident's present status or future release date, and not a request that the resident be held pending transfer to the custody

of the requesting authority, he shall inform the requesting authority that

(a) The detainer will be honored as a request for notice,

(b) The resident will not be held by the department for transfer to the custody of the requesting authority, and

(c) The requesting authority may, if it wishes, file a new detainer, requesting that the resident be held by the department for transfer to the custody of the requesting authority. [Order 797, § 275-76-030, filed 5/10/73.]

**WAC 275-76-040 Trial or pretrial detainees.** (1) Who may file. The authority to issue or file trial or pretrial detainees shall generally be limited to the chief prosecuting authority of the jurisdiction making the detainer request.

(a) Nonprosecutorial officials, such as state or county sheriffs or police, shall not have authority to file detainees.

(b) In federal matters a United States marshal may formally file a detainer when acting on behalf of a United States district attorney or attorney general.

(2) Supportive materials necessary. Trial or pretrial detainees shall be accompanied by a certified copy of the complaint, indictment, information, or court order which is the jurisdictional basis for the detainer.

(3) Underlying charge. The underlying charge upon which a trial or pretrial detainer is based shall be either a felony or gross misdemeanor under the laws of the state of Washington.

(4) Notice to resident. Upon receipt of a valid trial or pretrial detainer a superintendent shall immediately notify the resident against whom the detainer has been filed of the existence, nature, and content of the detainer. In addition, the superintendent shall immediately notify the resident of his right to demand final disposition of the criminal charges underlying the detainer.

(5) Final disposition. A resident against whom a trial or pretrial detainer has been filed may demand of the requesting authority that a final disposition be made of the criminal charges underlying the detainer.

(a) A requesting authority shall be required to bring a resident to trial on the charges underlying a trial or pretrial detainer within one hundred and eighty days after receiving notice from the resident of the resident's place of incarceration and of his desire for final disposition of the underlying charges; provided that, a court having jurisdiction of the underlying charge may grant any necessary or reasonable continuance.

(b) A resident's demand for final disposition of the criminal charge underlying a particular detainer shall operate as a request for final disposition of the charges underlying any and all detainees filed against the resident by requesting authorities within the state to which the request for final disposition is directed.

(c) A resident's demand for final disposition shall be deemed a waiver of extradition with respect to any and all proceedings necessary to said final disposition.

(d) A resident's demand for final disposition shall be deemed a future waiver of extradition to the requesting



state for service of any sentence imposed upon the resident in connection with said final disposition.

(e) A resident's demand for final disposition shall constitute consent to be returned to the institution where presently confined upon completion of the trial or pretrial proceedings in the requesting state.

(6) Request for temporary custody. A requesting authority which has filed a valid trial or pretrial detainer may request temporary custody of the resident for the purpose of resolving the criminal charges underlying the detainer.

(a) Upon receipt of a request for temporary custody from a requesting authority which has filed a valid trial or pretrial detainer, the superintendent shall immediately give the following notice to the resident who is the subject of the detainer:

(i) Notice of the source and content of the request for temporary custody,

(ii) Notice of the resident's right to retain counsel at his own expense to assist in opposing the request for temporary custody,

(iii) Notice of the resident's right to oppose the request for temporary custody by filing with the governor, within thirty days of receipt of the request for temporary custody, a statement setting forth the reasons why the request for temporary custody should not be granted, and

(iv) Notice of the resident's right to contest, either before or after transfer, the legality of his transfer to the requesting authority pursuant to the request for temporary custody.

(b) In accordance with the provisions of chapter 9.100 RCW a request for temporary custody shall not be honored for a period of thirty days after receipt of the request, during which time the governor of the state of Washington may either approve or disapprove the transfer. If the governor either approves or fails within the thirty day time limit to disapprove the transfer, the request for transfer shall be honored at the end of said thirty day period.

(7) Resident in custody on appeal. A resident who is in custody pending disposition of his appeal from a state criminal conviction, and against whom a valid trial or pretrial detainer has been filed, may be transferred to the custody of a requesting authority pursuant to a request for final disposition or temporary custody.

(a) Whenever a request for final disposition or temporary custody is made with regard to a resident in custody pending appeal, the superintendent shall

(i) Give appropriate notice to the prosecuting attorney of the county in which the conviction was obtained and from which the appeal has been taken,

(ii) Notify and acknowledge to the resident and the requesting authority that the request for transfer has been received, and

(iii) Make a recommendation to the state administrator regarding the request for transfer.

(b) The state administrator shall determine, in the exercise of his discretion, whether the resident should be transferred pursuant to the request for final disposition or temporary custody or should be held in the custody of

the department pending disposition of the appeal. The state administrator's determination shall be based upon the following factors:

(i) The recommendation of the superintendent,

(ii) The recommendation, if any, of the prosecuting attorney involved in the pending appeal,

(iii) The anticipated time for resolution of the pending appeal,

(iv) The desire of the resident, and

(v) Such other factors as may be relevant and material in the context of the individual case.

(8) Procedure for transfer, handling and return of resident. The transfer, handling, and return of a resident pursuant to a request for final disposition or a request for temporary custody shall be governed by the provisions of article V of the interstate agreement on detainees, RCW 9.100.010.

(9) One year time limitation. A jurisdiction wishing to file a trial or pretrial detainer against a resident held within the institutions of the state shall be required to file said detainer within one year after receiving actual notice that the resident is being held within this state. If a requesting authority fails to proceed within the one year time limit, a subsequent trial or pretrial detainer filed by that requesting authority against the resident in question will not be honored unless based upon an underlying charge of homicide or attempted homicide. [Order 797, § 275-76-040, filed 5/10/73.]

**WAC 275-76-050 Commitment detainees.** (1) Who may file. The authority to issue or file a commitment detainer shall be limited to the jurisdictional authority responsible for the custody of the resident in question upon his return to the requesting state. Such jurisdictional authorities would include parole agencies, probation agencies, or the agencies responsible for the administration of correctional institutions.

(2) Supportive materials. In addition to the information required by WAC 275-76-020, commitment detainees shall be accompanied by certified copies of the official court documents rendering the judgment and imposing the sentence which are the jurisdictional basis for the detainer and by a statement from the requesting agency setting forth the legal basis for its authority to execute the sentence which is the basis for the detainer.

(3) Notice to resident. Upon receipt of a valid commitment detainer, a superintendent shall immediately notify the resident against whom the detainer has been filed of the existence, nature, and content of the detainer. [Order 1009, § 275-76-050, filed 2/13/75; Order 797, § 275-76-050, filed 5/10/73.]

**WAC 275-76-060 Probation or parole revocation detainees.** (1) Who may file. The authority to issue or file parole or probation revocation detainees shall be limited to the parole or probation authority which has initiated the revocation proceedings.

(2) Supportive materials necessary. In addition to the material required by WAC 275-76-020, parole or probation revocation detainees shall be accompanied by certified copies of all documents necessary to establish

the requesting agency's jurisdictional authority to undertake the revocation proceedings.

(3) Notice to residents. Upon receipt of a valid probation or parole revocation detainer, a superintendent shall immediately notify the resident against whom the detainer has been filed of the existence, nature, and content of the detainer.

(4) No right to demand final disposition. A resident against whom a probation or parole revocation detainer has been filed shall not be entitled to demand of the requesting authority that final disposition be made of the charges which are the basis for the pending revocation proceedings and the detainer. [Order 1009, § 275-76-060, filed 2/13/75; Order 797, § 275-76-060, filed 5/10/73.]

**WAC 275-76-070 Miscellaneous detainers.** (1) Who may file. The authority to issue or file detainers other than those specified in WAC 275-76-040, 275-76-050 and 275-76-060 shall be limited to:

(a) The chief prosecuting authority of the jurisdiction making the detainer request, or

(b) Courts of general jurisdiction within the jurisdiction making the detainer request.

(2) Supportive materials necessary. In addition to the material required by WAC 275-76-020, miscellaneous detainers shall be accompanied by certified copies of all documents necessary to establish the requesting agency's jurisdictional authority to file and execute the detainer.

(3) Notice to resident. Upon receipt of a valid miscellaneous detainer the superintendent shall immediately notify the resident against whom the detainer has been filed of the existence, nature, and content of the detainer. [Order 1009, § 275-76-070, filed 2/13/75; Order 797, § 275-76-070, filed 5/10/73.]

**WAC 275-76-080 Resident to be made available.**

(1) Whenever a valid detainer is filed against a resident of an institution under the jurisdiction and control of the department, the superintendent of that institution shall take all such precautions as are reasonably necessary to assure that the resident shall be made available to the requesting authority upon his release from the custody of the department.

(2) Upon receipt of a valid detainer, the superintendent shall immediately order that the custody status of the resident in question be examined and appropriate action taken to assure the availability of the resident for transfer to the requesting authority.

(3) The superintendent shall give notice to the requesting authority of the date of the requested resident's release to parole or final release as soon as possible after the superintendent receives notice of said release date.

(a) The superintendent shall promptly notify the requesting authority whenever any changes are made in the resident's proposed release date. [Order 797, § 275-76-080, filed 5/10/73.]

**WAC 275-76-090 Reduced custody programs.** (1) If at the time a detainer is filed against a resident, the resident is participating in a reduced custody program,

such as honor camp, furlough, or work or training release programs, the superintendent shall immediately notify the person in charge of such program of the detainer and the factual circumstances which provide the basis for its issuance and such person shall then promptly evaluate the appropriateness of the resident's continuing participation in such program.

(2) If a resident against whom a detainer has previously been filed should apply or be considered for placement in a reduced custody program, the superintendent shall consider the factual circumstances which provide the basis for issuance of the detainer along with all other relevant factors normally considered in determining the appropriateness of the resident's participation in the proposed reduced custody program. [Order 1009, § 275-76-090, filed 2/13/75; Order 797, § 275-76-090, filed 5/10/73.]

**WAC 275-76-100 Requested resident on parole.** If, at the time a valid detainer is filed against a resident, the resident has been released on parole, the superintendent shall immediately

(1) Notify the resident that a valid detainer has been filed against him,

(2) Inform the requesting authority that the resident has been released on parole,

(3) Inquire of the requesting authority as to its intended course of action with regard to the detainer, and

(4) Inform the state board of prison terms and paroles that a valid detainer has been filed against the parolee-resident. [Order 797, § 275-76-100, filed 5/10/73.]

**WAC 275-76-110 Transfer of resident to mental hospital.** (1) If a resident against whom a valid detainer has been filed is to be transferred from an adult correctional institution to a state mental hospital, the superintendent of the correctional institution shall, in advance of the transfer:

(a) Notify the requesting authority of the proposed transfer of the resident and the reasons for the transfer; and

(b) Notify the superintendent of the mental hospital of the existence and nature of the detainer which has been filed against the resident.

(2) During the time in which a resident against whom a detainer has been filed is a patient of a state mental hospital, the superintendent of the mental hospital shall assume full responsibility for custody of the patient-resident and shall take all such precautions as are reasonably necessary to assure that the individual shall be made available to the requesting authority upon his release from the custody of the department. [Order 1009, § 295-76-110, filed 2/13/75; Order 797, § 275-76-110, filed 5/10/73.]

**WAC 275-76-120 Recommendation for withdrawal of detainer.** (1) Prior to the anticipated release date of a resident against whom a valid detainer has been filed, the superintendent shall

(a) Prepare an evaluation of the resident, outlining the resident's actions and activities while in custody in

the institution and indicating whether a post-release parole plan and program has been developed for the resident,

(b) Make a recommendation to the state administrator as to whether the department should attempt to obtain the withdrawal by the requesting authority of the detainer filed against the resident,

(c) Furnish copies to the resident of said evaluation and recommendation.

(2) 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.]

**WAC 275-76-130 Identification of requesting authority's transferring agency.** (1) It shall be the responsibility of a superintendent, prior to delivering a resident to the custody of an agent of the requesting authority pursuant to a detainer, to verify

(a) The identity of the agent, and  
 (b) The jurisdictional authority of the agent to take custody of the resident pursuant to the detainer. [Order 797, § 275-76-130, filed 5/10/73.]

**WAC 275-76-140 Failure of requesting authority to take custody.** When the department has agreed to the transfer of a resident to the custody of a requesting authority on the date of the resident's release on parole or final release, the requesting authority shall be required to appear and take custody of the resident on said date. If the requesting authority fails to appear as required, the resident shall be released. [Order 797, § 275-76-140, filed 5/10/73.]

**WAC 275-76-150 Detainer request by nonsignator of interstate agreement on detainers.** The provision of

this chapter shall be fully applicable to detainers filed with the department by a state which is not a signator to the interstate agreement on detainers, except that the procedure for transfer of a resident under such circumstances shall be governed by the provisions of chapter 10.88 RCW, the Uniform Criminal Extradition Act. [Order 797, § 275-76-150, filed 5/10/73.]

**Chapter 275-80 WAC**

**ADULT CORRECTIONAL INSTITUTIONS—VISITS**

**WAC**

- 275-80-805 Definitions.
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- 275-80-900 Exchange of material or items.
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- 275-80-925 Denial of visits.
- 275-80-930 Suspension of visiting rights—Duration.
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- 275-80-940 Exceptions.
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**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

- 275-80-820 Search of visitors. [Order 767, § 275-80-820, filed 1/10/73.] Repealed by Order 814, filed 6/28/73.
- 275-80-822 Search of visitors—Notice. [Order 767, § 275-80-822, filed 1/10/73.] Repealed by Order 814, filed 6/28/73.
- 275-80-823 Search of visitors—Refusal to be searched. [Order 767, § 275-80-823, filed 1/10/73.] Repealed by Order 814, filed 6/28/73.
- 275-80-825 Exchange of material or items. [Order 767, § 275-80-825, filed 1/10/73.] Repealed by Order 814, filed 6/28/73.
- 275-80-830 Violations of rules—Penalty. [Order 767, § 275-80-830, filed 1/10/73.] Repealed by Order 814, filed 6/28/73.
- 275-80-835 Denial of visits. [Order 767, § 275-80-835, filed 1/10/73.] Repealed by Order 814, filed 6/28/73.
- 275-80-837 Appeal of denial of visiting privilege. [Order 767, § 275-80-837, filed 1/10/73.] Repealed by Order 814, filed 6/28/73.
- 275-80-850 Personal visits—Professional interviews. [Order 767, § 275-80-850, filed 1/10/73.] Repealed by Order 814, filed 6/28/73.
- 275-80-856 Personal visits—Exceptions. [Order 767, § 275-80-856, filed 1/10/73.] Repealed by Order 814, filed 6/28/73.
- 275-80-874 Group visits—Who may not visit. [Order 767, § 275-80-874, filed 1/10/73.] Repealed by Order 814, filed 6/28/73.

**WAC 275-80-805 Definitions.** (1) "Contraband" consists of illegal items, and other items not specifically defined as illegal as specified in regulations adopted by the superintendent of an institution and approved by the secretary, which a resident of a correctional institution may not have in his possession;

(2) A "group visit" is a visit to the institution for educational or informational purposes or for the purpose of attending or participating in institutional activities;

(3) "Illegal items" are those items defined by RCW 9.94.040 as illegal when in the possession of a resident of a correctional institution, such as weapons, controlled substances, and alcoholic beverages;

(4) "Immediate family" consists of parents, stepparents, parent surrogates, legal guardians, spouses, brothers, sisters, half or stepbrothers or sisters, children, stepchildren, and dependents who might not be in direct lineal relationship;

(5) "News media" refers to representatives of the press, radio, and television;

(6) A "personal visit" is a visit to an individual resident of an adult correctional institution by a friend or relative, or by a person visiting in a professional capacity such as a clergyman, attorney, or law enforcement official; members of the parole board shall not be considered visitors under this rule;

(7) "Real suspicion" is a subjective suspicion supported by objective, articulatable facts, which would reasonably lead an experienced prudent correctional institution staff member to believe that a crime is imminent, is occurring or has occurred. [Order 814, § 275-80-805, filed 6/28/73; Order 767, § 275-80-805, filed 1/10/73.]

**WAC 275-80-810 Visits--Purpose.** Personal visits are intended to maintain ties between the resident and his family and the community so as to facilitate his successful return to the community. Group visits and media visits are intended to establish closer contact and better understanding between the public and the correctional system. [Order 814, § 275-80-810, filed 6/28/73; Order 767, § 275-80-810, filed 1/10/73.]

**WAC 275-80-815 Visits--Registration.** Upon arrival at the institution, all visitors must register and upon request provide formal identification. [Order 814, § 275-80-815, filed 6/28/73; Order 767, § 275-80-815, filed 1/10/73.]

**WAC 275-80-840 Personal visits--General.** Personal visits will be regulated according to the following criteria:

(1) Residents shall have a maximum choice of visitors consistent with the security of the institution;

(2) Restrictions on the number of visitors allowed a resident at any one time, and the restrictions on the frequency and duration of visits, shall be no more stringent than necessary in view of practical limitations of the institution, such as staff and space;

(3) Visiting shall not be denied, terminated, or restricted as a sanction for infractions of other rules of the institution unrelated to visiting;

(4) Visitors and residents shall be treated courteously and every reasonable effort made to ensure that visits are comfortable and pleasant. [Order 814, § 275-80-840, filed 6/28/73; Order 767, § 275-80-840, filed 1/10/73.]

**WAC 275-80-842 Personal visits--Who may not visit.** The resident may not receive visits from:

(1) Persons not included on his visiting list for approved visitors as provided for in WAC 275-80-844 unless an exception has been granted in accordance with WAC 275-80-940;

(2) Persons associated with him in the commission of the offense for which he was incarcerated;

(3) Parolees and probationers under active supervision unless they are members of his immediate family or are participating as volunteers or employees of the department in some other approved capacity in institutional programs or activities;

(4) Persons under age 18 except with the consent of the parent or guardian. If under age 16, the visitor must be accompanied during the entire visit by a parent or guardian or any other approved visitor;

(5) Persons under 18 years of age may not participate as a member of a group visiting within the security perimeter of the institution;

(6) Persons who are members of the immediate family or close friends of a resident in the institution shall declare this fact and may enter beyond the security perimeter as part of a group only with the express permission of the superintendent. [Order 814, § 275-80-842, filed 6/28/73; Order 767, § 275-80-842, filed 1/10/73.]

**WAC 275-80-844 Personal visits--Approved visitor lists.** At the time of admittance, the resident shall be provided a copy of the personal visiting regulations and shall complete an application for each individual whom he wishes placed on his visiting list. The superintendent shall review each application for completeness, and, as appropriate, promptly and tentatively approve visits for the immediate family. The superintendent shall mail a visitor's questionnaire (see WAC 275-80-995(1)) to each prospective adult visitor, or to the parents or guardians of each prospective visitor under 18 years of age. Upon return and review of the questionnaire, the superintendent shall decide if the individual is to be placed on the resident's permanent visiting list, and shall notify both the resident and the prospective visitor of his decision. Denial of visiting rights must not be made on the basis of race, religion, sex, or national origin. If a person is denied placement on the resident's permanent visiting list, the superintendent shall inform the resident in writing of the reasons therefore. [Order 814, § 275-80-844, filed 6/28/73; Order 767, § 275-80-844, filed 1/10/73.]

**WAC 275-80-846 Personal visits--Alterations to visiting list.** (1) A resident may add names to his visiting list in accordance with limitations in WAC 275-80-842;

(2) The superintendent may delete a name from the list upon a finding of violation of visiting rules or serious abuse of visiting on the part of a visitor or resident, in which case he shall notify the visitor and the resident in writing stating the reasons for terminating the visiting rights. [Order 814, § 275-80-846, filed 6/28/73; Order 767, § 275-80-846, filed 1/10/73.]

**WAC 275-80-848 Personal visits--Transfer of resident.** When a resident is transferred to another adult correctional institution his approved visiting list shall be forwarded to and accepted by the receiving institution as previously approved. It shall be the responsibility of the resident to notify his visitors of such transfer. [Order 814, § 275-80-848, filed 6/28/73; Order 767, § 275-80-848, filed 1/10/73.]

**WAC 275-80-852 Personal visits--Visiting days and hours.** The superintendent of the institution shall establish and regulate visiting days and hours subject to the approval of the secretary. Each visitor shall be given a copy of the institution's rules concerning visits upon arrival at the institution for the first time, or by mail prior to that time. [Order 814, § 275-80-852, filed 6/28/73; Order 767, § 275-80-852, filed 1/10/73.]

**WAC 275-80-854 Personal visits--Hospitalized resident.** A resident who is a patient in the institution hospital may receive visitors subject to such limitations as are imposed by the attending physician. Such visits shall be supervised by an employee of the institution and visitors under the age of 18 must be accompanied by a responsible adult. [Order 814, § 275-80-854, filed 6/28/73; Order 767, § 275-80-854, filed 1/10/73.]

**WAC 275-80-860 Professional visits.** (1) In addition to the list of approved visitors, the resident may receive personal visits from persons visiting him in a professional capacity. No interview may take place without the resident's agreement except under subpoena;

(2) The superintendent may require advanced appointment for professional interviews unless it appears the circumstances do not permit delay;

(3) Appropriate space shall be made available for professional interviews so as to provide privacy consistent with the security needs of the institution;

(4) Upon entering the institution, any official or professional visitor shall be advised, verbally, that if information is exchanged which affects the safety or well-being of any resident, this information must be also communicated to the superintendent unless such communication would violate the confidentiality of a professional relationship. [Order 814, § 275-80-860, filed 6/28/73.]

**WAC 275-80-870 Group visit--General.** Each institution shall provide for reasonable access to the institution by groups of concerned citizens and for the

participation by appropriate groups in activities of the residents. The full range of institutional activities shall be shown and full public access, under supervision, shall be permitted to institutional facilities and practices. Areas to which public access is not feasible for reasons of security or privacy of residents should be presented on film. [Order 814, § 275-80-870, filed 6/28/73; Order 767, § 275-80-870, filed 1/10/73.]

**WAC 275-80-872 Group visit--Arrangements.** (1) Groups wishing to visit an institution shall request permission from the superintendent in advance and schedule the visit at a time convenient to the institution. The spokesman for the group shall notify the superintendent of the approximate size of the group, the purpose of the visit, and the desired duration of the visit;

(2) An athletic team may with the approval of the superintendent arrange for a visit in order to compete with a resident team;

(3) The superintendent shall specify the sections of the institution to which the visiting group may have access and the duration of their visit. [Order 814, § 275-80-872, filed 6/28/73; Order 767, § 275-80-872, filed 1/10/73.]

**WAC 275-80-876 Group visit--Conduct.** (1) Group members shall conduct themselves in a dignified and orderly manner;

(2) Group members shall be permitted to converse with residents they encounter during a visit;

(3) Cameras shall not be taken into the institution or photographs taken without special authorization of the superintendent;

(4) The group shall stay together unless the staff member in charge authorizes sub-groups. [Order 814, § 275-80-876, filed 6/28/73; Order 767, § 275-80-876, filed 1/10/73.]

**WAC 275-80-878 Group visit--Privacy of residents.** Residents shall be afforded privacy during groups visits and shall be given advance notice that visiting groups are expected. [Order 814, § 275-80-878, filed 6/28/73; Order 767, § 275-80-878, filed 1/10/73.]

**WAC 275-80-890 News media visits--General.** The superintendent shall honor requests by representatives of news media for admittance to the institution. Such representatives shall be treated courteously and shall be afforded reasonable access to all areas of the institution. The right of privacy of residents shall be protected. The superintendent shall insure that representatives of news media are informed of these rules and of their responsibilities. [Order 814, § 275-80-890, filed 6/28/73.]

**WAC 275-80-895 News media visits--Limitations.** (1) Representatives of news media shall be advised on entering the institution that if they receive information which directly affects the safety of any resident or staff member, or indicates that a crime has been or will be committed, this information shall be communicated to

the superintendent or an assistant, unless such communication would violate the confidentiality of a professional relationship;

(2) No interview with a resident may take place without his consent;

(3) When photographs are to be taken residents must be notified and given the opportunity to withdraw from the scene;

(4) If the name or photographs of a resident are to be used, written consent of the resident must be secured. [Order 814, § 275-80-895, filed 6/28/73.]

**WAC 275-80-900 Exchange of material or items.**

(1) A visitor may not bring contraband into an institution and may give a resident, or receive from a resident, only such items or materials as have been inspected and approved by the officer in charge;

(2) If a resident is on his way to or from a visit and he is found to have contraband in his possession, his visits may be suspended, if after a disciplinary hearing, it is determined the contraband was obtained during the visit. [Order 814, § 275-80-900, filed 6/28/73.]

**WAC 275-80-905 Search of visitors.** (1) To prevent possible delivery of weapons, controlled substances, or contraband to residents, all visitors are subject to a frisk search and inspection of any purses, packages, briefcases, or similar containers which are brought behind the security walls of the institution or into the visiting area;

(2) If the frisk search, or independent evidence, establishes a real suspicion that smuggling of contraband or criminal activity is imminent, there may be a search of the visitor's person;

(3) Female visitors shall only be searched by female staff members;

(4) When persons visiting in a professional capacity have a need for purses, packages, briefcases, or similar containers, such material may be admitted but is subject to search;

(5) Representatives of the news media may bring into the institution equipment essential to the purpose of their visit. [Order 814, § 275-80-905, filed 6/28/73.]

**WAC 275-80-910 Notice of search.** (1) Signs shall be posted at the entrances to the grounds of the institution and at the entrance to the visiting area giving notice that persons proceeding beyond these points may be subject to search.

(2) If the institution intends to search a visitor, verbal notice of this intent and the consequences of refusing search shall be given before search procedures may be initiated. [Order 814, § 275-80-910, filed 6/28/73.]

**WAC 275-80-915 Refusal to be searched.** A visitor has the option of refusing to be searched but may then be removed from the institution and denied visiting rights or entrance to the institution for a period not to exceed 90 days. If a visitor refuses to be searched on more than one instance, their visiting rights may be denied permanently. Restoration of visiting rights denied

for refusal to be searched must be authorized by the superintendent or his designee. [Order 1135, § 275-80-915, filed 8/12/76; Order 857, § 275-80-915, filed 9/27/73; Order 814, § 275-80-915, filed 6/28/73.]

**WAC 275-80-920 Search and discovery of illegal items.** If as a result of the search, illegal items are discovered, the superintendent shall report the matter to the local law enforcement officers for further action. The evidence and the suspect shall remain in the room in which the search took place and witnesses will be asked to remain until the arrival of the law enforcement officers. Institutional staff shall exercise all reasonable caution in not questioning the visitor. [Order 814, § 275-80-920, filed 6/28/73.]

**WAC 275-80-925 Denial of visits.** The superintendent may deny entrance to visitors if:

(1) The superintendent has prior knowledge leading him to a real suspicion that a visitor is attempting to smuggle in or out of the institution illegal or contraband items. If there is real suspicion substantially ahead of the arrival time of the visitor the superintendent should contact local law enforcement officers and allow them to handle any search procedures;

(2) There is a disturbance within the institution;

(3) There is clear and present, or imminent danger to the health and safety of any visitor, resident, or staff member;

(4) He has real suspicion to believe that criminal conduct will ensue if entrance is allowed;

(5) Visiting rights have been seriously abused by the resident;

(6) There is real suspicion to believe the visitor has attempted to bring contraband into the institution;

(7) Visitors fail to abide by the pertinent rules in this chapter. [Order 814, § 275-80-925, filed 6/28/73.]

**WAC 275-80-930 Suspension of visiting rights—Duration.** Visiting rights may be suspended for a single visitor or all visitors of a single resident depending on the seriousness of a visiting infraction. The visiting rights of a resident charged with violation of visiting rules may be suspended only after a finding of guilt pursuant to a regular disciplinary hearing and such rights may be abridged for a maximum duration of 90 days after which visiting rights shall be restored unless there remains a clear and present, or imminent danger to the health and safety of any visitor, resident, or staff member. [Order 814, § 275-80-930, filed 6/28/73.]

**WAC 275-80-935 Appeal of denial of visiting rights.** (1) A visitor may appeal the suspension, disapproval, or termination of his visiting rights to the superintendent of the institution. If still dissatisfied he may appeal by letter to the administrator of adult corrections. The letter should state the reason why the visitor should be permitted to visit and the circumstances surrounding the denial or termination.

(2) A group or a representative of the news media denied entrance to the institution or required to leave, may

appeal to the secretary or his designee. The appeal should state the reasons the group or the representative believes he should be permitted to visit and the circumstances surrounding the denial or termination. [Order 814, § 275-80-935, filed 6/28/73.]

**WAC 275-80-940 Exceptions.** The superintendent may grant exceptions to normal visiting procedures in unusual circumstances to meet the special needs of a resident. [Order 814, § 275-80-940, filed 6/28/73.]

**WAC 275-80-995 Appendices.** (1) The text and format of the visitor's questionnaire referred to in WAC 275-80-844 are:

Read carefully:

Resident \_\_\_\_\_ Number \_\_\_\_\_ has asked that you be placed on his (her) visiting list. If you wish to visit the above named resident, please answer all questions listed below and return this form to sending institution within fifteen days of the date of mailing. Please return before \_\_\_\_\_(Month)/ \_\_\_\_\_(Day)/ \_\_\_\_\_(Year)/

All questions must be answered. Any omission or falsification will be considered sufficient reason for your exclusion as a visitor. If you are under 16 years of age, you may visit only by special permission of the Superintendent, and only if accompanied, during the entire visit, by a parent or person who is also an approved visitor. If you are between 16 and 18 years of age, you must have the signature of your parent or guardian.

Name \_\_\_\_\_ Age \_\_\_\_\_  
(first) (middle) (last)

Address \_\_\_\_\_  
(number) (street) (city) (state) (zip)

Relationship to resident: (Mother, wife, friend, attorney, etc.) \_\_\_\_\_

Number of years and months you have known resident \_\_\_\_\_

Have you been involved in illegal or criminal activity with the above-named resident? \_\_\_\_\_

Are you now under active supervision of probation or parole?

Yes  No

"A visitor has the option of refusing to be searched. However, a refusal to be searched may result in denial of admittance to or removal from the institution and a denial of all future visiting rights for a period of up to ninety days. A second refusal to be searched may result in a denial of visiting privileges for up to six months at which time the restoration of visiting rights will be reconsidered by the institution."

I am hereby advised of the authority provided to the institution by Adult Corrections Division Policy #75-1 that can require any person entering an adult correctional institution subject to:

(A) A personal search and vehicle search whenever there is mere suspicion that a crime is being committed;

(B) Strip search whenever there is a "real suspicion" that a crime has occurred; or

(C) Probe and orifice search conducted by qualified medical personnel when there is evidence to support "clear indication" of criminal action.

Signature \_\_\_\_\_

Signature of parent or guardian (if applicable) \_\_\_\_\_

Date \_\_\_\_\_(Month)/ \_\_\_\_\_(Day)/ \_\_\_\_\_(Year)/

COMMENTS: \_\_\_\_\_

DO NOT WRITE BELOW THIS LINE

Approved \_\_\_\_\_  
Superintendent's Signature

Denied (If denied, give reason(s)) \_\_\_\_\_

Copy to Resident \_\_\_\_\_  
Resident's Signature

[Order 1135, § 275-80-995, filed 8/12/76; Order 814, § 275-80-995, filed 6/28/73.]

**Chapter 275-82 WAC  
ADULT CORRECTIONAL INSTITUTIONS--  
CLASSIFICATION OF RESIDENTS--  
ADMINISTRATIVE SEGREGATION**

WAC  
275-82-005 Definitions.  
275-82-010 Administrative segregation.  
275-82-015 Notice of meeting.  
275-82-020 Representation of resident.  
275-82-025 Conduct of meeting.  
275-82-030 Decision.  
275-82-035 Segregation status—Rights retained.  
275-82-040 Appeal.  
275-82-045 Review of administrative segregation status.  
275-82-050 Transfer of resident.

**WAC 275-82-005 Definitions.** (1) "Administrative segregation" is any segregation of a resident of an adult correctional institution for nondisciplinary reasons.

(2) "Classification committee" is a committee, or subcommittee thereof, of staff members of an adult correctional institution concerned with the rehabilitation progress of a resident and the program activity to which he is assigned.

(3) As used in this chapter, "superintendent" shall include the designee of the superintendent. [Order 1217, § 275-82-005, filed 6/15/77; Order 874, § 275-82-005, filed 11/16/73.]

**WAC 275-82-010 Administrative segregation.** (1) A resident may be placed in administrative segregation when it is shown by information brought out at a meeting that the resident:

(a) Is dangerous to himself, to others, or to the security of the institution;

(b) Is in danger from others.

(2) A resident may place himself in administrative segregation voluntarily. His request shall be made in writing.

(3) Placement in administrative segregation shall be made only after a meeting with the classification committee except as provided in WAC 275-82-015(3). [Order 1217, § 275-82-010, filed 6/15/77; Order 874, § 275-82-010, filed 11/16/73.]

**WAC 275-82-015 Notice of meeting.** (1) When the superintendent is considering the administrative segregation of a resident, the resident shall be notified in writing concerning:

(a) The allegations which gave rise to such consideration;

(b) The fact that a meeting with the classification committee will be held to determine whether he should be segregated;

(c) The date, time and place of the meeting;

(d) The fact that at the meeting the resident may present 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 275-82-020 Representation of resident.** (1) A resident may select a willing lay person to be his "lay advisor" at the meeting. The lay advisor may be a staff member not ordinarily assigned responsibility for the resident, or a resident or other person approved by the superintendent. He may prepare and present the resident's cause.

(2) The lay advisory may attend the meeting but shall not be responsible for presentation of the resident's case, questioning witnesses, or making other oral presentation unless requested to do so by the classification committee. [Order 1217, § 275-82-020, filed 6/15/77; Order 1002, § 275-82-020, filed 1/14/75; Order 874, § 275-82-020, filed 11/16/73.]

**WAC 275-82-025 Conduct of meeting.** (1) The meeting shall be held by the classification committee or by a subcommittee thereof of not less than three members. Any member who had direct involvement in the incident which gave rise to the meeting shall disqualify himself.

(2) The resident shall be present at all stages of the meeting except during consideration of the decision and during discussions involving information from anonymous sources in accordance with subsection (5).

(3) The resident may use his own recording equipment to record the meeting. The tape may be used for the purpose of appeal provided it has been given to and stored by the classification committee between the time of the recording and the appeal.

(4) A record of the meeting shall be kept which clearly indicates what information was presented.

(5) The decision to place someone in administrative segregation may be based on information from a resident whose identification is not given to the resident at the administrative segregation meeting. Such information may be given the administrative segregation committee through a written statement from the resident source or through statements from staff members who may give a statement in writing if the staff member is not able, for good cause, to attend the administrative segregation meeting.

(a) The contents of any information from an anonymous source shall be shared with the resident at the meeting to the extent that this may be done without endangering the source of the information.

(b) When considering information from an anonymous source, the name of the source and all details of such information shall be given to the administrative segregation committee out of the presence of the resident unless the nondisclosure of the name and/or details has been previously approved by a staff member of the rank of captain or above and to whom such name and information has been disclosed. Such approval shall reflect the approving official's verification that the source and information are reliable and are properly considered in deciding whether to place an individual in administrative segregation.

(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.]

**WAC 275-82-035 Segregation status—Rights retained.** A resident placed in segregation shall:

(1) Be confined in an environment with healthful temperatures in cells substantially similar to those used for general population;

(2) Be provided the same opportunities for personal hygiene as are available to the general population;

(3) Retain his rights to correspondence, reading, and legal representation;

(4) Be provided an opportunity daily for at least one hour of exercise;

(5) Be visited by a physician, nurse, medic, or hospital supervisor at least three times per week. If a physician has not personally visited the resident for one week, a physician shall review the condition of the resident with the health personnel who have visited and shall review written comments and requests. A record of visits by medical personnel shall be maintained;

(6) The rights provided under subsections (2), (3), and (4) may be limited for individual residents when provision of such rights will result in a danger to the resident, to other persons, and/or to the security, safety and/or order of the institution. Decisions to limit rights in other than emergency situations shall be approved in advance by a member of the institution staff the rank of shift lieutenant or above. Limitations imposed in emergency situations by other staff shall be reviewed as soon as possible by an official the rank of shift lieutenant or above. The fact that a resident has been placed in administrative segregation shall not automatically warrant limitation of any of the rights affected by this section. [Order 1217, § 275-82-035, filed 6/15/77; Order 874, § 275-82-035, filed 11/16/73.]

**WAC 275-82-040 Appeal.** A resident may appeal the decision of the committee to the superintendent or his designee who should act on the appeal within three working days, and shall provide the resident with written reasons for his decision. The superintendent may reverse

a decision of the committee that the resident need not be segregated.

If the superintendent reverses a decision not to segregate a resident, he shall put a written justification of his decision in the administrative segregation meeting record and give a copy of such justification to the resident. [Order 1217, § 275-82-040, filed 6/15/77; Order 874, § 275-82-040, filed 11/16/73.]

**WAC 275-82-045 Review of administrative segregation status.** (1) The status of a resident placed in administrative segregation shall be reviewed by the classification committee at not more than thirty day intervals to determine whether he should stay in segregation. The resident shall be given the opportunity to be present at these review sessions.

(2) A resident who appears for a review session shall be entitled to participate in the discussions to the same extent permitted at his or her initial segregation meeting. The committee shall provide the resident with a written decision stating the basis for their decision.

If the review committee determines that the resident should remain in administrative segregation, he may appeal the decision to the superintendent. [Order 1217, § 275-82-045, filed 6/15/77; Order 874, § 275-82-045, filed 11/16/73.]

**WAC 275-82-050 Transfer of resident.** If after a hearing the resident is transferred to another institution, the decision of the committee shall be considered valid by the receiving institution subject to a review of his status as provided in WAC 275-82-045(1). [Order 874, § 275-82-050, filed 11/16/73.]

## Chapter 275-85 WAC

### RESIDENT OF ADULT CORRECTIONAL INSTITUTION ESCORTED LEAVE OF ABSENCE

#### WAC

275-85-005	Escorted leave of absence—Definitions.
275-85-010	Escorted leave of absence—Purpose.
275-85-015	Escorted leave of absence—Reasons allowed.
275-85-020	Escorted leave of absence—Conditions.
275-85-025	Escorted leave of absence—Application.
275-85-030	Escorted leave of absence—Approval.
275-85-035	Escorted leave of absence—Escort.
275-85-040	Escorted leave of absence—Expenses.
275-85-045	Escorted leave of absence—Expenses—Paid by resident.
275-85-050	Escorted leave of absence—Expenses—Paid by state.

**WAC 275-85-005 Escorted leave of absence—Definitions.** (1) "Escorted leave" is a leave of absence from a correctional facility under the supervision of an escort.

(2) "Immediate family" consists of a resident's parents, stepparents, parent surrogates, legal guardians, spouse, brothers, sisters, half or stepbrothers or sisters, children, stepchildren, and dependents who might not be in a direct lineal relationship to him.

(3) "Indigent resident" is one who has a combined total net value in cash (not to exceed \$200 in his institutional account), bank accounts, marketable securities,

and real property other than a home not to exceed \$750, or, together with his unestranged spouse, not to exceed \$1500. [Order 796, § 275-85-005, filed 5/10/73.]

**WAC 275-85-010 Escorted leave of absence--Purpose.** An escorted leave is allowed to permit a resident to be present in the community for legitimate personal and/or rehabilitative purposes under circumstances in which a furlough is impractical or impermissible. [Order 796, § 275-85-010, filed 5/10/73.]

**WAC 275-85-015 Escorted leave of absence--Reasons allowed.** An escorted leave may be allowed to permit a resident to

- (1) Receive necessary medical care which is not available in the institution,
- (2) Visit a critically ill member or attend the funeral of a member of his immediate family upon verification of such illness or death,
- (3) Participate in community events as a member of a group or team,
- (4) Receive instruction or take examinations in vocational or academic programs not available at the institution which are essential to the completion of a formal course of study,
- (5) Participate in agricultural or industrial programs of the institution. [Order 878, § 275-85-015, filed 11/29/73; Order 796, § 275-85-015, filed 5/10/73.]

**WAC 275-85-020 Escorted leave of absence--Conditions.** (1) An escorted leave shall be authorized only for trips within the state.

- (2) The duration of the leave shall normally not exceed forty-eight hours.
- (3) The resident shall be considered to remain in the custody of the superintendent at all times.
- (4) The resident shall be lodged in a city or county jail or a state institution at all times when not in transit or actually engaged in the activity for which the leave was granted.

(5) Provision for reimbursement for expenses incurred by the resident and escort must be verified in advance. [Order 796, § 275-85-020, filed 5/10/73.]

**WAC 275-85-025 Escorted leave of absence--Application.** A resident shall place his request for leave with his counsellor who will forward it together with his recommendation to the superintendent or his designee. [Order 796, § 275-85-025, filed 5/10/73.]

**WAC 275-85-030 Escorted leave of absence--Approval.** Requests for leaves shall be approved or denied by the superintendent or his designee, who, in making such decision, shall take into consideration the following factors:

- (1) The nature of the emergency or the request for leave,
- (2) The degree to which the resident may be considered to be a security or escape risk,
- (3) Any unusual disciplinary problems which may be presented by the resident,

(4) The resident's degree of trustworthiness,

(5) Any significant health problems that might be presented as a result of a leave. [Order 796, § 275-85-030, filed 5/10/73.]

**WAC 275-85-035 Escorted leave of absence--Escort.** (1) The person who will serve as escort must be approved by the superintendent or his designee.

(2) In granting an escorted leave, the superintendent shall make such security arrangements as are deemed appropriate and may instruct a correctional officer to wear his uniform and sidearm in appropriate circumstances when such officer is assigned to escort a resident for purposes other than bedside or funeral visits.

(3) A correctional officer serving as escort shall wear civilian clothes and be unarmed when escorting a resident to a bedside visit or a funeral.

(4) The escort shall not use physical restraints unless the resident attempts escape or becomes violent. [Order 796, § 275-85-035, filed 5/10/73.]

**WAC 275-85-040 Escorted leave of absence--Expenses.** (1) The escort shall receive reimbursement for meals, lodging, and transportation at the rate established in the department's travel policy.

(2) The escort shall receive his salary for all hours spent in actually escorting the resident, but not including hours sleeping or not engaged in direct supervision of the resident. The salary shall be paid at the appropriate straight time and overtime rates as provided in the merit system rules. [Order 796, § 275-85-040, filed 5/10/73.]

**WAC 275-85-045 Escorted leave of absence--Expenses--Paid by resident.** The expenses of the escort as enumerated in WAC 275-85-040 shall be reimbursed by the resident unless the superintendent has authorized payment at state expense in accordance with chapter 275-85 WAC. [Order 796, § 275-85-045, filed 5/10/73.]

**WAC 275-85-050 Escorted leave of absence--Expenses--Paid by state.** The expenses of the escort shall be reimbursed by the state if

- (1) The resident is indigent in accordance with WAC 275-85-005(3), or
- (2) The expenses were incurred for the purpose of the resident's participation in a community event as a member of a group or team, an academic or vocational activity, or to secure medical care. [Order 796, § 275-85-050, filed 5/10/73.]

## Chapter 275-88 WAC

### ADULT CORRECTIONAL INSTITUTIONS-- DISCIPLINE

WAC	
275-88-005	Purpose.
275-88-006	Definitions.
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275-88-015	Notification.
275-88-020	Definition of misconduct.
275-88-025	General infractions.

275-88-030	Serious infractions.
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275-88-040	Infractions—On-site adjustment.
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275-88-060	Appeal to hearing committee—Composition of committee.
275-88-065	Appeal to hearing committee—Disqualification or absence of member.
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275-88-110	Sanctions—Limitations.
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#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

275-88-067	Appeal to hearing committee—Other participants. [Order 849, § 275-88-067, filed 8/23/73.] Repealed by Order 1185, filed 2/3/77.
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**WAC 275-88-005 Purpose.** (1) The rules in this chapter shall provide a standardized system consistent with constitutional due process for ascertaining whether misconduct by a resident of an adult correctional institution has occurred.

(2) The rules in this chapter shall not apply to proceedings of the board of prison terms and paroles. [Order 849, § 275-88-005, filed 8/23/73.]

**WAC 275-88-006 Definitions.** The following definitions apply for purposes of this chapter.

(1) In labeling the parts of these rules, use the following example:

- "Rule" - WAC 275-88-085.
- "Subsection" - WAC 275-88-085(1).
- "Subparagraph" - WAC 275-88-085(1)(a).
- All rules together are called "regulations."

(2) "Promptly" - To act as soon as possible consistent with institutional goals of safety, security and rehabilitation.

(3) "Working days" - Normal Monday through Friday work days, excluding weekends and holidays.

(4) "Director" - The director of the adult corrections division of the Washington state department of social and health services or his designee(s).

(5) "Superintendent" - A superintendent of an adult correctional institution or his designee(s). [Order 1185, § 275-88-006, filed 2/3/77.]

**WAC 275-88-010 Supplementary rules.** The superintendent of an adult correctional institution may promulgate supplementary rules, policies, and procedures including the creation of new general and/or serious infractions, the reclassification of general and/or serious infractions set out in these rules, and the creation of new

sanctions. All such new or reclassified infractions and sanctions shall be approved in writing by the director or his designee before being put into effect: *Provided*, That such local rules may be adopted on a thirty-day emergency basis without such approval. The director may disapprove any rule, and/or procedure adopted under this rule. [Order 1185, § 275-88-010, filed 2/3/77; Order 849, § 275-88-010, filed 8/23/73.]

**WAC 275-88-015 Notification.** (1) Each resident of a correctional institution shall be advised in writing of

- His rights and responsibilities,
- Acts prohibited in the institution,
- Disciplinary action which may be taken in the event of misconduct.

(2) Each resident shall be provided with a copy of the rules in this chapter and upon his arrival at the institution shall be given a copy of all local disciplinary rules, policies and procedures.

(3) All amendments or additions to this chapter and all amendments or additions to local disciplinary rules, policies and procedures shall be posted at a specifically designated place or places in each institution in advance of their effective date if possible and for at least thirty days after their effective date. Residents shall be responsible for informing themselves of such postings. Complete and up-to-date copies of these rules and all local rules shall be available at each institution for resident examination.

(4) The superintendent shall insure that each resident has the opportunity to understand rules which relate to his conduct. If the resident is unable to read or understand English, the rules shall be read to him in his accustomed language. [Order 1185, § 275-88-015, filed 2/3/77; Order 849, § 275-88-015, filed 8/23/73.]

**WAC 275-88-020 Definition of misconduct.** Misconduct shall consist of

- Any act described in WAC 275-88-025 as a general infraction,
- Any act described in WAC 275-88-030 as a serious infraction, or
- Any act proscribed by local institutional rule adopted pursuant to WAC 275-88-010. [Order 1185, § 275-88-020, filed 2/3/77; Order 849, § 275-88-020, filed 8/23/73.]

**WAC 275-88-025 General infractions.** Any of the following types of behavior shall constitute a general infraction:

- 051 - Unauthorized possession of money or other negotiable instruments totaling less than five dollars
- 052 - Loaning of property for profit
- 053 - Possession of anything not authorized for retention or receipt by a resident and/or not issued to him by regular institutional channels
- 055 - Intentionally mutilating, altering, defacing or destroying items issued by the state the value of which is less than five dollars
- 103 - Refusing to obey a lawful order of any staff member

- 104 - Unexcused absence from work or any assignment
- 202 - Abusive language directed to a staff member
- 203 - Lying or knowingly providing a false statement to a staff member
- 205 - Participating in a meeting or gathering that has been disapproved in advance, in writing, by the institution
- 210 - Being present in an unauthorized area (notice given by each institution)
- 211 - Intentional failure to follow published safety or sanitary regulations
- 212 - Using any equipment or machinery which is not specifically authorized
- 213 - Using any equipment or machinery contrary to instructions or posted safety standards
- 214 - Intentional failure to stand count
- 251 - Smoking where prohibited
- 301 - Failure to keep one's person and one's quarters in accordance with published and posted standards, rules, or regulations
- 302 - Tattooing or self-mutilation
- 303 - Unauthorized use of mail or telephone
- 305 - Correspondence or conduct with a visitor in violation of published and posted regulations
- 351 - Giving, selling, or trading money or anything of value to, or accepting or purchasing money or anything of value from another resident, a member of his family, or his friend, except when authorized
- 400 - Attempting to commit any of the above offenses, or aiding another person to commit any of the above offenses shall be considered the same as the commission of the offense itself. [Order 1185, § 275-88-025, filed 2/3/77; Order 1031, § 275-88-025, filed 6/12/75; Order 849, § 275-88-025, filed 8/23/73.]

**WAC 275-88-030 Serious infractions.** Any of the following types of behavior shall constitute a serious infraction:

- 501 - Committing homicide
- 502 - Assaulting any person
- 503 - Extortion, blackmail, demanding or receiving money or anything of value in return for protection against others, or under threat of informing
- 504 - Engaging in sexual acts with others
- 505 - Fighting with any person (except in self-defense)
- 506 - Threatening another with bodily harm or with any offense against his person
- 507 - Committing an act not otherwise proscribed by these regulations which constitutes a felony or misdemeanor under state law
- 521 - Holding a person hostage
- 525 - Violation of conditions of furlough
- 550 - Escape
- 551 - Lying to the hearing committee
- 552 - Lying to a staff member with the intention of causing an innocent person to be penalized or proceeded against
- 553 - Intentionally or recklessly setting a fire

- 554 - Intentionally or recklessly destroying or damaging state property, or the property of another person
- 555 - Stealing (theft) or knowing possession of stolen property—the unauthorized taking of extra portions of food shall be considered the same as theft
- 556 - Refusing to submit to a body search when lawfully ordered to do so by institutional staff
- 557 - Refusing and/or failing to work or attend other regularly scheduled assignments
- 558 - Intentionally interfering with a staff member in the performance of his duties
- 559 - Gambling
- 600 - Tampering with or blocking any locking device
- 601 - Possession or introduction of an explosive or any ammunition or components thereof
- 602 - Possession or introduction of any gun, firearm, weapon, sharpened instrument, knife, or unauthorized tool or components thereof.
- 603 - Possession, introduction, transfer or use of any narcotics, controlled substance or related paraphernalia, possession, transfer or use of any intoxicant or drug not prescribed or authorized for the resident or for the resident to whom transferred, if applicable, by the medical staff, or being intoxicated, or under the influence of an unauthorized drug, narcotic, controlled substance, or other intoxicant
- 605 - Unauthorized possession of any officer's or staff's clothing
- 607 - Refusing to submit to a urinalysis or blood test under medically acceptable conditions, when requested in writing to do so by a supervisory employee of the rank of shift commander or above, by licensed medical staff, or by others designated by the superintendent
- 608 - Refusing to submit to a breathalyzer or other standard sobriety test
- 650 - Rioting
- 651 - Inciting others to riot
- 652 - Engaging in or inciting a prohibited group demonstration
- 653 - Intentionally interfering with the taking of count
- 654 - Counterfeiting, forging or unauthorized reproduction of any document, article of identification, money, security, or official paper
- 655 - Making intoxicants, controlled substances, narcotics
- 656 - Giving or offering any official staff member or a volunteer a bribe or anything of value for a favor or unauthorized service
- 657 - Four or more general infractions arising out of separate incidents and which have been reported in writing: *Provided*, That the four separate incidents all occur within a six-month period
- 658 - Intentional failure to perform according to an administrative action taken pursuant to WAC 275-88-050(3), after determination of appeal, or appeal time has lapsed
- 659 - Resisting posthearing sanctions as provided for in WAC 275-88-105
- 660 - Unauthorized possession of money or other negotiable instruments of five dollars or more

661 - Performing or to take part in performing of a marriage in the institution buildings or on the institutional grounds, except when such marriage was approved by the superintendent of the institution. Violation of the rule may, in appropriate cases, be deemed a violation of a visiting rule that can subject a resident to the sanction contained in WAC 275-88-105 (1)(d), as well as other sanctions available for serious infractions

662 - Solicitation of goods and/or services for which the provider would expect payment when the resident knows or should have known (s)he has no funds available to pay for such goods or services

700 - Attempting to commit or aiding another person to commit a serious infraction as enumerated in WAC 275-88-030, 275-88-501 through 275-88-699. Such action shall be considered the same as commission of the offense itself

701 - Commission of any general infraction as enumerated in WAC 275-88-025 or any local rule denominated as a general infraction in such a manner as likely to result in danger to life or limb or to create a risk to the orderly operation of the institution or the health and safety of its residents, staff, or visitors shall be considered a serious infraction, provided there is substantial evidence which establishes there was such a danger

705 - Failure to maintain a favorable record of conduct and/or failure to perform in a faithful, diligent, industrious, orderly and peaceable manner the work, duties and tasks assigned to him as provided by RCW 9.95.070. A finding against the resident under this rule shall result only in a recommendation that good time not be certified to the board of prison terms and paroles. [Order 1185, § 275-88-030, filed 2/3/77; Order 1060, § 275-88-030, filed 10/8/75; Order 1031, § 275-88-030, filed 6/12/75; Order 968, § 275-88-030, filed 8/29/74; Order 937, § 275-88-030, filed 5/23/74; Order 849, § 275-88-030, filed 8/23/73.]

**WAC 275-88-035 Reporting to law enforcement authorities.** (1) It shall be the duty of the superintendent to report any violation of a federal, state, or local law to law enforcement authorities.

(2) If a violation has been reported to law enforcement authorities, the resident shall not be questioned about the incident, outside of a formal disciplinary or administrative segregation hearing under these rules, until after it has been determined that no prosecution will occur or until a finding of guilt is made.

(3) The provisions in this rule shall not preclude the reasonable segregation of the resident in accordance with administrative segregation rules appearing in chapter 275-82 WAC. [Order 1185, § 275-88-035, filed 2/3/77; Order 849, § 275-88-035, filed 8/23/73.]

**WAC 275-88-040 Infractions--On-site adjustment.** In the event of a general infraction, a staff member may make an on-site adjustment which may consist of

(1) Counseling, warning, or reprimanding the resident, and/or

(2) Causing the resident to remove himself from the situation immediately involved in the violation.

(3) An on-site adjustment under this rule cannot be considered a general infraction for the purposes of invoking WAC 275-88-030, 657. [Order 1185, § 275-88-040, filed 2/3/77; Order 849, § 275-88-040, filed 8/23/73.]

**WAC 275-88-045 Infractions--Report on.** (1) In the event of a general infraction a staff member may prepare and submit an infraction report. In the event of a serious infraction the staff member shall prepare and submit an infraction report.

(2) The infraction report shall include:

(a) A description of the alleged infraction;

(b) The time and place of the incident;

(c) The names of witnesses;

(d) The specific rule alleged to have been violated;

(e) A description of any action taken;

(f) A recommendation regarding further action.

(3) The infraction report shall be signed by the staff member and submitted promptly to the supervisory employee or unit team designated by the superintendent to receive such reports. [Order 849, § 275-88-045, filed 8/23/73.]

**WAC 275-88-050 General infraction report--Action on report.** The supervisory employee or unit team receiving a general infraction report shall decide within five working days of receipt of the report, unless an extension is granted by the superintendent, whether to

(1) Take no further action, in which case the report shall be destroyed promptly;

(2) Refer the matter to the hearing committee; or

(3) Take administrative action as provided for in WAC 275-88-105(1).

(4) General infractions handled under this rule may be accumulated for purposes of invoking WAC 275-88-030, 657. [Order 1185, § 275-88-050, filed 2/3/77; Order 878, § 275-88-050, filed 11/29/73; Order 849, § 275-88-050, filed 8/23/73.]

**WAC 275-88-055 Appeal to hearing committee.** (1) If a resident is dissatisfied with an administrative decision made pursuant to WAC 275-88-050(3), he may within 48 hours after receiving notice of the administrative action, unless extended by written order of the superintendent, file a written request for review of the action by the hearing committee. His request shall include his reasons for believing that the decision was inappropriate. Filing a request for an extension does not automatically result in an extension being granted while the request is being considered.

(2) The hearing committee shall act on the request for review within five working days of receipt unless such time is extended by the superintendent. In considering a request, the hearing committee shall have the following options:

(a) Affirming the administrative decision without a hearing except as to WAC 275-88-105 (1)(d),

(b) Reversing or modifying downward the administrative decision without a hearing, or

(c) Scheduling a hearing before the committee as provided in WAC 275-88-085.

(3) The hearing committee shall give the resident written notice of its decision, including its reasons therefor, within seventy-two hours of its decision unless extended by the superintendent.

(4) All sanctions shall be stayed pending appeal under this section. [Order 1207, § 275-88-055, filed 4/29/77; Order 1185, § 275-88-055, filed 2/3/77; Order 878, § 275-88-055, filed 11/29/73; Order 849, § 275-88-055, filed 8/23/73.]

**WAC 275-88-060 Appeal to hearing committee--Composition of committee.** (1) The superintendent of each major adult correctional facility shall establish a hearing committee(s) of three or more persons the membership of which shall reflect a substantial balance between various departments of the institution with not more than two members being appointed from any one department. No person shall serve as chairman for more than six consecutive months and no person except an associate or assistant superintendent shall serve more than six months in any twelve month period.

(2) At forestry honor camps and such other smaller adult correctional institutions as may be created from time to time, the hearing committee(s) shall be comprised of three or more staff members designated by the superintendent, none of whom shall be the involved resident's regular counselor, unless no other satisfactory staff members are available.

(3) The superintendent shall also designate a staff member(s) of the institution to serve as a clerk for the hearing committee.

(4) As an alternative to the committees referred to in subsections (1) and (2) of this section, the superintendent of any adult correctional institution may, with the prior approval of the director, appoint disciplinary hearing officers. Persons so appointed may preside, individually, over all major disciplinary hearings at the institution. Such hearing officers shall have all the powers and duties otherwise possessed by the hearing committee. [Statutory Authority: RCW 72.01.090. 80-06-067 (Order 1502), § 275-88-060, filed 5/22/80; Order 1185, § 275-88-060, filed 2/3/77; Order 849, § 275-88-060, filed 8/23/73.]

**WAC 275-88-065 Appeal to hearing committee--Disqualification or absence of member.** (1) No member of a hearing committee may function in such capacity when he has direct personal knowledge or interest in the incident under consideration. Such member must disqualify himself by giving notice to the chairman. The superintendent shall select as his replacement a person qualified according to WAC 275-88-060.

(2) Any member of a committee who will be absent from the institution at the time of a hearing or otherwise unable to serve on the committee shall notify the superintendent who shall appoint a substitute qualified according to WAC 275-88-060.

(3) "Direct personal knowledge or interest," as that phrase is used in this rule, shall mean knowledge or interest acquired through witnessing or directly participating in the incident under consideration. This rule shall not preclude a committee member's participation where the individual has acquired knowledge or interest indirectly or through review of the incident which is conducted as part of the individual's regular institutional responsibilities. A committee member may disqualify himself or be disqualified by the chairman when it is felt the committee member is biased for or against the resident so that he cannot render a fair judgment in the hearing, regardless of the manner by which such bias was acquired. [Order 1185, § 275-88-065, filed 2/3/77; Order 849, § 275-88-065, filed 8/23/73.]

**WAC 275-88-070 Appeal to hearing committee--Jurisdiction.** The hearing committee shall have jurisdiction over all serious infractions, all general infractions referred to it in accordance with WAC 275-88-050(2), and over good time certification questions arising under WAC 275-88-030, 705. [Order 1185, § 275-88-070, filed 2/3/77; Order 878, § 275-88-070, filed 11/29/73; Order 849, § 275-88-070, filed 8/23/73.]

**WAC 275-88-075 Prehearing procedures--Rights of residents.** (1) Before being questioned about an alleged rule infraction, a resident alleged to have committed a rule infraction shall be advised of his right to remain silent at all stages of the investigatory proceedings.

(2) The resident shall retain his institutional status and corresponding rights and privileges prior to and during the hearing except as provided in WAC 275-88-080. [Order 1185, § 275-88-075, filed 2/3/77; Order 849, § 275-88-075, filed 8/23/73.]

**WAC 275-88-080 Prehearing procedures--Restriction of resident.** (1) Prior to and during a hearing before the hearing committee:

(a) A resident in minimum security status may be restricted to a security area without loss of his classification status when there is a reasonable belief that he is a substantial security risk; or

(b) A resident who is reasonably believed to be of danger to himself or to others, in serious danger from others, or a danger to the order and security of the institution may, upon written verification by the shift commander that such danger is reasonably believed to exist, be restricted to his own room or cell or placed in segregation. Such restriction must be approved by the superintendent within twenty-four hours after the confinement.

(c) A resident shall not be confined or segregated for more than seventy-two hours exclusive of weekends and holidays unless there is an intervening hearing on the incident involved or the resident or the institution for good cause require additional time not to exceed seventy-two hours to prepare its case for the hearing or there is an administrative segregation hearing in accordance with the provisions of chapter 275-82 WAC. In the

case of a resident restricted to a security area from a minimum custody area, unless a hearing is held within the time limits of this subparagraph, his continued temporarily restricted confinement shall be reviewed by the classification committee.

(2) Confinement or restriction as authorized in this rule shall not limit the right of a resident to prepare an adequate defense to the charge which will be heard by the hearing committee. He may select a willing lay person to be his representative in investigating the charge and obtaining witnesses in his behalf. Such representative may be a staff member not involved in the incident, or a resident not involved in the incident who is approved by the superintendent, or any other person approved by the superintendent. Such representative shall have reasonable access to the resident and to other witnesses inside the institution.

(3) A resident confined or restricted as authorized in this section shall be entitled to the same rights as those committed to segregation by the hearing committee following the hearing, as set forth in WAC 275-88-110.

(4) A resident confined or restricted as authorized in this section shall receive credit for time served in such manner if he is subsequently found guilty of the offense by the hearing committee. [Order 1185, § 275-88-080, filed 2/3/77; Order 878, § 275-88-080, filed 11/29/73; Order 849, § 275-88-080, filed 8/23/73.]

**WAC 275-88-085 Hearing committee--Preparation for hearing.** In preparation for the hearing, the clerk of the hearing committee shall at least 24 hours in advance of the hearing

(1) Provide copies of the infraction report to the resident and to the members of the committee;

(2) Advise the resident, both orally and in writing, of his right, subject to the relevant provisions and limitations of these rules:

(a) To have a hearing;

(b) To remain silent;

(c) To call witnesses, including staff members, other residents, and other persons;

(d) To question witnesses at the hearing;

(e) To present documentary and/or other evidence on his own behalf at the hearing;

(f) To have a lay advisor;

(g) To have access to all reports and records utilized by the hearing committee during the fact-finding stage. Exceptions to this rule are permissible where the reports and records contain information, the disclosure of which to a resident might reasonably compromise the security and/or safety of the institution or his residents. In such cases, the resident shall be provided with a summary of such written documents with the classified information deleted.

(3) Obtain written acknowledgement of the receipt by the resident of the information provided in accordance with WAC 275-88-085(2);

(4) Determine from the resident whether he wishes to contest the allegation.

(5) Schedule the hearing within five working days after discovery of the incident, unless such time is extended by the superintendent. In the event that the procedures of WAC 275-88-050(2) are utilized or the matter is referred to the hearing committee by the supervisory employee or unit team pursuant to WAC 275-88-055 (2)(c), the hearing shall be scheduled within five working days of the determination that a hearing is necessary, unless such time is extended by the superintendent. All hearings may be continued upon the request of the resident as well as the institution.

(6) Notify witnesses of the hearing. [Order 1185, § 275-88-085, filed 2/3/77; Order 878, § 275-88-085, filed 11/29/73; Order 849, § 275-88-085, filed 8/23/73.]

**WAC 275-88-090 Conduct of hearing.** (1) The chairperson of the hearing committee shall assure that the resident is competent to understand the charge against him and the proceedings, and to participate therein. He may order a postponement of the hearing to secure a report on the competence of the resident, or take such other action as will assure the fairness and orderliness of the hearing.

(2) The resident shall be present at all stages of the hearing except during the decisional deliberations and any inquiry the hearing committee may wish to make concerning the identity of unidentified witnesses. A resident may waive his presence at the hearing.

(3) The resident may use his own recording equipment to record the disciplinary hearing. The tape may be used for the purpose of appeal provided it has been given to and stored by the hearing committee clerk between the time of the recording and the appeal.

(4) The resident shall be informed of his right to remain silent.

(5) The clerk shall be responsible for presenting all appropriate paperwork to the committee but shall not be responsible for orally presenting facts and circumstances surrounding the incident to the committee.

(6) The committee shall divide the hearing into two stages consisting of

(a) Determination of the guilt or innocence of the resident, and

(b) Determination of further action to be taken.

(7) Evidence, testimony, questions, and examination shall be limited to facts relevant to the alleged infraction, or disposition if an infraction has been found.

(8) Where institution staff members are witnesses against the resident, every effort shall be made to have such witnesses present to testify at the hearing: *Provided*, That the written statements of such staff members may be considered in their absence upon a showing of good cause.

(9) The resident shall be allowed to call witnesses and present documentary evidence in his defense when permitting him to do so will not be unduly hazardous to institutional safety or correctional goals unless the witness and/or information desired to be presented is deemed to be irrelevant, immaterial, unnecessarily duplicative of other information before the hearing committee, or

otherwise found to be unnecessary to the adequate presentation of the resident's case. The testimony of all witnesses from outside the institution shall be considered in writing except where the committee determines that the presence of a witness is appropriate, in which case the hearing may be continued until such time as the witness is available. If the witness is unavailable, the committee may, in its discretion, consider the written testimony previously submitted.

(10) The resident may question witnesses against him in the discretion of the hearing committee. If the committee determines that a resident witness would be subject to risk of harm if his identity were disclosed, the resident witness' evidence may be introduced by the testimony of a staff member to whom the information was provided by the resident witness and/or the affidavit of the resident witness; or, if the staff member to whom the resident witness provided information is, for good cause, unavailable, the written statement of such uninvolved staff member. The hearing committee shall, out of the presence of all residents, inquire as to the identity of any anonymous resident witness(s), and as to how the testifying staff member received such information. The refusal of the staff member presenting the testimony of the unidentified resident witness to identify such resident shall make the testimony inadmissible unless the refusal to identify the witness is approved by a staff member the rank of captain or above. [Order 1207, § 275-88-090, filed 4/29/77; Order 1185 § 275-88-090, filed 2/3/77; Order 972, § 275-88-090, filed 9/26/74; Order 878, § 275-88-090, filed 11/29/73; Order 849, § 275-88-090, filed 8/23/73.]

**WAC 275-88-093 Decision of hearing committee.**

(1) A report of the hearing shall be made by a secretary or recorder who may be a member of the committee, and shall include the charge, names of witnesses, summary of the testimony and cross examination, a description of the physical evidence used, and the decisions and reasons therefor. The report shall be placed in the resident's institutional file if he is found guilty. All reports shall be maintained by the clerk as part of the hearing committee's records. A complete taped record of the hearing may be taken but the tape shall not become a part of the resident's file, and shall be destroyed ninety days after the date of the hearing or the appeal decision, or any court proceedings resulting from the hearing, whichever is later.

(2) In reaching its decision on the guilt or innocence of the resident, the committee must rely solely on evidence presented to it and may not rely on extrinsic evidence. However, during the dispositional stage of the hearing, such factors as the resident's institutional file and prior conduct may be considered.

(3) The majority of the committee shall agree on the guilt or innocence of the resident and the disposition made.

(4) Any decision of the committee shall be based on evidence and such decision shall be in writing and shall include reasons for reaching the decision.

(5) Any member of the committee who does not fully agree with the decisions reached by the majority may file a separate statement for inclusion in the record.

(6) The resident shall be informed personally of the decisions of the committee. Such information shall be given to him orally within twenty-four hours of the hearing and in writing within seventy-two hours of the hearing unless such periods are extended by the superintendent.

(7) The resident shall be informed of his right to appeal the decisions of the committee to the superintendent. [Order 1185, § 275-88-093, filed 2/3/77; Order 849, § 275-88-093, filed 8/23/73.]

**WAC 275-88-095 Finding of no infraction.** If the hearing committee determines that no infraction occurred the resident shall be reinstated to his previous status and all records pertaining to the charge shall be expunged. [Order 849, § 275-88-095, filed 8/23/73.]

**WAC 275-88-097 Lay advisors.** (1) A resident may have the assistance of a lay advisor in preparing for a hearing. The lay advisor may be a staff member not involved in the incident or a resident not involved in the incident who is approved by the superintendent or any other person approved by the superintendent. The lay advisor may attend the hearing but shall not be responsible for presentation of the resident's case, questioning witnesses, or making other oral presentation unless requested to do so by the hearing committee. In considering the degree of involvement to be allowed a lay advisor at the hearing, the hearing committee shall consider such factors as the literacy and intelligence of the resident, the complexity of the issues, and the resident's overall ability to speak for himself and adequately present his case.

(2) Resident lay advisors shall participate in only one disciplinary case within a one-week period unless special permission to participate in additional cases is granted by the superintendent.

(3) A resident may be disqualified from participating as a lay advisor in a particular case if such participation will directly interfere with previously scheduled rehabilitative programming.

(4) If a resident is denied the opportunity to act as a lay advisor under the provisions of subparagraph (1) of this rule, he may appeal that decision to the director. However, such an appeal shall not act as a stay on the disciplinary hearing in question unless the superintendent specifically so orders.

(5) Resident lay advisors shall be provided with:

(a) Copies of all written decisions of the hearing committee and the superintendent in cases in which the lay advisors are involved;

(b) An opportunity to have private conversation with residents they are representing;

(c) Access to written information to be used by the hearing committee in the fact-finding stage as far in advance of the hearing as is reasonably possible;

(d) Reasonable access to all witnesses. [Order 1185, § 275-88-097, filed 2/3/77; Order 972, § 275-88-097,



filed 9/26/74; Order 849, § 275-88-097, filed 8/23/73.]

**WAC 275-88-100 Sanctions--Authority to impose.**

(1) If the committee determines that a resident is guilty of a serious infraction as enumerated in WAC 275-88-030, it may impose one or more of the sanctions provided in WAC 275-88-105.

(2) If the committee determines that more than one infraction occurred, it shall not impose consecutive sanctions for the separate infractions but shall consider them together and impose penalties for the group of infractions.

(3) The committee may recommend that the execution of a proposed disciplinary action be deferred for a fixed period of time not to exceed six months subject to the good behavior of the resident. If the subsequent behavior of the resident is appropriate, the committee shall, at or prior to the end of the fixed period, cancel execution of the penalty. A suspended sentence may be revoked upon the resident's being found guilty of either a general or serious infraction unless conditions attached to the original suspension provide more restrictive grounds for revocation. A suspended sentence may be revoked only by the institution disciplinary committee.

(4) The committee may review any decision it has previously made and may modify downward any sanction previously imposed.

(5) Sanctions shall not be imposed while an appeal from the committee's decision is under consideration by the superintendent.

(6) In all cases, regardless of whether an appeal is taken, the superintendent may review a sanction imposed and may reduce its severity. [Order 1185, § 275-88-100, filed 2/3/77; Order 1009, § 275-88-100, filed 2/13/75; Order 849, § 275-88-100, filed 8/23/73.]

**WAC 275-88-105 Sanctions--Types.** (1) For general infractions enumerated in WAC 275-88-025 or classified as general infractions by supplementary local rules, one or more of the following sanctions may be imposed:

(a) Reprimand and/or warning;

(b) Loss of specified privileges for not more than ten days on a first offense, twenty days on a second offense, and thirty days on a third offense within a six-month period;

(c) Confinement to room or cell except for attendance at work or school assignment, religious service, or meals, not to exceed three days;

(d) Interruption or termination of correspondence or visiting with specified individuals for a maximum of ninety days, when there has been an infraction of rules on visits or correspondence as stated in chapters 275-96 and 275-80 WAC or in local rules regarding correspondence and/or visitors.

(e) Up to 120 hours of extra work duty.

(2) For serious infractions enumerated in WAC 275-88-030, one or more of the following sanctions may be imposed:

(a) Any of the sanctions enumerated in WAC 275-88-105;

(b) Loss of specified privileges for a period of time not to exceed one month except that a resident shall not be deprived of an opportunity for daily exercise;

(c) Evening lockup or confinement to quarters for ten days;

(d) Weekend and/or holiday lockup or confinement to quarters for a thirty-day period. For purposes of this rule, a "weekend" shall be deemed to begin at the end of the Friday workday.

(e) Confinement to cell except for meals, or with meals in cell, with or without curtailment of job assignment for a period not to exceed ten days;

(f) Recommendation to the classification committee for reconsideration of custody classification and/or, when the infraction committed is directly related to the resident's program, recommendation of program change.

(g) Transfer to another institution only when as a result of the infraction committed, the resident is unable to function in the institution of present confinement, or if other disciplinary methods have been attempted and failed;

(h) Transfer to the maximum security or segregation section, but not to an isolation cell, for a period not to exceed thirty consecutive days;

(i) Confinement in an isolation cell for a period not to exceed ten consecutive days: *Provided*, That where a serious infraction(s) occur(s) during a period of isolation imposed under this rule, additional periods of isolation not to exceed ten days may be imposed: *Provided Further*, That in such situations when a resident may be in isolation for more than ten consecutive days, the director's prior approval shall be required unless the resident is released from isolation at least for seventy-two consecutive hours between the expiration of one isolation sentence and the imposition of another, where the combined time would exceed ten consecutive days.

(j) Recommendation to the board of prison terms and paroles for forfeiture of good time credit or reconsideration of minimum sentence;

(k) Restitution for damage done to any property or loss of any property assigned to the resident. Funds may be withdrawn from the resident's account to make restitution under this rule: *Provided*, That a resident's account shall not be reduced to less than \$10.00 under this subparagraph.

(l) Recommendation to the superintendent that he not certify time credit for a resident to the board of prison terms and paroles, pursuant to RCW 9.95.070. [Order 1185, § 275-88-105, filed 2/3/77; Order 937, § 275-88-105, filed 5/23/74; Order 849, § 275-88-105, filed 8/23/73.]

**WAC 275-88-110 Sanctions--Limitations.** (1) No resident shall be subject to disciplinary action for violation of resident conduct rules unless there has been reasonable advance notice to the resident of the specific prohibited behavior unless such rule has been adopted on an emergency basis.

(2) Lowering the quantity or quality of food and deprivation of clothing, bedding, bed, or normal hygienic implements shall not be used as sanctions.

(3) Corporal punishment and physical restraint shall not be used as sanctions.

(4) A resident placed in segregation shall:

(a) Be confined in an environment with healthful temperatures in cells substantially similar to those used for general population;

(b) Be provided the same opportunities for personal hygiene as are available to the general population;

(c) Retain his rights to correspondence, reading, and legal representation;

(d) Be provided daily opportunity for at least one hour of exercise unless circumstances such as staffing, space, institutional security and order and/or safety, etc. make this unfeasible, in which cases such resident shall be allowed as much exercise as is feasible in the judgment of staff. Such limitations shall be approved in advance by a staff member of rank of lieutenant or higher.

(e) Be visited by a physician, nurse, medic, or hospital supervisor at least three times per week. If a physician has not personally visited the resident for three consecutive days, a physician shall review the condition of the resident with the health personnel who have visited and shall review written comments and requests. A record of visits by medical personnel shall be maintained. Residents of forestry honor camps or small correctional institutions, as so designated by the director, shall receive medical care and observation in accordance with standard procedures in effect at such facility.

(5) A resident placed in isolation shall:

(a) Be confined in an environment with healthful temperatures in cells substantially similar to those used for the general population;

(b) Be provided the same opportunities for personal hygiene as are available to the general population;

(c) Retain his rights to correspondence, reading, and legal representation except that literature may be limited to educational, religious, legal or program involvement material;

(d) Be visited by a physician, nurse, medic, or hospital supervisor at least once per day. If a physician has not personally visited the resident for three consecutive days, a physician shall review the condition of the resident with the health personnel who have visited and shall review written comments and requests. A record of visits by medical personnel shall be maintained. Residents of forestry honor camps or small correctional institutions, as so designated by the director, shall receive medical care and observation in accordance with standard procedures in effect at such facility;

(e) Be released immediately to an appropriate setting when medical personnel recommends such release on medical or psychological grounds;

(f) Be visited by a staff member at least twice during each daily shift to ascertain his well being. Each such visit and findings shall be recorded;

(g) Be accessible to the counselor assigned to him. [Statutory Authority: RCW 72.01.090, 80-06-068 (Order 1503), § 275-88-110, filed 5/22/80; Order 1185, §

275-88-110, filed 2/3/77; Order 849, § 275-88-110, filed 8/23/73.]

**WAC 275-88-115 Appeal to superintendent.** (1) A resident may appeal the decision of the hearing committee to the superintendent by filing a written request for review and his reasons therefor with the clerk within twenty-four hours, exclusive of weekends and holidays, after receiving written notice of the decision of the committee. The superintendent may, in his discretion, consider appeals filed beyond the twenty-four hour period.

(2) The clerk shall promptly transmit the request for review and the hearing committee record to the superintendent.

(3) The superintendent shall act on the request within five working days of its receipt by affirming the decision of the committee (with reasons stated), reducing the severity of the sanctions imposed, vacating the judgment of the committee, remanding the matter for a new hearing, but he may not increase the severity of the sanctions imposed. If the matter is remanded, it shall be heard before a disciplinary committee at least two members of which did not serve on the committee previously hearing the matter.

(4) Pending the decision of the superintendent, the sanctions shall not be imposed on the resident nor shall his custody be subject to change unless there are grounds for detention as provided in WAC 275-88-080 or if the superintendent has reason to believe that he is a substantial security risk.

(5) The resident shall promptly be notified of the decision of the superintendent. [Order 1185, § 275-88-115, filed 2/3/77; Order 849, § 275-88-115, filed 8/23/73.]

**WAC 275-88-120 Reports to the parole board.** (1) Whenever the committee finds a resident guilty of an inherently serious infraction, and recommends either loss of good time credits or an adjustment upward of the resident's minimum term, it shall be the duty of the hearing clerk to inform the board of prison terms and paroles of that decision within ten days or, if an appeal is taken, within ten days of the superintendent's decision. Said report shall include a copy of the summary of the hearing prepared by the hearing committee reporter.

(2) In all other cases where a finding of guilt is made for an inherently serious infraction, it shall be the duty of the clerk to inform the parole board of that decision within thirty days, or if an appeal is taken, within thirty days of the superintendent's decision. Said report shall include a copy of the summary of the hearing prepared by the hearing committee reporter. [Order 849, § 275-88-120, filed 8/23/73.]

**WAC 275-88-130 Time limitations.** The time limitations expressed in these regulations shall not be deemed to be jurisdictional and failure to adhere to any particular time regulation shall not be grounds for automatic reversal and/or dismissal of a disciplinary proceeding. [Order 1185, § 275-88-130, filed 2/3/77;

Order 1012, § 275-88-130, filed 2/28/75; Order 878, § 275-88-130, filed 11/29/73.]

**Chapter 275-91 WAC  
ADULT CORRECTIONAL INSTITUTIONS--  
MEDICAL CARE--HEALTH CARE**

**WAC**

- 275-91-011 Medical/dental care--General policy.
- 275-91-021 Medical/dental services.
- 275-91-031 Right to refuse treatment.
- 275-91-041 Involuntary treatment--Appeals.
- 275-91-050 Use of allied health professionals.
- 275-91-060 Records.
- 275-91-070 Supplemental care.

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

- 275-91-010 Health care--Policy. [Order 827, § 275-91-010, filed 7/26/73.] Repealed by Order 1252, filed 11/21/77.
- 275-91-020 Health care--Scope of services. [Order 827, § 275-91-020, filed 7/26/73.] Repealed by Order 1252, filed 11/21/77.
- 275-91-030 Health care--Program. [Order 827, § 275-91-030, filed 7/26/73.] Repealed by Order 1252, filed 11/21/77.
- 275-91-040 Health care--Records. [Order 827, § 275-91-040, filed 7/26/73.] Repealed by Order 1252, filed 11/21/77.

**WAC 275-91-011 Medical/dental care--General policy.** The policy of the department of social and health services with regard to medical and dental care for inmates of adult correctional institutions is to provide, at a minimum, a degree of care which is designed to reasonably respond to an inmate's serious medical and dental needs. The considerations of proper medical/dental procedure, time and available resources are material in defining what is a reasonable response in any particular situation. More than the minimum level of care may be provided when such additional care comports with proper medical practice and is reasonably affordable from the department's resources. Serious medical needs are those which, if not responded to, will

- (1) Cause or allow to continue significant or debilitating pain; or
- (2) Cause significant deterioration of the inmate's medical condition during the period of his incarceration. [Order 1252, § 275-91-011, filed 11/21/77.]

**WAC 275-91-021 Medical/dental services.** The medical/dental treatment program operated by the adult corrections division shall include the following services:

- (1) Regular environmental health inspections and, where appropriate, recommendations.
- (2) Initial examination when the inmate enters the adult correctional system. This examination shall include:
  - (a) A medical history;
  - (b) A physical examination, including funduscopy and ocular tonometry for residents over forty years of age, rectal examination as indicated, and other examinations as indicated;

- (c) A chest film as indicated;
  - (d) Serology;
  - (e) Blood count;
  - (f) Urinalysis;
  - (g) Electrocardiogram as indicated;
  - (h) Visual and auditory acuity;
  - (i) Dental examination;
  - (j) For female residents, gonorrhea culture and Pap smear as indicated.
- (3) Immunizations as indicated.
  - (4) Evaluation of capacity for work and recreation.
  - (5) Period consultations, examinations and treatment as required for the medical and dental maintenance of each inmate in accordance with the policy discussed at WAC 275-91-011. [Order 1252, § 275-91-021, filed 11/21/77.]

**WAC 275-91-031 Right to refuse treatment.** Except as provided herein, any inmate may, if done in a voluntary, knowing and intelligent fashion, refuse treatment proffered by department medical/dental personnel. Treatment may be provided by department medical personnel not withstanding an inmate's refusal to accept same only where

- (1) Such treatment is deemed by a departmental physician as necessary for the protection of others, or
- (2) A departmental physician determines that such treatment is necessary for the psychiatric or physical welfare of the inmate and that the inmate is incompetent to make a judgment regarding his or her treatment. Nothing in this chapter shall be construed to limit the power of the department to protect any inmate, through nonmedical means, regardless of such inmate's level of mental competency.

Involuntary treatment may not be of a type specifically prohibited by law.

Involuntary treatment may not continue longer than seven consecutive days unless approved of by the medical director, adult corrections division, department of social and health services. Such care may continue thereafter only with the approval of the medical director every fourteen days.

The inmate shall have the right to have any involuntary psychiatric care discontinued from twenty-four hours before an institutional or parole board hearing and until the hearing adjourns. [Order 1252, § 275-91-031, filed 11/21/77.]

**WAC 275-91-041 Involuntary treatment--Appeals.** An inmate given involuntary medical treatment shall be permitted to make one appeal in writing to the secretary of the department of social and health services, or his designee, the decision by the division's medical personnel to involuntarily treat the inmate.

Except where serious physical harm to the inmate or others is a likelihood if treatment is not imposed or continued, such appeal shall operate as a stay of the imposition or continuation of treatment during the pendency of the appeal. [Order 1252, § 275-91-041, filed 11/21/77.]

**WAC 275-91-050 Use of allied health professionals.** Allied health professionals may be used in the medical and dental health programs at each institution. When operating under the supervision of a licensed physician or dentist, an allied health professional may conduct initial screening, treat minor illnesses, and do related tasks. [Order 1252, § 275-91-050, filed 11/21/77.]

**WAC 275-91-060 Records.** Medical and dental records shall be maintained at the institution in which an inmate is housed. Upon the transfer of an inmate between state institutions, that inmate's medical and dental records shall be transferred along with the inmate. Records shall include all items of material interest to medical personnel and shall include

(1) Detailed reports of admission medical evaluation and recommendations;

(2) Progress notes regarding continuing health status including illnesses, hospitalizations, surgery, results of consultations and examinations, reports of tests done, and immunizations;

(3) Reports made by outside consultants. [Order 1252, § 275-91-060, filed 11/21/77.]

**WAC 275-91-070 Supplemental care.** Any inmate may, at his or her own expense, obtain medical or dental care additional to that mandated by the provisions of this chapter: *Provided*, That a doctor or dentist in the department's employ certifies that the proposal for supplemental treatment comports with sound medical or dental practice. The time and place of the performance of the supplemental care are subject to the convenience of the prison's custody staff. [Order 1252, § 275-91-070, filed 11/21/77.]

### Chapter 275-92 WAC

#### ADULT CORRECTIONAL INSTITUTIONS-- RELEASE PROGRAMS--WORK TRAINING

##### WAC

275-92-407 Supervision—Individual work release placement.

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

275-92-005 Definitions. [Order 857, § 275-92-005, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

275-92-010 Secretary's authority to grant or deny work-training release. [Order 857, § 275-92-010, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

275-92-015 Work-training release—Purpose. [Order 857, § 275-92-015, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

275-92-020 Work-training release—Reasons for which given. [Order 857, § 275-92-020, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

275-92-025 Work-training release—Application—Who may apply. [Order 1009, § 275-92-025, filed 2/13/75; Order 857, § 275-92-025, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

275-92-030 Work-training release—Application—Institution's authority—Limits and conditions. [Order 857, § 275-92-030, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

275-92-035 Work-training release—Application—Consideration. [Order 857, § 275-92-035, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

275-92-040 Work-training release—Application—Decision. [Order 857, § 275-92-040, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

275-92-045 Work-training release—Standard rules. [Order 857, § 275-92-045, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

275-92-060 Work-training release—Plan development. [Order 857, § 275-92-060, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

275-92-065 Work-training release—Plan restrictions. [Order 857, § 275-92-065, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

275-92-070 Work-training release—Plan denial. [Order 857, § 275-92-070, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

275-92-075 Work-training release—Plan imposing additional conditions. [Order 857, § 275-92-075, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

275-92-080 Transfer to supervised facility. [Order 857, § 275-92-080, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

275-92-100 Supervised facility. [Order 857, § 275-92-100, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

275-92-105 Supervised facility—Provision of supervision. [Order 857, § 275-92-105, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

275-92-110 Supervised facility—Limits of confinement. [Order 857, § 275-92-110, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

275-92-115 Supervised facility—Sponsor-escort. [Order 857, § 275-92-115, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

275-92-200 Work-training release plan revocation—Noncompliance with rules. [Order 857, § 275-92-200, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

275-92-205 Work-training release plan revocation—Violation of law or rules. [Order 857, § 275-92-205, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

275-92-210 Work-training release plan revocation—Minor violation—Disciplinary procedure. [Order 857, § 275-92-210, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

275-92-215 Work-training release plan revocation—Minor violation—Hearing and decision. [Order 857, § 275-92-215, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

275-92-220 Work-training release plan revocation—Minor violation—Appeal. [Order 857, § 275-92-220, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

275-92-225 Work-training release plan revocation—Major violation—Allegation. [Order 857, § 275-92-225, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

275-92-230 Work-training release plan revocation—Major violation—Service of notice of allegation. [Order 857, § 275-92-230, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

275-92-235 Work-training release plan revocation—Major violation—Arrest and detention. [Order 857, § 275-92-235, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

275-92-240 Work-training release plan revocation—Hearing—Notice. [Order 857, § 275-92-240, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

275-92-245 Work-training release plan revocation—Hearing—Waiver. [Order 857, § 275-92-245, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

275-92-250 Work-training release plan revocation—Hearing—Scheduling. [Order 857, § 275-92-250, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

275-92-255 Work-training release plan revocation—Hearing—Procedures. [Order 857, § 275-92-255, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.

- 275-92-260 Work-training release plan revocation—Hearing—Stipulations and admissions of record. [Order 857, § 275-92-260, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.
- 275-92-265 Work-training release plan revocation—Hearing—Rules of evidence. [Order 857, § 275-92-265, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.
- 275-92-270 Work-training release plan revocation—Hearing—Continuances. [Order 857, § 275-92-270, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.
- 275-92-275 Work-training release plan revocation—Hearing—Findings and conclusions. [Order 857, § 275-92-275, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.
- 275-92-280 Work-training release plan revocation—Hearing—Disposition. [Order 857, § 275-92-280, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.
- 275-92-285 Work-training release plan revocation—Hearing—Decision. [Order 857, § 275-92-285, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.
- 275-92-290 Work-training release plan revocation—Hearing—Appeal. [Order 857, § 275-92-290, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.
- 275-92-295 Termination of work-training release. [Order 857, § 275-92-295, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.
- 275-92-300 Exceptions. [Order 857, § 275-92-300, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.
- 275-92-310 Definitions. [Order 1216, § 275-92-310, filed 6/15/77.] Repealed by 82-08-055 (Order 82-06), filed 4/5/82. Statutory Authority: RCW 72.65.100. Later promulgation, see Title 137 WAC.
- 275-92-315 Secretary's authority to grant or deny. [Order 1216, § 275-92-315, filed 6/15/77.] Repealed by 82-08-055 (Order 82-06), filed 4/5/82. Statutory Authority: RCW 72.65.100. Later promulgation, see WAC 137-56-020.
- 275-92-320 Reasons for which given. [Order 1216, § 275-92-320, filed 6/15/77.] Repealed by 82-08-055 (Order 82-06), filed 4/5/82. Statutory Authority: RCW 72.65.100. Later promulgation, see WAC 137-56-030.
- 275-92-325 Application—Who may apply. [Order 1216, § 275-92-325, filed 6/15/77.] Repealed by 82-08-055 (Order 82-06), filed 4/5/82. Statutory Authority: RCW 72.65.100. Later promulgation, see WAC 137-56-040.
- 275-92-330 Application—Consideration. [Order 1216, § 275-92-330, filed 6/15/77.] Repealed by 82-08-055 (Order 82-06), filed 4/5/82. Statutory Authority: RCW 72.65.100. Later promulgation, see WAC 137-56-050.
- 275-92-335 Application—Decision. [Order 1216, § 275-92-335, filed 6/15/77.] Repealed by 82-08-055 (Order 82-06), filed 4/5/82. Statutory Authority: RCW 72.65.100. Later promulgation, see WAC 137-56-060.
- 275-92-340 Plan—Investigation. [Order 1216, § 275-92-340, filed 6/15/77.] Repealed by 82-08-055 (Order 82-06), filed 4/5/82. Statutory Authority: RCW 72.65.100. Later promulgation, see WAC 137-56-070.
- 275-92-345 Plan—Approval or denial. [Order 1216, § 275-92-345, filed 6/15/77.] Repealed by 82-08-055 (Order 82-06), filed 4/5/82. Statutory Authority: RCW 72.65.100. Later promulgation, see WAC 137-56-080.
- 275-92-350 Plan—Restrictions. [Order 1216, § 275-92-350, filed 6/15/77.] Repealed by 82-08-055 (Order 82-06), filed 4/5/82. Statutory Authority: RCW 72.65.100. Later promulgation, see WAC 137-56-090.
- 275-92-355 Standard rules. [Order 1216, § 275-92-355, filed 6/15/77.] Repealed by 82-08-055 (Order 82-06), filed 4/5/82. Statutory Authority: RCW 72.65.100. Later promulgation, see WAC 137-56-100.
- 275-92-400 Supervised facility. [Order 1216, § 275-92-400, filed 6/15/77.] Repealed by 82-08-055 (Order 82-06), filed 4/5/82. Statutory Authority: RCW 72.65.100.
- 275-92-405 Provisions of supervision. [Order 1216, § 275-92-405, filed 6/15/77.] Repealed by 82-08-055 (Order 82-06), filed 4/5/82. Statutory Authority: RCW 72.65.100. Later promulgation, see WAC 137-56-120.
- 275-92-410 Limits of confinement. [Order 1216, § 275-92-410, filed 6/15/77.] Repealed by 82-08-055 (Order 82-06), filed 4/5/82. Statutory Authority: RCW 72.65.100. Later promulgation, see WAC 137-56-140.
- 275-92-415 Sponsor-escort. [Order 1216, § 275-92-415, filed 6/15/77.] Repealed by 82-08-055 (Order 82-06), filed 4/5/82. Statutory Authority: RCW 72.65.100. Later promulgation, see WAC 137-56-150.
- 275-92-510 Termination of plan. [Order 1216, § 275-92-510, filed 6/15/77.] Repealed by 82-08-055 (Order 82-06), filed 4/5/82. Statutory Authority: RCW 72.65.100. Later promulgation, see WAC 137-56-160.
- 275-92-515 Service of notice of proposed termination. [Order 1216, § 275-92-515, filed 6/15/77.] Repealed by 82-08-055 (Order 82-06), filed 4/5/82. Statutory Authority: RCW 72.65.100. Later promulgation, see WAC 137-56-170.
- 275-92-520 Termination hearing—Notice. [Order 1216, § 275-92-520, filed 6/15/77.] Repealed by 82-08-055 (Order 82-06), filed 4/5/82. Statutory Authority: RCW 72.65.100. Later promulgation, see WAC 137-56-180.
- 275-92-525 Facility review committee. [Order 1216, § 275-92-525, filed 6/15/77.] Repealed by 82-08-055 (Order 82-06), filed 4/5/82. Statutory Authority: RCW 72.65.100. Later promulgation, see WAC 137-56-190.
- 275-92-530 Termination hearing—Waiver. [Order 1216, § 275-92-530, filed 6/15/77.] Repealed by 82-08-055 (Order 82-06), filed 4/5/82. Statutory Authority: RCW 72.65.100. Later promulgation, see WAC 137-56-200.
- 275-92-535 Termination hearing—Rules of evidence. [Order 1216, § 275-92-535, filed 6/15/77.] Repealed by 82-08-055 (Order 82-06), filed 4/5/82. Statutory Authority: RCW 72.65.100. Later promulgation, see WAC 137-56-210.
- 275-92-540 Termination hearing—Findings and conclusions. [Order 1216, § 275-92-540, filed 6/15/77.] Repealed by 82-08-055 (Order 82-06), filed 4/5/82. Statutory Authority: RCW 72.65.100. Later promulgation, see WAC 137-56-220.
- 275-92-545 Termination hearing—Disposition. [Order 1216, § 275-92-545, filed 6/15/77.] Repealed by 82-08-055 (Order 82-06), filed 4/5/82. Statutory Authority: RCW 72.65.100. Later promulgation, see WAC 137-56-230.
- 275-92-550 Termination hearing—Decision. [Order 1216, § 275-92-550, filed 6/15/77.] Repealed by 82-08-055 (Order 82-06), filed 4/5/82. Statutory Authority: RCW 72.65.100. Later promulgation, see WAC 137-56-240.
- 275-92-555 Termination hearing—Appeal. [Order 1216, § 275-92-555, filed 6/15/77.] Repealed by 82-08-055 (Order 82-06), filed 4/5/82. Statutory Authority: RCW 72.65.100. Later promulgation, see WAC 137-56-250.
- 275-92-560 Time limits. [Order 1216, § 275-92-560, filed 6/15/77.] Repealed by 82-08-055 (Order 82-06), filed 4/5/82. Statutory Authority: RCW 72.65.100. Later promulgation, see WAC 137-56-260.
- 275-92-565 Exceptions. [Order 1216, § 275-92-565, filed 6/15/77.] Repealed by 82-08-055 (Order 82-06), filed 4/5/82. Statutory Authority: RCW 72.65.100. Later promulgation, see WAC 137-56-270.

**WAC 275-92-407 Supervision—Individual work release placement.** In cases of individual work release placement in a home, supervision shall be provided by a responsible citizen under formal agreement with the department. Such agreement shall provide for the monitoring of the work releasee's activities under such conditions as may be specified by the department and

shall be under the general supervision of a work release officer. The agreement called for in this section shall be in place of the specific conditions of WAC 275-92-405, which shall not apply to individual work release placements. [Statutory Authority: RCW 72.65.100. 81-05-001 (Order 1595), § 275-92-407, 2/5/81.]

### Chapter 275-110 WAC

#### IMPACT ACCOUNT--CRIMINAL JUSTICE COST REIMBURSEMENT

##### WAC

275-110-010	Purpose.
275-110-020	Definitions.
275-110-030	Limitation of funds.
275-110-040	Institutions and eligible impacted political subdivisions.
275-110-050	Maximum allowable reimbursement for law enforcement costs.
275-110-060	Maximum allowable reimbursement for prosecutorial costs.
275-110-070	Maximum allowable reimbursement for judicial costs.
275-110-080	Maximum allowable reimbursement for jail facilities.
275-110-090	Billing procedure.
275-110-100	Exceptions.
275-110-110	Effective date.
275-110-120	Audits.

**WAC 275-110-010 Purpose.** The purpose of these rules is to implement the provisions of chapter 72.72 RCW (chapter 108, Laws of 1979 ex. sess.) by establishing standards and procedures for providing financial relief to cities, towns, and counties impacted by criminal behavior of certain state institutional inmates. An institutional impact account, within the general fund, is created to reimburse political subdivisions for criminal justice costs incurred directly as a result of crimes committed by offenders who are inmates of an institution as defined herein. Reimbursement is limited to appropriated funds. [Statutory Authority: RCW 72.72.040. 80-17-004 (Order 1569), § 275-110-010, filed 11/7/80; 80-02-109 (Order 1482), § 275-110-010, filed 1/25/80.]

**WAC 275-110-020 Definitions.** The following words and phrases shall have the following meaning when used in these regulations:

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

(2) "Political subdivisions" means counties, cities, and towns.

(3) "Institution" means any state institution operated by the department for the confinement of adult offenders committed pursuant to chapters 10.64, 10.77, and 71.06 RCW or juvenile offenders committed pursuant to chapter 13.40 RCW.

(4) "Secretary" means the secretary of social and health services and the secretary of corrections or their designees.

(5) "Incremental" means efforts or costs incurred by cities, towns, and/or counties that are not otherwise incurred and are specifically and exclusively attributable to criminal behavior of state institutional residents.

(6) "Law enforcement cost" means costs incurred to apprehend escapees or to investigate crimes committed by institutional residents within or outside state institutions defined herein.

(7) "Inmate" means any person committed to a state institution by the courts for confinement as an adult offender pursuant to chapters 10.64, 10.77, and 71.06 RCW, or as a juvenile offender pursuant to chapter 13.40 RCW. [Statutory Authority: RCW 72.72.040. 81-15-061 (Order 1682), § 275-110-020, filed 7/20/81; 80-17-004 (Order 1569), § 275-110-020, filed 11/7/80; 80-02-109 (Order 1482), § 275-110-020, filed 1/25/80.]

**WAC 275-110-030 Limitation of funds.** The secretary shall make reimbursement to the extent funds are available. Reimbursement shall be strictly limited to political subdivisions in which state institutions, as defined in WAC 275-110-020, are located. Only incremental costs directly, specifically, and exclusively associated with criminal activities of offenders who are inmates of state institutions shall be considered for reimbursement. Reimbursement shall be restricted to fully documented law enforcement, prosecutorial, judicial, and jail facilities costs. No such costs shall be paid under these rules if said costs are reimbursable under other chapters of the Washington Administrative Code. During each biennium, claims for incidents which occurred during the biennium will be paid in the order in which they are received until the biennial appropriation is fully expended. [Statutory Authority: RCW 72.72.040. 80-17-004 (Order 1569), § 275-110-030, filed 11/7/80; 80-02-109 (Order 1482), § 275-110-030, filed 1/25/80.]

**WAC 275-110-040 Institutions and eligible impacted political subdivisions.** Reimbursement shall be limited to the following city, town, and county governments impacted by the offenses from inmates assigned to institutions listed in this section.

Institution	Cities/County
(1) Washington state penitentiary	Walla Walla/Walla Walla
(2) Washington state reformatory	Monroe/Snohomish
(3) McNeil Island corrections center	Steilacoom/Pierce
(4) Washington corrections center	Shelton/Mason
(5) Purdy treatment center for women	Gig Harbor/Pierce
(6) Firland correctional center	Seattle/King
(7) Larch corrections center	Yacolt/Clark
(8) Clearwater correctional center	Forks/Clallam
(9) Olympic corrections center	Forks/Clallam
(10) Indian Ridge treatment center	Arlington/Snohomish
(11) Pine Lodge correctional center	Medical Lake/Spokane/Spokane
(12) Cedar Creek correctional center	Littlerock/Thurston
(13) Special offender center	Monroe/Snohomish
(14) Echo Glen children center	Snoqualmie/King
(15) Green Hill school	Chehalis/Lewis
(16) Maple Lane school	Rochester/Thurston
(17) Mission Creek youth camp	Belfair/Mason
(18) Naselle youth camp	Naselle/Pacific
(19) Woodinville group home	Woodinville/Snohomish

Institution	Cities/County
(20) Canyon View group home	East Wenatchee/Douglas
(21) Sunrise group home	Ephrata/Grant
(22) Twin Rivers group home	Richland/Benton
(23) Oakridge group home	Tacoma/Pierce
(24) Park Creek group home	Kittitas/Kittitas
(25) Ridgeview group home	Yakima/Yakima
(26) Pioneer group home	Tacoma/Pierce
(27) Western state hospital	Steilacoom/Pierce
(28) Eastern state hospital	Medical Lake/ Spokane/Spokane
(29) Child study and treatment center	Steilacoom/Pierce

(30) For any institution which is not listed above, reimbursement shall be limited to the political subdivisions in which the institution is located. Such institutions include adult work release facilities and juvenile group homes housing inmates as defined in WAC 275-110-020(7). [Statutory Authority: RCW 72.72.040. 81-15-061 (Order 1682), § 275-110-040, filed 7/20/81; 80-17-004 (Order 1569), § 275-110-040, filed 11/7/80; 80-02-109 (Order 1482), § 275-110-040, filed 1/25/80.]

**WAC 275-110-050 Maximum allowable reimbursement for law enforcement costs.** Reimbursement is limited to the specific political subdivisions listed in WAC 275-110-040. The maximum reimbursement rates are: Twelve dollars and thirty cents per hour for the period August 30, 1979, through June 30, 1980, thirteen dollars and seventeen cents per hour for the period July 1, 1980, through May 31, 1981, fourteen dollars and fifty-one cents per hour for the period June 1, 1981, through June 30, 1982, and sixteen dollars per hour for the period July 1, 1982, through June 30, 1983. These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 275-110-100. [Statutory Authority: RCW 72.72.040. 81-15-061 (Order 1682), § 275-110-050, filed 7/20/81; 80-17-004 (Order 1569), § 275-110-050, filed 11/7/80; 80-02-109 (Order 1482), § 275-110-050, filed 1/25/80.]

**WAC 275-110-060 Maximum allowable reimbursement for prosecutorial costs.** Reimbursement for pretrial investigations of crimes committed inside or outside institutions, impacting the political subdivision courts as set forth in WAC 275-110-040, shall be at the established rate for law enforcement efforts set forth in WAC 275-110-050. If, after investigation, criminal charges are filed, fully documented prosecutorial and defense attorney fees may be reimbursed. Reimbursement shall not exceed the following rates for each attorney, said reimbursement to include costs for paralegals: Thirty dollars per hour for the period August 30, 1979, through May 31, 1981, thirty-six dollars per hour for the period June 1, 1981, through June 30, 1982, and thirty-nine dollars and sixty-nine cents per hour for the period July 1, 1982, through June 30, 1983. These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per

WAC 275-110-100. [Statutory Authority: RCW 72.72.040. 81-15-061 (Order 1682), § 275-110-060, filed 7/20/81; 80-17-004 (Order 1569), § 275-110-060, filed 11/7/80; 80-02-109 (Order 1482), § 275-110-060, filed 1/25/80.]

**WAC 275-110-070 Maximum allowable reimbursement for judicial costs.** (1) Judicial costs shall be strictly limited to cases involving inmates of institutions listed in WAC 275-110-040 and to political subdivisions listed in WAC 275-110-040 except that witness (other than expert) and jury fees are further limited as provided in subsection (3) of this section. Reimbursement is limited to judges, court reporters, transcript typing, and witness and jury fees.

(2) Reimbursement for judges hearing cases including services provided by court clerks and bailiffs shall be reimbursed at thirty dollars per hour for the period August 30, 1979, through May 31, 1981, thirty-six dollars per hour for the period June 1, 1981, through June 30, 1982, and thirty-nine dollars and sixty-nine cents per hour for the period July 1, 1982, through June 30, 1983. Court reporters shall be reimbursed at the rate of twelve dollars and fifty cents per hour for the period August 30, 1979, through May 31, 1981, fifteen dollars per hour for the period June 1, 1981, through June 30, 1982, and sixteen dollars and fifty-four cents for the period July 1, 1982, through June 30, 1983. Required typing of transcripts shall be reimbursed at two dollars and fifty cents per page for the period August 30, 1979, through May 31, 1981, three dollars per page for the period June 1, 1981, through June 30, 1982, and three dollars and thirty-one cents per page for the period July 1, 1982, through June 30, 1983. If required, expert witnesses shall be reimbursed at thirty dollars per hour for the period August 30, 1979, through May 31, 1981, fifty dollars and sixty cents per hour for the period June 1, 1981, through June 30, 1982, and fifty-five dollars and seventy cents per hour for the period July 1, 1982, through June 30, 1983.

(3) Reimbursement for witness fees (other than expert) and jury fees shall be at the rate established by the local governmental legislative authority but not in excess of twenty-five dollars per day. Reimbursement of costs of witness (other than expert) and jury fees shall be limited to those criminal cases involving offenders residing in a state adult or juvenile correctional institution.

(4) These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 275-110-100. [Statutory Authority: RCW 72.72.040. 81-15-061 (Order 1682), § 275-110-070, filed 7/20/81; 80-17-004 (Order 1569), § 275-110-070, filed 11/7/80; 80-02-109 (Order 1482), § 275-110-070, filed 1/25/80.]

**WAC 275-110-080 Maximum allowable reimbursement for jail facilities.** Jail facility cost reimbursement shall be strictly limited to incremental costs as defined in WAC 275-110-020 and to political subdivisions listed in WAC 275-110-040. Requests for reimbursement must be fully documented and must include the inmate's

name and all appropriate admission and release dates. Reimbursement shall be limited to three dollars and fifty cents per inmate day for the period August 30, 1979, through May 31, 1981, four dollars and twenty-one cents per inmate day for the period June 1, 1981, through June 30, 1982, and four dollars and sixty-eight cents per inmate day for the period July 1, 1982, through June 30, 1983. Reimbursement shall not be made for costs incurred for holding persons regarding parole revocations or for holding persons involved in civil litigation. Costs of providing security when inmates require hospitalization will be reimbursed at the rate of nine dollars per hour for the period August 30, 1979, through May 31, 1981, nine dollars and ninety-one cents per hour for the period June 1, 1981, through June 30, 1982, and ten dollars and ninety-three cents per hour for the period July 1, 1982, through June 30, 1983. These maximum allowable reimbursement rates may be exceeded only in the event that an exception is granted by the secretary as per WAC 275-110-100. [Statutory Authority: RCW 72.72.040. 81-15-061 (Order 1682), § 275-110-080, filed 7/20/81; 80-17-004 (Order 1569), § 275-110-080, filed 11/7/80; 80-02-109 (Order 1482), § 275-110-080, filed 1/25/80.]

**WAC 275-110-090 Billing procedure.** Requests for reimbursement should be made on the standard Washington State Invoice Voucher, Form A19, with supporting and justifying materials attached. Such documentation may be subject to periodic audits at the discretion of the secretary, per WAC 275-110-120.

(1) All requests for reimbursement under this section shall note the name of the offender for whom costs were incurred, and the institution to which the offender was assigned.

(2) Requests for reimbursement may only be submitted by the jurisdiction's responsible fiscal officer, e.g., city manager, city supervisor, county auditor, county administrator, etc.

(3) All requests for reimbursement must be submitted to: DSHS, Office of Accounting Services, Mail Stop OB-24, Olympia, Washington 98504. Requests for reimbursement of costs incurred after July 1, 1981, related to incidents involving inmates in state adult correctional institutions should be submitted to: Department of Corrections, Division of Management and Budget, Mail Stop FN-61, Olympia, Washington 98504.

(4) If the appropriation for a biennium is fully expended prior to the end of the biennium, political subdivisions should continue to submit claims for the purpose of providing justification for requests for adequate funding levels in future biennia.

(5) The department shall include in its biennial appropriation requests proposed rates based on studies of local government costs to be conducted biennially. [Statutory Authority: RCW 72.72.040. 81-15-061 (Order 1682), § 275-110-090, filed 7/20/81; 80-17-004 (Order 1569), § 275-110-090, filed 11/7/80; 80-02-109 (Order 1482), § 275-110-090, filed 1/25/80.]

**WAC 275-110-100 Exceptions.** The secretary, at his discretion, may allow exceptions to these rules. [Statutory Authority: RCW 72.72.040. 80-17-004 (Order 1569), § 275-110-100, filed 11/7/80; 80-02-109 (Order 1482), § 275-110-100, filed 1/25/80.]

**WAC 275-110-110 Effective date.** Claims submitted according to this chapter may only be for costs incurred for appropriate actions, as defined in this chapter, taken by criminal justice agencies on or after August 30, 1979. [Statutory Authority: RCW 72.72.040. 80-17-004 (Order 1569), § 275-110-110, filed 11/7/80.]

**WAC 275-110-120 Audits.** The department has the right to audit any or all claims. [Statutory Authority: RCW 72.72.040. 80-17-004 (Order 1569), § 275-110-120, filed 11/7/80.]

### Chapter 275-150 WAC

#### REFERENDUM 37 FUNDING OF FACILITIES FOR THE CARE, TRAINING, AND REHABILITATION OF PERSONS WITH SENSORY, PHYSICAL, OR MENTAL HANDICAPS

##### WAC

275-150-010	Purpose.
275-150-020	Definitions.
275-150-030	Administration and allocation of Referendum 37 funds.
275-150-040	Regional needs assessment.
275-150-050	Preliminary proposals and final applications for Referendum 37 funding.
275-150-060	Submission of preliminary proposals.
275-150-070	Review process for preliminary proposals.
275-150-080	Review criteria for preliminary proposals.
275-150-090	Operation of approved Referendum 37 projects.

**WAC 275-150-010 Purpose.** The purpose of these rules is to set forth the administrative procedures for the implementation of chapter 43.99C RCW and chapter 136, Laws of 1980 relating to the funding of regional and community facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps. [Statutory Authority: RCW 43.99C.045. 80-09-020 (Order 1520), § 275-150-010, filed 7/9/80.]

**WAC 275-150-020 Definitions.** (1) "Department" shall mean the department of social and health services.

(2) "Secretary" shall mean the secretary of the department.

(3) "Region" shall mean any of the six geographical areas in the state designated as a regional administrative area for the department.

(4) "Regional director" shall mean the departmental employee appointed by the secretary or his designee to serve as the administrative head of a region.

(5) "Regional advisory committee" shall mean a statutorily created committee to advise the regional director on services delivered in the region.

(6) "Regional management committee" shall mean the committee of representatives appointed from various departmental programs to assure coordination of planning and service delivery activities in each region.



(7) "Handicapped" shall mean persons who have developmental disabilities, mental illness, physical disabilities, blindness or deafness.

(8) "Regional needs assessment" shall mean the findings and conclusions resulting from an analysis of unmet facility needs of the handicapped in each region on a county-by-county basis.

(9) "Public body" shall mean the state of Washington or any agency, political subdivision, taxing district, or municipal corporation thereof, but does not include Indian tribes.

(10) "Sponsor" shall mean a public body whose final application for Referendum 37 funding has been reviewed and approved by the secretary.

(11) "County allocation" shall mean the amount of Referendum 37 funds available for projects within a county, based on each county's population.

(12) "Class 6, 7 or 8 county" shall mean a county whose total population is less than 12,000, 8,000, or 5,000 respectively.

(13) "Class AA county" shall mean a county whose total population is more than 500,000.

(14) "Preliminary proposal" shall mean a preliminary request from a public body to the department for Referendum 37 funding.

(15) "Final application" shall mean a final request from a public body to the department for Referendum 37 funding, following approval of the preliminary proposal by the department and the legislature.

(16) "Regional plan" shall mean the list of preliminary proposals which have gone through the regional review process and which the regional director has recommended to the secretary for funding.

(17) "State-wide facilities plan" shall mean a compilation of preliminary proposals contained in the regional plans which the department has reviewed and recommended for legislative approval. [Statutory Authority: RCW 43.99C.045. 80-09-020 (Order 1520), § 275-150-020, filed 7/9/80.]

**WAC 275-150-030 Administration and allocation of referendum 37 funds.** (1) All funds shall be administered by the department.

(2) All public bodies shall be eligible to participate in the program and may apply to the department for possible funding of projects to serve the handicapped.

(3) The share of funds allocated for projects in each county shall be determined by a division of the total funds available for projects among all counties according to the relationship which the population of each county, as based on the 1979 state office of financial management population figures, bears to the total combined population of all counties as shown by the office of financial management population figures.

(a) Each sixth, seventh, or eighth class county may receive a total allocation up to seventy-five thousand dollars if the department determines there is a demonstrated need and the share for such county is less than seventy-five thousand dollars.

(b) No single project in a class AA county shall be eligible for more than fifteen percent of such county's total allocation.

(4) An allocation of five hundred thousand dollars shall be made to the department for planning and administration. An allocation of twenty-five thousand dollars shall be made to each region from these funds for the purpose of conducting a required regional needs assessment as an aid in reaching decisions on projects to be recommended for funding. (See WAC 275-150-040.) [Statutory Authority: RCW 43.99C.045. 80-09-020 (Order 1520), § 275-150-030, filed 7/9/80.]

**WAC 275-150-040 Regional needs assessment.** (1) The planning process for the development of preliminary proposals shall rely heavily on citizen initiative, participation of community organizations, and the handicapped.

(2) Each region shall conduct a needs assessment as one of the first steps in the planning process. Such assessment shall consider the needs and recommendations expressed by the handicapped.

(3) Each region shall be allowed administrative costs up to twenty-five thousand dollars from Referendum 37 administrative funds for the actual expenses entailed in completing the required needs assessment. (See WAC 275-150-030(4).) [Statutory Authority: RCW 43.99C.045. 80-09-020 (Order 1520), § 275-150-040, filed 7/9/80.]

**WAC 275-150-050 Preliminary proposals and final applications for Referendum 37 funding.** (1) Preliminary proposals and final applications shall be limited to construction, renovation, acquisition, and improvement of community facilities for the care, training and rehabilitation of persons with sensory, physical, or mental handicaps when used in the following limited program as designated by the department of social and health services: Nonprofit group training homes, community centers, close to home living units, sheltered workshops, vocational rehabilitation centers, developmental disability training centers, and community homes for the mentally ill.

(a) Allowable expenditures may include:

- (i) Engineering studies, plans, and specifications,
- (ii) Architectural plans and specifications,
- (iii) Land acquisition and site preparation,
- (iv) Construction, acquisition, improvement, and renovation,
- (v) Mobile units providing direct service to the handicapped, and
- (vi) Fixed equipment and equipment directly related to the rehabilitation of or service to the handicapped (not to include furniture or office equipment).

(b) All planned expenditures included in final applications shall be subject to review and approval by the secretary or his designee before any expenditure is authorized for reimbursement.

(c) No operating funds shall be provided through Referendum 37 funding.

(d) Referendum 37 funds shall not be used to pay off or retire any existing financial obligations, either directly or indirectly through a public body, such as mortgages or real estate contracts obtained from public or private sources.

(e) Preliminary proposals shall not be accepted if a contract has already been signed for the planned project.

(2) Proposals and applications for funding shall be made by an officially designated representative of a public body.

(a) Because Indian tribes are not legal grantees of the bond funds, Indian tribes cannot be applicants for or sponsors of Referendum 37 projects.

(b) In order to receive funding, a public body shall have ownership of or a leasehold interest in the facility involved and shall assure, in its final application, a commitment to provide the proposed service for a number of years sufficient to amortize the amount of money invested by the state in the project. A department-approved lease may substitute for ownership.

(c) Public bodies making preliminary proposals and later completing final applications shall not be required to provide a local match as a condition of such funding; however, the department shall encourage applicants to seek additional funding to supplement Referendum 37 moneys.

(3) Applicants shall not be required to develop detailed plans to accompany their preliminary proposals. However, when final applications are submitted, they shall, at a minimum, contain the following:

(a) A statement of compliance with the basic criteria of the enabling legislation and regulations established by the department.

(b) A brief summary outlining the proposed project, covering the following:

(i) Feasibility in terms of:

(A) Documenting the need for the facility;

(B) All costs for which funding is requested;

(C) Identification of anticipated program operator;

(D) Operating fund sources, departmental and other, indicating portions anticipated from each; and

(E) Historical pattern of the operator's financial stability and plan for continued operation.

(ii) Acceptability in terms of:

(A) Departmental state-wide and regional goals and objectives;

(B) County plans and programs;

(C) Commitment of a public body to operate the program, either directly or through a contractor; and

(D) Establishing an operating plan acceptable to the department.

(iii) Adequacy in terms of:

(A) Number of handicapped to be served, by category; and

(B) Percent of handicapped category in the service area to be served. [Statutory Authority: RCW 43.99C-.045. 80-09-020 (Order 1520), § 275-150-050, filed 7/9/80.]

**WAC 275-150-060 Submission of preliminary proposals.** (1) A public body applying for Referendum 37

funds shall first submit to the regional director of the region in which the body is located a preliminary proposal for the project(s) which the body wishes to have included in the regional plan.

(2) The preliminary proposal shall contain a cost estimate and information outlined in WAC 275-150-080(2) "criteria for consideration of preliminary proposals."

(3) After all proposals have been reviewed and evaluated at the regional and state headquarters level, the department shall submit a state-wide facilities plan to the legislature for approval.

(4) Public bodies whose projects are included in the state-wide facilities plan and approved by the legislature shall be instructed to prepare final applications. [Statutory Authority: RCW 43.99C.045. 80-09-020 (Order 1520), § 275-150-060, filed 7/9/80.]

**WAC 275-150-070 Review process for preliminary proposals.** (1) Each region shall design its own planning and review process for preliminary proposals. The process must include, at a minimum, opportunity for input from the following:

(a) The handicapped;

(b) County commissioners and/or county executive of each county within the region, who shall review and recommend prioritization of preliminary proposals within their county. This is to be done for all preliminary proposals, regardless of the public body applying for funding;

(c) Regional management committee;

(d) Regional advisory committee; and

(e) Public bodies eligible to apply for Referendum 37 funding.

(2) The regional advisory committee shall review all preliminary proposals. The committee shall receive input from the handicapped. Those persons representing the handicapped shall participate actively in the review process as a resource, but shall not have a vote on the committee recommendations.

(3) The regional advisory committee shall advise the regional director of its recommendations for funding. The regional director shall review the recommendations with the regional management committee before submitting the final regional recommendations to the secretary.

(4) Each region shall transmit its recommendations to the secretary in the form of a regional plan.

(a) The regional plan shall consist of plans for each county within that region.

(b) No county plan shall require funding in excess of the moneys allocated for projects in that county.

(c) The regional plan shall be based on statutory and departmental criteria applied to specific proposals and shall consider the regional agenda, needs assessment, county prioritization, and input from the handicapped.

(d) The regional plan shall include the following:

(i) A prioritized listing of all preliminary proposals submitted by public bodies within each county;

(ii) An indication as to which preliminary proposals are recommended for approval and the basis for recommending each; and

(iii) A statement affirming the recommendations are consistent with regional goals, program plans, and priorities.

(5) Departmental headquarters shall review regional plans for consistency with departmental program objectives. The review criteria described in WAC 275-150-080 shall be followed.

(6) Following review of all regional plans, departmental headquarters shall prepare a state-wide facilities plan. The first such plan shall consist of facilities verified by the department as ready to proceed. This plan shall be submitted to the two legislative fiscal committees for approval prior to December 1, 1980. Subsequent plans shall be submitted to the legislature as a separate capital budget request.

(7) Following legislative approval of the preliminary proposals in the state-wide facilities plan, the department shall request those public bodies whose preliminary proposals have received legislative approval to submit final applications. (See WAC 275-150-050(3)). [Statutory Authority: RCW 43.99C.045. 80-09-020 (Order 1520), § 275-150-070, filed 7/9/80.]

**WAC 275-150-080 Review criteria for preliminary proposals.** (1) The following general departmental objectives shall be considered:

- (a) To continue and strengthen community-based human services;
- (b) To improve access to services;
- (c) To maintain ties with families, homes, jobs, and schools;
- (d) To enhance local responsibility, decision-making, and self-reliance; and
- (e) To contribute to individual development, independence, and self-sufficiency.

(2) Specific criteria for consideration of preliminary proposals shall be:

- (a) Service to the handicapped, as defined in the enabling legislation and interpreted by the department;
- (b) Evidence of need, both for the quantity and quality of services to be provided;
- (c) Anticipated source of operating funds;
- (d) Financial stability of the service provider, especially if not a public agency;
- (e) For projects involving land, local zoning which permits the proposed use;
- (f) Consistency with the state-wide and regional program objectives and priorities of the department, with emphasis on community supportive services needed to release residents of state institutions or prevent their unnecessary admission to state institutions; and
- (g) The provision of new services. Proposed projects should create new capacity, which may be accomplished in three ways:
  - (i) By creating new facilities which provide services to the handicapped not already being served;
  - (ii) By enriching programs in existing facilities but not necessarily increasing the number of handicapped served; or
  - (iii) By a combination of (i) and (ii).

(3) All preliminary proposals in the regional plan for a given county shall be consistent with that county's human service plans, goals, and objectives. [Statutory Authority: RCW 43.99C.045. 80-09-020 (Order 1520), § 275-150-080, filed 7/9/80.]

**WAC 275-150-090 Operation of approved referendum 37 projects.** (1) Most projects will be operated by public bodies; however, they may contract with private nonprofit agencies for operation.

(2) If a facility is reimbursed by the department for program costs and has an identifiable capital component in those costs, the rate of reimbursement will be adjusted downward to take into consideration the Referendum 37 grant.

(3) Public bodies or sponsors shall obtain any licensing or certification required for construction or operation of the proposed facility either prior to final grant approval, if required in advance of construction, or prior to the time the facility is to begin operation, if required after the facility has been completed. [Statutory Authority: RCW 43.99C.045. 80-09-020 (Order 1520), § 275-150-090, filed 7/9/80.]