

Title 275 WAC

SOCIAL AND HEALTH SERVICES, DEPARTMENT OF (INSTITUTIONS)

Chapters

- 275-16 Liability for costs of care and hospitalization of the mentally ill.
- 275-20 Costs of care of mentally deficient persons residing in state institutions.
- 275-25 County plan for mental health, developmental disabilities.
- 275-26 Community residential services and support.
- 275-27 Division of developmental disabilities services rules.
- 275-30 Juvenile parole revocation.
- 275-31 Division of developmental disabilities program option rules.
- 275-33 Transfer of juvenile offender to the department of corrections.
- 275-35 Consolidated juvenile services programs.
- 275-37 Division of juvenile rehabilitation—Rules, practices, and procedures.
- 275-38 ICF/MR program and reimbursement system.
- 275-41 Work programs for residents of residential habilitation centers in the division of developmental disabilities.
- 275-46 Security classification.
- 275-47 Collection of costs of support, treatment, and confinement of juveniles under RCW 13.40.220.
- 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.
- 275-57 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.
- 275-60 Workshops in institutions of the mental health division.
- 275-76 Adult correctional institutions—Detainer.
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- 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.
- 275-155 Sexual predator program—Special commitment process.
- 275-156 Civil commitment cost reimbursement.

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 Repealed by Order 1072, filed 12/5/75.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.
 - 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.

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Title 275 WAC: DSHS (Institutions)

- 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.
- 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.

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

- 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 chapter 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), filed 7/28/78. Statutory Authority: RCW 69.54.040. Later promulgation, see chapter 275-18 WAC.
- 275-14-180 Nontransferability. [Order 657, § 275-14-180, filed 2/17/72.] Repealed by 78-08-086 (Order 1322), filed 7/28/78. Statutory Authority: RCW 69.54.040. Later promulgation, see chapter 275-18 WAC.
- 275-14-190 Public funds. [Order 657, § 275-14-190, filed 2/17/72.] Repealed by 78-08-086 (Order 1322), filed 7/28/78. Statutory Authority: RCW 69.54.040. Later promulgation, see chapter 275-18 WAC.
- 275-14-200 Compliance with laws. [Order 657, § 275-14-200, filed 2/17/72.] Repealed by 78-08-086 (Order 1322), filed 7/28/78. Statutory Authority: RCW 69.54.040. Later promulgation, see chapter 275-18 WAC.
- 275-14-210 Severability. [Order 673, § 275-14-210, filed 4/27/72.] Repealed by 78-08-086 (Order 1322), filed 7/28/78. Statutory Authority: RCW 69.54.040. Later promulgation, see chapter 275-18 WAC.

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.	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.	275-15-320	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.
275-15-130	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.	275-15-325	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.
275-15-140	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.	275-15-330	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.
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.	275-15-335	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.
275-15-160	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.	275-15-340	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.
275-15-200	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.	275-15-345	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.
275-15-205	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.	275-15-350	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.
275-15-210	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.	275-15-355	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.
275-15-215	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.	275-15-360	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.
275-15-220	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.	275-15-400	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.
275-15-225	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.	275-15-500	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.
275-15-230	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.	275-15-600	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.
275-15-235	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.	275-15-605	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.
275-15-240	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.	275-15-610	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.
275-15-245	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.	275-15-615	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.
275-15-250	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.	275-15-620	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.
275-15-255	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.	275-15-625	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.
275-15-300	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.	275-15-630	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.
275-15-305	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.	275-15-700	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.
275-15-310	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.	275-15-705	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.
275-15-315	Required services—Domiciliary and health care needs. [Order 986, § 275-15-315, filed 12/16/74.] Repealed by		

- 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 275-18**
**STANDARDS FOR CERTIFICATION OF
APPROVAL FOR DRUG TREATMENT CENTERS**
- 275-18-010 Authority. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-010, filed 7/28/78.] Repealed by 84-24-029 (Order 2171), filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 69.54.040 and 70.96A.090.
- 275-18-020 Definitions. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-020, filed 7/28/78. Formerly chapter 275-14 WAC.] Repealed by 84-24-029 (Order 2171), filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 69.54.040 and 70.96A.090.
- 275-18-030 Certification of approval. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-030, filed 7/28/78. Formerly WAC 275-14-030.] Repealed by 84-24-029 (Order 2171), filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 69.54.040 and 70.96A.090.
- 275-18-040 Treatment clinical requirements. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-040, filed 7/28/78.] Repealed by 84-24-029 (Order 2171), filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 69.54.040 and 70.96A.090.
- 275-18-050 Treatment intake requirements. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-050, filed 7/28/78.] Repealed by 84-24-029 (Order 2171), filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 69.54.040 and 70.96A.090.
- 275-18-060 Medication. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-060, filed 7/28/78. Formerly chapter 248-136 WAC.] Repealed by 84-24-029 (Order 2171), filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 69.54.040 and 70.96A.090.
- 275-18-070 Client caseload. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-070, filed 7/28/78. Formerly WAC 248-136-160.] Repealed by 84-24-029 (Order 2171), filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 69.54.040 and 70.96A.090.
- 275-18-080 Incarcerated clients. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-080, filed 7/28/78. Formerly WAC 248-136-140.] Repealed by 84-24-029 (Order 2171), filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 69.54.040 and 70.96A.090.
- 275-18-090 Discharge and follow-up. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-090, filed 7/28/78.] Repealed by 84-24-029 (Order 2171), filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 69.54.040 and 70.96A.090.
- 275-18-100 Reporting. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-100, filed 7/28/78.] Repealed by 84-24-029 (Order 2171), filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 69.54.040 and 70.96A.090.
- 275-18-110 Intervention clinical requirements. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-110, filed 7/28/78.] Repealed by 84-24-029 (Order 2171), filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 69.54.040 and 70.96A.090.
- 275-18-120 Clinical records. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-120, filed 7/28/78.] Repealed by 84-24-029 (Order 2171), filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 69.54.040 and 70.96A.090.
- 275-18-130 Availability of records for inspection and confidentiality of clinical records. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-130, filed 7/28/78.] Repealed by 84-24-029 (Order 2171), filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 69.54.040 and 70.96A.090.
- 275-18-140 Governance. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-140, filed 7/28/78.] Repealed by 84-24-029 (Order 2171), filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 69.54.040 and 70.96A.090.
- 275-18-150 Fiscal management. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-150, filed 7/28/78.] Repealed by 84-24-029 (Order 2171), filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 69.54.040 and 70.96A.090.
- 275-18-160 Program evaluation. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-160, filed 7/28/78.] Repealed by 84-24-029 (Order 2171), filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 69.54.040 and 70.96A.090.
- 275-18-170 Staffing. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-170, filed 7/28/78.] Repealed by 84-24-029 (Order 2171), filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 69.54.040 and 70.96A.090.
- 275-18-180 Availability of services. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-180, filed 7/28/78.] Repealed by 84-24-029 (Order 2171), filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 69.54.040 and 70.96A.090.
- 275-18-190 Required services provided by other agencies. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-190, filed 7/28/78.] Repealed by 84-24-029 (Order 2171), filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 69.54.040 and 70.96A.090.
- 275-18-200 Client rights. [Statutory Authority: RCW 69.54.040. 78-08-086 (Order 1322), § 275-18-200, filed 7/28/78.] Repealed by 84-24-029 (Order 2171), filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 69.54.040 and 70.96A.090.

Chapter 275-19
ALCOHOL AND DRUG TREATMENT FACILITIES

- 275-19-010 Purpose. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-010, filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-010, filed 2/1/80.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-020 Facility services. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-020, filed 2/22/89. Statutory Authority: 1987 c 406 and 410. 87-19-072 (Order 2537), § 275-19-020, filed 9/16/87. Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-020, filed 11/30/84, effective 1/1/85. 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.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-030 Definitions. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-030, filed 2/22/89. Statutory Authority: 1987 c 406 and 410. 87-19-072 (Order 2537), § 275-19-030, filed 9/16/87. Statutory Authority: RCW 69.54.040 and 70.96A.090. 87-09-035 (Order 2484), § 275-19-030, filed 4/13/87. Statutory Authority: RCW 69.54.040. 86-22-020 (Order 2438), § 275-19-030, filed 10/29/86. Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-030, filed 11/30/84, effective 1/1/85. 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.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-040 Department approval procedures. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-040, filed 2/22/89; 87-09-035 (Order 2484), § 275-19-040, filed 4/13/87. Statutory Authority: RCW 69.54.040. 86-22-020 (Order 2438), § 275-19-040, filed 10/29/86. Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-040, filed 11/30/84, effective 1/1/85. 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.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-050 Suspension, cancellation, or revocation of approval. [Statutory Authority: RCW 34.05.220 (1)(a) and 70.96A.090 as amended by 1989 c 270 § 19. 90-04-073 (Order 2993), § 275-19-050, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-050, filed 2/22/89; 87-09-035 (Order 2484), § 275-19-050, filed 4/13/87; 84-24-029 (Order 2171), § 275-19-050, filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-050, filed 2/1/80.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-060 Inspections. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-060, filed 11/30/84, effective 1/1/85. 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.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-070 All facilities—Availability of services. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-070, filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-070, filed 2/1/80.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-075 All facilities—Clients' rights. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-075, filed 2/22/89; 87-03-016 (Order 2459), § 275-19-075, filed 1/13/87; 84-24-029 (Order 2171), § 275-19-075, filed 11/30/84, effective 1/1/85. 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.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-080 All facilities—Facilities standards. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-080, filed 11/30/84, effective 1/1/85. 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.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 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.
- 275-19-100 All residential facilities—Room and board standards. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-100, filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-100, filed 2/1/80.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-110 All facilities—Operators. [Statutory Authority: 1987 c 406 and 410. 87-19-072 (Order 2537), § 275-19-110, filed 9/16/87. Statutory Authority: RCW 69.54.040 and 70.96A.090. 87-09-035 (Order 2484), § 275-19-110, filed 4/13/87; 84-24-029 (Order 2171), § 275-19-110, filed 11/30/84, effective 1/1/85. 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.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 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.
- 275-19-130 All facilities—Administrator. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-130, filed 11/30/84, effective 1/1/85. 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.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-135 All facilities—Program manual. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-135, filed 2/22/89; 84-24-029 (Order 2171), § 275-19-135, filed 11/30/84, effective 1/1/85.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-140 All facilities—Personnel. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-140, filed 2/22/89. Statutory Authority: 1987 c 406 and 410. 87-19-072 (Order 2537), § 275-19-140, filed 9/16/87. Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-140, filed 11/30/84, effective 1/1/85. 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.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.

275-19-145	All facilities—Qualified counselors, instructors, and assessment officers. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-145, filed 2/22/89; 84-24-029 (Order 2171), § 275-19-145, filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 70.96A.040. 83-23-008 (Order 2044), § 275-19-145, filed 11/4/83.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.	275-19-210	002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW. All detoxification facilities—Clients. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-210, filed 11/30/84, effective 1/1/85. 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.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
275-19-150	All facilities—Student practice. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-150, filed 2/22/89; 84-24-029 (Order 2171), § 275-19-150, filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-150, filed 2/1/80.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.	275-19-220	All detoxification services—General. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-220, filed 11/30/84, effective 1/1/85. 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.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
275-19-160	All facilities—Volunteers. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-160, filed 11/30/84, effective 1/1/85. 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.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.	275-19-230	All detoxification facilities—Admission screening. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-230, filed 11/30/84, effective 1/1/85. 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.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
275-19-165	All facilities—Outpatient and residential intake and clinical requirements. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-165, filed 2/22/89; 84-24-029 (Order 2171), § 275-19-165, filed 11/30/84, effective 1/1/85.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.	275-19-240	All detoxification facilities—Counseling. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-240, filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-240, filed 2/1/80.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
275-19-170	All facilities—Records. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-170, filed 2/22/89. Statutory Authority: 1987 c 406 and 410. 87-19-072 (Order 2537), § 275-19-170, filed 9/16/87. Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-170, filed 11/30/84, effective 1/1/85. 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.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.	275-19-250	All detoxification facilities—Social and recreational activities. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-250, filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-250, filed 2/1/80.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
275-19-180	Residential and outpatient facilities—Case management. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-180, filed 2/22/89; 84-24-029 (Order 2171), § 275-19-180, filed 11/30/84, effective 1/1/85. 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.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.	275-19-260	All detoxification facilities—Discharge and referral. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-260, filed 2/22/89; 84-24-029 (Order 2171), § 275-19-260, filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-260, filed 2/1/80.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
275-19-185	Assessment procedures. [Statutory Authority: 1987 c 406 and 410. 87-19-072 (Order 2537), § 275-19-185, filed 9/16/87. Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-185, filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 70.96A.040. 83-23-008 (Order 2044), § 275-19-185, filed 11/4/83.] Repealed by 89-06-011 (Order 2765), filed 2/22/89. Statutory Authority: RCW 69.54.040 and 70.96A.090.	275-19-270	Acute detoxification—Additional requirements. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-270, filed 2/22/89; 84-24-029 (Order 2171), § 275-19-270, filed 11/30/84, effective 1/1/85. 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.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
275-19-190	Treatment register—Residential facilities. [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.] Repealed by 84-24-029 (Order 2171), filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 69.54.040 and 70.96A.090.	275-19-280	Subacute detoxification—Additional requirements. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-280, filed 2/22/89; 84-24-029 (Order 2171), § 275-19-280, filed 11/30/84, effective 1/1/85. 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.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
275-19-200	All detoxification services—Purpose. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-200, filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-200, filed 2/1/80.] Repealed by 94-02-	275-19-300	Intensive inpatient treatment facilities—Purpose. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-300, filed 2/22/89; 84-24-029 (Order 2171), § 275-19-300, filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-300, filed 2/1/80.] Repealed

- 275-19-310 by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW. Intensive inpatient treatment facilities—Clients. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-310, filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-310, filed 2/1/80.] Repealed by 89-06-011 (Order 2765), filed 2/22/89. Statutory Authority: RCW 69.54.040 and 70.96A.090.
- 275-19-320 Intensive inpatient treatment facilities—Required services. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-320, filed 2/22/89; 84-24-029 (Order 2171), § 275-19-320, filed 11/30/84, effective 1/1/85. 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.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 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.
- 275-19-400 Long-term treatment facilities—Purpose. [Statutory Authority: 1987 c 406 and 410. 87-19-072 (Order 2537), § 275-19-400, filed 9/16/87. Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-400, filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-400, filed 2/1/80.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-410 Long-term treatment facilities—Clients. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-410, filed 2/22/89; 84-24-029 (Order 2171), § 275-19-410, filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-410, filed 2/1/80.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 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.
- 275-19-430 Long-term treatment facilities—Required services. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-430, filed 2/22/89; 84-24-029 (Order 2171), § 275-19-430, filed 11/30/84, effective 1/1/85. 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.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 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.
- 275-19-450 ADATSA shelters—Purpose. [Statutory Authority: 1987 c 406 and 410. 87-19-072 (Order 2537), § 275-19-450, filed 9/16/87.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-455 ADATSA shelters—Licensing, support groups, and food services. [Statutory Authority: 1987 c 406 and 410. 87-19-072 (Order 2537), § 275-19-455, filed 9/16/87.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-500 Recovery house facilities—Purpose. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-500, filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-500, filed 2/1/80.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-510 Recovery house facilities—Clients. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-510, filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-510, filed 2/1/80.] Repealed by 89-06-011 (Order 2765), filed 2/22/89. Statutory Authority: RCW 69.54.040 and 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.
- 275-19-530 Recovery house facilities—Required services. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-530, filed 2/22/89; 84-24-029 (Order 2171), § 275-19-530, filed 11/30/84, effective 1/1/85. 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.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 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.
- 275-19-550 Extended care recovery house facilities—Purpose. [Statutory Authority: 1987 c 406 and 410. 87-19-072 (Order 2537), § 275-19-550, filed 9/16/87. Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-550, filed 11/30/84, effective 1/1/85. Statutory Authority: Chapter 70.96A RCW. 83-18-027 (Order 2017), § 275-19-550, filed 8/31/83.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-560 Extended care recovery house facilities—Clients. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-560, filed 2/22/89; 84-24-029 (Order 2171), § 275-19-560, filed 11/30/84, effective 1/1/85.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-570 Extended care recovery house facilities—Required services. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-570, filed 2/22/89; 84-24-029 (Order 2171), § 275-19-570, filed 11/30/84, effective 1/1/85.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-580 Chemical dependency assessment centers—Purpose. [Statutory Authority: 1987 c 406 and 410. 87-19-072 (Order 2537), § 275-19-580, filed 9/16/87.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-585 Chemical dependency assessment centers—Clients. [Statutory Authority: 1987 c 406 and 410. 87-19-072 (Order 2537), § 275-19-585, filed 9/16/87.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-590 Chemical dependency assessment centers—Required services. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-590, filed

- 2/22/89. Statutory Authority: 1987 c 406 and 410. 87-19-072 (Order 2537), § 275-19-590, filed 9/16/87.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-595 Chemical dependency assessment centers—Discrete assessment centers. [Statutory Authority: 1987 c 406 and 410. 87-19-072 (Order 2537), § 275-19-595, filed 9/16/87.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-600 Outpatient treatment facilities—Purpose. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-600, filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-600, filed 2/1/80.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-610 Outpatient treatment facilities—Required services. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-610, filed 2/22/89; 84-24-029 (Order 2171), § 275-19-610, filed 11/30/84, effective 1/1/85. 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.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-630 Alcoholism outpatient—Intensive outpatient treatment. [Statutory Authority: RCW 70.96A.040. 83-23-008 (Order 2044), § 275-19-630, filed 11/4/83.] Repealed by 84-24-029 (Order 2171), filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 69.54.040 and 70.96A.090.
- 275-19-650 Intensive outpatient facilities—Purpose. [Statutory Authority: 1987 c 406 and 410. 87-19-072 (Order 2537), § 275-19-650, filed 9/16/87. Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-650, filed 11/30/84, effective 1/1/85.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-660 Intensive outpatient facilities—Required services. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-660, filed 2/22/89. Statutory Authority: 1987 c 406 and 410. 87-19-072 (Order 2537), § 275-19-660, filed 9/16/87. Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-660, filed 11/30/84, effective 1/1/85.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-675 ADATSA outpatient treatment facilities—Purpose. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-675, filed 2/22/89. Statutory Authority: 1987 c 406 and 410. 87-19-072 (Order 2537), § 275-19-675, filed 9/16/87.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-680 ADATSA outpatient treatment facilities—Required services. [Statutory Authority: 1987 c 406 and 410. 87-19-072 (Order 2537), § 275-19-680, filed 9/16/87.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-700 Crisis intervention facilities—Purpose. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-700, filed 11/30/84, effective 1/1/85. 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.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-710 Crisis intervention facilities—Required services. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-710, filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-710, filed 2/1/80.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-720 Information and referral services—Community services. [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.] Repealed by 84-24-029 (Order 2171), filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 69.54.040 and 70.96A.090.
- 275-19-750 DWI client assessment services—Purpose. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-750, filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 70.96A.040. 83-23-008 (Order 2044), § 275-19-750, filed 11/4/83.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-760 DWI client assessment services—Clients. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-760, filed 2/22/89. Statutory Authority: RCW 70.96A.040. 83-23-008 (Order 2044), § 275-19-760, filed 11/4/83.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-770 DWI client assessment services—Required services. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-770, filed 2/22/89; 84-24-029 (Order 2171), § 275-19-770, filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 70.96A.040. 83-23-008 (Order 2044), § 275-19-770, filed 11/4/83.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-800 Information school—Purpose. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-800, filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-800, filed 2/1/80.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-810 Information school—School requirements. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-810, filed 2/22/89; 84-24-029 (Order 2171), § 275-19-810, filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 70.96A.040. 83-23-008 (Order 2044), § 275-19-810, filed 2/1/80.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-820 Information school—Curriculum. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-820, filed 2/22/89; 84-24-029 (Order 2171), § 275-19-820, filed 11/30/84, effective 1/1/85. 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.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-830 Information school—Fees. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-830, filed 11/30/84, effective 1/1/85. 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.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.
- 275-19-900 Emergency service patrol—Purpose. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-900, filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-900, filed 2/1/80.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.

275-19-910 Emergency service patrol—Clients. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-910, filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-910, filed 2/1/80.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.

275-19-920 Emergency service patrol—Required services. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 84-24-029 (Order 2171), § 275-19-920, filed 11/30/84, effective 1/1/85. Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-920, filed 2/1/80.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.

275-19-930 Emergency service patrol—Staff. [Statutory Authority: RCW 70.96A.090. 80-02-136 (Order 1486), § 275-19-930, filed 2/1/80.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.

275-19-940 All methadone treatment facilities—Intake treatment requirements. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-940, filed 2/22/89. Statutory Authority: 1987 c 406 and 410. 87-19-072 (Order 2537), § 275-19-940, filed 9/16/87. Statutory Authority: RCW 69.54.040. 86-22-020 (Order 2438), § 275-19-940, filed 10/29/86.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.

275-19-950 All methadone treatment facilities—Urinalysis treatment requirements. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-950, filed 2/22/89. Statutory Authority: 1987 c 406 and 410. 87-19-072 (Order 2537), § 275-19-950, filed 9/16/87. Statutory Authority: RCW 69.54.040. 86-22-020 (Order 2438), § 275-19-950, filed 10/29/86.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.

275-19-960 All methadone treatment facilities—Detoxification treatment requirements. [Statutory Authority: 1987 c 406 and 410. 87-19-072 (Order 2537), § 275-19-960, filed 9/16/87. Statutory Authority: RCW 69.54.040. 86-22-020 (Order 2438), § 275-19-960, filed 10/29/86.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.

275-19-970 All methadone treatment facilities—Dispensary operational requirements. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-970, filed 2/22/89. Statutory Authority: 1987 c 406 and 410. 87-19-072 (Order 2537), § 275-19-970, filed 9/16/87. Statutory Authority: RCW 69.54.040. 86-22-020 (Order 2438), § 275-19-970, filed 10/29/86.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.

275-19-980 All methadone treatment facilities—Counseling treatment requirements. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-980, filed 2/22/89. Statutory Authority: 1987 c 406 and 410. 87-19-072 (Order 2537), § 275-19-980, filed 9/16/87. Statutory Authority: RCW 69.54.040. 86-22-020 (Order 2438), § 275-19-980, filed 10/29/86.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.

275-19-985 All methadone treatment facilities—Take-home medication operational requirements. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-985, filed 2/22/89. Statutory Authority: 1987 c 406 and 410. 87-19-072 (Order 2537), § 275-19-985, filed 9/16/87. Statutory Authority: RCW 69.54.040. 86-22-020 (Order 2438), § 275-19-985, filed 10/29/86.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.

275-19-990 All methadone treatment facilities—Additional requirements. [Statutory Authority: RCW 69.54.040 and 70.96A.090. 89-06-011 (Order 2765), § 275-19-990, filed 2/22/89. Statutory Authority: 1987 c 406 and 410. 87-

19-072 (Order 2537), § 275-19-990, filed 9/16/87. Statutory Authority: RCW 69.54.040. 86-22-020 (Order 2438), § 275-19-990, filed 10/29/86.] Repealed by 94-02-002 (Order 3672), filed 12/22/93, effective 2/1/94. Statutory Authority: Chapter 70.96A RCW.

**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.		Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
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.	275-29-040	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.
275-28-110	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.	275-29-050	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.
275-28-120	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.	275-29-060	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.
275-28-130	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.	275-29-070	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.
275-28-140	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.	275-29-080	Certification—Developmental centers and group training homes. [Order 1070, § 275-29-080, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
275-28-150	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.	275-29-090	Sanctions. [Order 1070, § 275-29-090, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
275-28-160	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.	275-29-100	Appeal procedure. [Order 1070, § 275-29-100, filed 11/21/75. Formerly WAC 275-28-250.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
275-28-170	Annual revision of county plan. [Order 6, § 275-28-170, filed 5/13/68; Emergency Regulation, § 275-28-170, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75.	275-29-110	Authorization of program by county commissioners. [Order 1070, § 275-29-110, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
275-28-180	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.	275-29-120	Contracts for services. [Order 1070, § 275-29-120, filed 11/21/75. Formerly WAC 275-28-200 (part).] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
275-28-190	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.	275-29-130	Community developmental disabilities and mental retardation program coordinators or administrators. [Order 1070, § 275-29-130, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
275-28-200	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.	275-29-140	Statewide cooperation. [Order 1070, § 275-29-140, filed 11/21/75. Formerly WAC 275-28-210 (part).] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
275-28-210	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.	275-29-150	Nature of records—Generally. [Order 1070, § 275-29-150, filed 11/21/75. Formerly WAC 275-28-110 (part).] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
275-28-220	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.	275-29-160	Confidential and privileged information. [Order 1070, § 275-29-160, filed 11/21/75. Formerly WAC 275-28-120 (part).] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
275-28-230	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.	275-29-170	Liability. [Order 1070, § 275-29-170, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
275-28-240	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.	275-29-200	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.
275-28-250	Appeal procedure. [Order 6, § 275-28-250, filed 5/13/68; Emergency Regulation, § 275-28-250, filed 3/19/68.] Repealed by Order 1070, filed 11/21/75. Later promulgation, see WAC 275-29-100.	275-29-210	Administrative provisions of plans. [Order 1070, § 275-29-210, filed 11/21/75. Formerly WAC 275-28-090 (part).] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
		275-29-220	Plan—Community board requirements. [Order 1070, § 275-29-220, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
		275-29-230	Reports required by plan. [Order 1070, § 275-29-230, filed 11/21/75. Formerly WAC 275-28-100 (part).] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
		275-29-240	Plan—Fiscal control and accounting procedures. [Order 1070, § 275-29-240, filed 11/21/75. Formerly WAC 275-

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

- 28-130 (part).] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-250 Plan—Discrimination prohibited. [Order 1070, § 275-29-250, filed 11/21/75. Formerly WAC 275-28-140 (part).] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-260 Plan—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.
- 275-29-270 Plan—Scope and quality of services. [Order 1070, § 275-29-270, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-280 Five-year plan. [Order 1070, § 275-29-280, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-290 Review of the annual county plan and its revisions by the community board. [Order 1070, § 275-29-290, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-300 Community organization. [Order 1070, § 275-29-300, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-310 Community program services. [Order 1070, § 275-29-310, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-320 Transportation services. [Order 1070, § 275-29-320, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-330 Information and referral services. [Order 1070, § 275-29-330, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-340 Treatment services. [Order 1070, § 275-29-340, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-350 Diagnostic and evaluation services. [Order 1070, § 275-29-350, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-360 Recreation service. [Order 1070, § 275-29-360, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-370 Family counseling services. [Order 1070, § 275-29-370, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-380 Vocational training and education programs. [Order 1070, § 275-29-380, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-390 Home training and care service. [Order 1070, § 275-29-390, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-400 Medical and dental service. [Order 1070, § 275-29-400, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-410 Consultant services. [Order 1070, § 275-29-410, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-420 Psychiatric services. [Order 1070, § 275-29-420, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-500 Agency administration. [Order 1070, § 275-29-500, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-510 Agency governing board. [Order 1070, § 275-29-510, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-520 Agency director. [Order 1070, § 275-29-520, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-530 Financial management. [Order 1070, § 275-29-530, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-540 Agency planning for program. [Order 1070, § 275-29-540, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-550 Individual support system. [Order 1070, § 275-29-550, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-560 Components of all services. [Order 1070, § 275-29-560, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-570 Staff. [Order 1070, § 275-29-570, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-580 Program measurement. [Order 1070, § 275-29-580, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-590 Population movement. [Order 1070, § 275-29-590, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-600 Facilities. [Order 1070, § 275-29-600, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.
- 275-29-610 Program evaluation. [Order 1070, § 275-29-610, filed 11/21/75.] Repealed by Order 1142, filed 8/12/76. Later promulgation, see chapter 275-25 WAC.

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

- 275-32-005 Authority. [Order 1209, § 275-32-050 (codified as WAC 275-32-005), filed 5/4/77.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.
- 275-32-010 Definitions. [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.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.
- 275-32-015 County's resolution of intention to participate. [Order 1209, § 275-32-015, filed 5/4/77. Formerly WAC 275-32-110.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.
- 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.
- 275-32-025 Application for participation. [Order 1209, § 275-32-025, filed 5/4/77. Formerly WAC 275-32-100.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.
- 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.
- 275-32-035 Announcement of program approval. [Order 1209, § 275-32-035, filed 5/4/77. Formerly WAC 275-32-130.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.
- 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.
- 275-32-045 Modification of approved program plan. [Order 1209, § 275-32-045, filed 5/4/77. Formerly WAC 275-32-160.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.
- 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.
- 275-32-060 Eligible probationers for special supervision. [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.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.

275-32-065	Assignment of funds. [Order 1209, § 275-32-065, filed 5/4/77. Formerly WAC 275-32-120.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.	275-32-155	County planning process. [Statutory Authority: RCW 13.06.030, 78-03-030 (Order 1269), § 275-32-155, filed 2/17/78.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.
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.	275-32-160	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.
275-32-075	Restrictions on spending. [Order 1209, § 275-32-075, filed 5/4/77. Formerly WAC 275-32-050.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.	275-32-165	County's cooperation with other agencies. [Statutory Authority: RCW 13.06.030, 78-03-030 (Order 1269), § 275-32-165, filed 2/17/78.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.
275-32-080	Workloads for special supervision program. [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.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.	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.
275-32-085	Fiscal accountability and departmental audit. [Order 1209, § 275-32-085, filed 5/4/77. Formerly WAC 275-32-190.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.	275-32-175	Alternate plans. [Statutory Authority: RCW 13.06.030, 78-03-030 (Order 1269), § 275-32-175, filed 2/17/78.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.
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.	275-32-180	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.
275-32-095	Program review and monitoring. [Order 1209, § 275-32-095, filed 5/4/77. Formerly WAC 275-32-200.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.	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.
275-32-100	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.	275-32-200	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.
275-32-105	Exceptions to rules. [Order 1209, § 275-32-105, filed 5/4/77.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.		
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.		
275-32-115	Treatment plan. [Statutory Authority: RCW 13.06.030, 78-03-030 (Order 1269), § 275-32-115, filed 2/17/78.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.		
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.		
275-32-135	Standard cost and workload standards. [Statutory Authority: RCW 13.06.030, 78-03-030 (Order 1269), § 275-32-135, filed 2/17/78.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.		
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.		
275-32-145	Earning of credits. [Statutory Authority: RCW 13.06.030, 78-03-030 (Order 1269), § 275-32-145, filed 2/17/78.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.		
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.		
			Chapter 275-34 DIVERSION
		275-34-010	Definitions. [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.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.
		275-34-020	Planning—Committees—Creation of plans. [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.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.
		275-34-030	Planning—Submission of plans—Time limits. [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.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.
		275-34-040	State funding. [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.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.
		275-34-050	Program plan—Required elements. [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.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.
		275-34-060	Diversion unit—Specifications in plans. [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.] Repealed by 85-09-003

	(Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.	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.
275-34-070	Approval of plan by secretary. [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.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.	275-36-061	Supervision. [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.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
275-34-080	Modification of approved plan. [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.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.	275-36-065	Investigation of complaints. [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-065, filed 2/23/83.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
275-34-090	Separate administration—Exceptions. [Statutory Authority: 1977 ex. sess. c 291. 78-05-020 (Order 1288), § 275-34-090, filed 4/13/78.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.	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.
275-34-100	Exceptions to rules. [Statutory Authority: 1977 ex. sess. c 291. 78-05-020 (Order 1288), § 275-34-100, filed 4/13/78.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.	275-36-071	Payment for service. [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.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
275-34-110	Program review and monitoring. [Statutory Authority: 1977 ex. sess. c 291. 78-05-020 (Order 1288), § 275-34-110, filed 4/13/78.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.	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.
275-34-120	Refusal of services. [Statutory Authority: Chapter 13.40 RCW. 80-15-081 (Order 1559), § 275-34-120, filed 10/20/80, effective 1/1/81.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.	275-36-081	Resident remuneration. [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.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
275-34-140	Substantial violation. [Statutory Authority: Chapter 13.40 RCW. 80-15-081 (Order 1559), § 275-34-140, filed 10/20/80, effective 1/1/81.] Repealed by 85-09-003 (Order 2221), filed 4/4/85. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040.	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.
Chapter 275-36			
GROUP HOMES FOR THE MENTALLY AND PHYSICALLY HANDICAPPED			
275-36-010	Definitions. [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.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.	275-36-091	Group home administration. [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.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
275-36-020	Approval and certification of group homes. [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.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.	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.
275-36-030	Certification of group homes. [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.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.	275-36-101	Personnel. [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.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
275-36-040	Provisional initial certification or interim renewal certification. [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.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.	275-36-110	Staffing. [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.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
275-36-050	Eligibility for placement in group home. [Order 1070, § 275-36-050, filed 11/21/75; Order 8, § 275-36-050, filed 9/25/69.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.	275-36-120	Staff ratios. [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.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
		275-36-130	Inservice staff training. [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.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
		275-36-140	Resident records. [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.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
		275-36-150	Personal care and hygiene. [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.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
		275-36-153	First aid services. [Statutory Authority: RCW 72.33.850. 83-06-013 (Order 1950), § 275-36-153, filed 2/23/83.]

- Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
- 275-36-160 Transportation. [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.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
- 275-36-170 Individual service plan. [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.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
- 275-36-180 Group home service plan. [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.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
- 275-36-190 Educational and vocational training. [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.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
- 275-36-200 Family involvement. [Order 1070, § 275-36-200, filed 11/21/75.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
- 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.
- 275-36-211 Group home set-up cost. [Statutory Authority: RCW 72.33.850, 83-06-013 (Order 1950), § 275-36-211, filed 2/23/83.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
- 275-36-260 Change of ownership. [Statutory Authority: RCW 72.33.850, 83-06-013 (Order 1950), § 275-36-260, filed 2/23/83.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
- 275-36-270 Accounting procedures for resident trust accounts. [Statutory Authority: RCW 72.33.850, 83-06-013 (Order 1950), § 275-36-270, filed 2/23/83.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
- 275-36-275 Trust moneys—Imprest fund. [Statutory Authority: RCW 72.33.850, 83-06-013 (Order 1950), § 275-36-275, filed 2/23/83.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
- 275-36-280 Trust moneys control or disbursement. [Statutory Authority: RCW 72.33.850, 83-06-013 (Order 1950), § 275-36-280, filed 2/23/83.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
- 275-36-285 Trust moneys availability. [Statutory Authority: RCW 72.33.850, 83-06-013 (Order 1950), § 275-36-285, filed 2/23/83.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
- 275-36-290 Accounting upon change of ownership. [Statutory Authority: RCW 72.33.850, 83-06-013 (Order 1950), § 275-36-290, filed 2/23/83.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
- 275-36-295 Procedure for refunding or transferring trust funds. [Statutory Authority: RCW 72.33.850, 83-06-013 (Order 1950), § 275-36-295, filed 2/23/83.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
- 275-36-300 Liquidation of trust funds. [Statutory Authority: RCW 72.33.850, 83-06-013 (Order 1950), § 275-36-300, filed 2/23/83.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
- 275-36-305 Resident property records. [Statutory Authority: RCW 72.33.850, 83-06-013 (Order 1950), § 275-36-305, filed 2/23/83.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
- 275-36-310 Administrative review conference—Adjudicative proceeding. [Statutory Authority: RCW 34.05.220 (1)(a) and 71.12.030 [71A.12.030]. 90-04-074 (Order 2997), § 275-36-310, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 72.33.850, 83-06-013 (Order 1950), § 275-36-310, filed 2/23/83.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.

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 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 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.
- 275-39-425 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.
- 275-39-430 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.
- 275-39-435 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.
- 275-39-440 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.
- 275-39-445 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.
- 275-39-450 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.
- 275-39-455 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.
- 275-39-460 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.
- 275-39-465 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.
- 275-39-470 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.
- 275-39-475 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.
- 275-39-480 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.
- 275-39-485 Residential services—Resident bathrooms. [Statutory Authority: RCW 74.26.040. 80-15-083 (Order 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.
- 275-39-490 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.
- 275-39-495 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.
- 275-39-500 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.
- 275-39-505 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.
- 275-39-510 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.
- 275-39-515 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.
- 275-39-520 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.
- 275-39-525 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.
- 275-39-530 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.
- 275-39-535 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.
- 275-39-545 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.
- 275-39-550 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.
- 275-39-555 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.

- 275-39-560 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 275-53

**SALE OF ITEMS PRODUCED BY VOCATIONAL TRAINING
STUDENTS IN CORRECTIONAL INSTITUTIONS**

- 275-53-050 Sale of items produced by vocational training students. [Order 769, § 275-53-050, filed 1/26/73.] Repealed by 86-02-052 (Order 85-12), filed 12/31/85. Statutory Authority: RCW 72.01.090. Later promulgation, see chapter 137-20 WAC.
- 275-53-055 Requirements of sale and notice. [Order 769, § 275-53-055, filed 1/26/73.] Repealed by 86-02-052 (Order 85-12), filed 12/31/85. Statutory Authority: RCW 72.01.090.
- 275-53-060 Display. [Order 769, § 275-53-060, filed 1/26/73.] Repealed by 86-02-052 (Order 85-12), filed 12/31/85. Statutory Authority: RCW 72.01.090.
- 275-53-065 Proceeds of sale. [Order 769, § 275-53-065, filed 1/26/73.] Repealed by 86-02-052 (Order 85-12), filed 12/31/85. Statutory Authority: RCW 72.01.090. Later promulgation, see WAC 137-20-015.

Chapter 275-56

COMMUNITY MENTAL HEALTH PROGRAMS

- 275-56-005 Purpose and authority. [Statutory Authority: RCW 71.24.035, 71.24.045 and 71.24.300. 92-11-055 (Order 3391), § 275-56-005, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-005, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-005, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-010 Priority populations. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-010, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-010, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-015 Definitions. [Statutory Authority: Chapter 71.24 RCW and Title XIX waiver. 94-07-020 (Order 3710), § 275-56-015, filed 3/8/94, effective 4/8/94. Statutory Authority: RCW 71.24.035, 71.24.045 and 71.24.300. 92-11-055 (Order 3391), § 275-56-015, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-015, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-015, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-016 Regional support networks—Recognition and certification. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-016, filed 1/24/90, effective 1/25/90.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-017 Regional support network planning—Six-year and biennial plans. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-017, filed 1/24/90,

275-56-020

275-56-025

275-56-030

275-56-035

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275-56-060

- effective 1/25/90.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- County planning—Biennial mental health needs assessment. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-020, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-020, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- County planning—Biennial mental health plan and budget. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-025, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-025, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- County administration and planning—Availability and accessibility of required mental health services for acutely mentally ill, chronically mentally ill, and seriously disturbed persons. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-030, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].
- County and regional support network planning—Providers eligible for funding. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-035, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-035, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- County planning—Biennial plan as a basis for contracting. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-040, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-040, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- Regional support networks planning—Biennial plan as a basis for contracting. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-042, filed 1/24/90, effective 1/25/90.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- Regional support networks—Penalties for noncompliance. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-043, filed 1/24/90, effective 1/25/90.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- County and regional support network planning—Monitoring of providers. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-050, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-050, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- County and regional support network planning—Mental health information system. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-055, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-055, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- County and regional support network planning—Coordination of services. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-060, filed 1/24/90, effective 1/25/90. Statutory Author-

- ity: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-060, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-065 County and regional support network fiscal administration—Disbursement of funds advanced by the department. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-065, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-065, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-070 County and regional support network fiscal administration—Submittal and approval of mental health budget. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-070, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-070, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-075 County and regional support network fiscal administration—Accounting records. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-075, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-075, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-080 County and regional support network fiscal administration—Reports to and audits by the department. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-080, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-080, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-085 County and regional support network fiscal administration—Biennial fiscal audit of providers. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-085, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-085, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-087 Regional support networks—Resource management services. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-087, filed 1/24/90, effective 1/25/90.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-088 Regional support networks—Community support services. [Statutory Authority: RCW 71.24.035, 71.24.045 and 71.24.300. 92-11-055 (Order 3391), § 275-56-088, filed 5/19/92, effective 6/19/92. Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-088, filed 1/24/90, effective 1/25/90.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-089 Regional support networks—Crisis response system. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-089, filed 1/24/90, effective 1/25/90.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-090 Licensing procedures for providers—Applicability of minimum standards for community mental health programs. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-090, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-090, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-095 Licensing procedures for providers—Application and approval. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-095, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-095, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-100 Licensing procedures for providers—Waiver of rules. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-100, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-100, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-105 Licensing procedures for providers—Licensure status. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-105, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-105, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-110 Provider administration—Policies and procedures. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-110, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-110, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-115 Provider administration—Governing body. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-115, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-115, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-120 Provider administration—Designation of administrator. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-120, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].
- 275-56-125 Provider administration—Organizational structure. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-125, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].
- 275-56-130 Provider fiscal administration—Fiscal policies and procedures. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-130, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].
- 275-56-135 Provider fiscal administration—Written schedule of fees. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-135, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 87-06-026 (Order 2474), § 275-56-135, filed 2/27/87; 83-09-002 (Order 1957), § 275-56-135, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-140 Provider fiscal administration—Procedures to maximize revenues. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-140, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].
- 275-56-145 Provider fiscal administration—Budget of expected revenues and expenses. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-145, filed

- 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].

275-56-150 Provider fiscal administration—Accounting system. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-150, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-150, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-155 Provider fiscal administration—Documentation and retention of accounting transactions. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-155, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].
- 275-56-160 Provider fiscal administration—Fiscal management system reporting. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-160, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].
- 275-56-165 Provider fiscal administration—Independent audit of financial operations. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-165, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].
- 275-56-170 Personnel management—Personnel records. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-170, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-170, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-175 Personnel management—Staff qualifications. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-175, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-175, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-180 Personnel management—Clinical supervision. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-180, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-180, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-185 Personnel management—Qualifications appropriate to the needs of the consumer population. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-185, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-185, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-190 Personnel management—Administrative qualifications. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-190, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].
- 275-56-195 Personnel management—Affirmative action. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-195, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-195, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-200 Personnel management—Training. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-200, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-200, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-205 Quality assurance—Case review. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-205, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-205, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-210 Research—Requirements. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-210, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-210, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-215 Facility characteristics. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-215, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-215, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-220 Services administration—Accessibility. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-220, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-220, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-225 Services administration—Awareness of services. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-225, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-225, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-230 Services administration—Consumer rights. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-230, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-230, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-235 Services administration—Protection of consumer rights. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-235, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-235, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-240 Services administration—Confidentiality of consumer information. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-240, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-240, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-245 Services administration—Resolving consumer grievances. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-245, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-245, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94,

	effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.		10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
275-56-250	Services administration—Policies and procedures for provider operations. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-250, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].	275-56-305	Services administration—Extraordinary occurrences. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-305, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-305, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
275-56-255	Services administration—Screening and information and referral. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-255, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].	275-56-310	Services administration—Policies and procedures related to client records. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-310, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].
275-56-260	Services administration—Intake and initial evaluation. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-260, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-260, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.	275-56-315	Services administration—Content of client records. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-315, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].
275-56-265	Services administration—Drug use profile. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-265, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].	275-56-320	Services administration—Outpatient group records. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-320, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].
275-56-270	Services administration—Coordination of service. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-270, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].	275-56-325	Services administration—Telephone and outreach emergency services records. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-325, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].
275-56-275	Services administration—Development of individualized treatment plan. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-275, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-275, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.	275-56-330	Services administration—Security of client records. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-330, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].
275-56-280	Services administration—Group service plan. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-280, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].	275-56-335	Services administration—Consumer record retention and destruction. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-335, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-335, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
275-56-285	Services administration—Progress notes. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-285, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-285, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.	275-56-340	Services—Written descriptions. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-340, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-340, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
275-56-290	Services administration—Transfer and continuity of care. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-290, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-290, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.	275-56-345	Emergency services—Staffing. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-345, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].
275-56-295	Services administration—Medical responsibility. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-295, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-295, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.	275-56-350	Emergency services—Twenty-four hour telephone services. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-350, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].
275-56-300	Services administration—Medication storage. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-300, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-300, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective	275-56-355	Emergency services. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-355, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-355, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
		275-56-360	Emergency services—Crisis intervention services. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-360, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].

- 275-56-365 Preadmission screening services. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-365, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-365, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-370 Emergency services—Record of preadmission screening services. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-370, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].
- 275-56-375 Outpatient services—Written descriptions. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-375, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].
- 275-56-380 Outpatient services—Staffing. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-380, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].
- 275-56-385 Outpatient services. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-385, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-385, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-390 Day treatment services—Written descriptions. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-390, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].
- 275-56-395 Day treatment services—Staffing. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-395, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].
- 275-56-400 Day treatment services—Service delivery. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-400, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-400, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-405 Day treatment services—Service components. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-405, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].
- 275-56-410 Day treatment services—Age-appropriate services. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-410, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].
- 275-56-415 Consultation and education services—Written descriptions. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-415, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].
- 275-56-420 Consultation and education services—Staffing. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-420, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].
- 275-56-425 Consultation and education services. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-425, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-425, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-430 Community support services—Written descriptions. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-430, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].
- 275-56-435 Community support services—Staffing and case management. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-435, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].
- 275-56-440 Community support services—Coordination with inpatient facilities and other agencies. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-440, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].
- 275-56-445 Case management services. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-445, filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-445, filed 4/7/83.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-447 Employment services. [Statutory Authority: RCW 71.24.035, 71.24.045 and 71.24.300. 92-11-055 (Order 3391), § 275-56-447, filed 5/19/92, effective 6/19/92.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-450 Community support services—Record of community support services. [Statutory Authority: RCW 71.24.035. 83-09-002 (Order 1957), § 275-56-450, filed 4/7/83.] Repealed by 90-03-113 (Order 2935), filed 1/24/90, effective 1/25/90. Statutory Authority: RCW 74.24.035 [71.24.035].
- 275-56-465 Regional support network residential services—General requirements. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-465, filed 1/24/90, effective 1/25/90.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-475 Regional support network residential services—Crisis respite services. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-475, filed 1/24/90, effective 1/25/90.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-485 Regional support network residential services—Supported living services. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-485, filed 1/24/90, effective 1/25/90.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-495 Regional support network residential services—Supervised living services. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-495, filed 1/24/90, effective 1/25/90.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-505 Regional support network residential services—Long-term rehabilitative services. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-505, filed 1/24/90, effective 1/25/90.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-515 Regional support network residential services—Geriatric long-term rehabilitative services. [Statutory Authority: RCW 74.24.035 [71.24.035]. 90-03-113 (Order 2935), § 275-56-515, filed 1/24/90, effective 1/25/90.] Repealed by

94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.

- 275-56-600 Managed care—Purpose. [Statutory Authority: Chapter 71.24 RCW and Title XIX waiver. 94-07-020 (Order 3710), § 275-56-600, filed 3/8/94, effective 4/8/94.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-610 Managed care—Eligible consumers. [Statutory Authority: Chapter 71.24 RCW and Title XIX waiver. 94-07-020 (Order 3710), § 275-56-610, filed 3/8/94, effective 4/8/94.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-630 Managed care—Managed care exemptions. [Statutory Authority: Chapter 71.24 RCW and Title XIX waiver. 94-07-020 (Order 3710), § 275-56-630, filed 3/8/94, effective 4/8/94.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-640 Managed care—Enrolled recipient's choice of primary care provider. [Statutory Authority: Chapter 71.24 RCW and Title XIX waiver. 94-07-020 (Order 3710), § 275-56-640, filed 3/8/94, effective 4/8/94.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-650 Managed care—Other services. [Statutory Authority: Chapter 71.24 RCW and Title XIX waiver. 94-07-020 (Order 3710), § 275-56-650, filed 3/8/94, effective 4/8/94.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-660 Managed care—Emergency services. [Statutory Authority: Chapter 71.24 RCW and Title XIX waiver. 94-07-020 (Order 3710), § 275-56-660, filed 3/8/94, effective 4/8/94.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-670 Managed care—Enrolled recipient grievances. [Statutory Authority: Chapter 71.24 RCW and Title XIX waiver. 94-07-020 (Order 3710), § 275-56-670, filed 3/8/94, effective 4/8/94.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-680 Managed care—Enrolled recipient request for a second opinion. [Statutory Authority: Chapter 71.24 RCW and Title XIX waiver. 94-07-020 (Order 3710), § 275-56-680, filed 3/8/94, effective 4/8/94.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-690 Managed care—Enrollment termination. [Statutory Authority: Chapter 71.24 RCW and Title XIX waiver. 94-07-020 (Order 3710), § 275-56-690, filed 3/8/94, effective 4/8/94.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-700 Managed care—Continuous quality improvement. [Statutory Authority: Chapter 71.24 RCW and Title XIX waiver. 94-07-020 (Order 3710), § 275-56-700, filed 3/8/94, effective 4/8/94.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-710 Managed care—Ombuds service. [Statutory Authority: Chapter 71.24 RCW and Title XIX waiver. 94-07-020 (Order 3710), § 275-56-710, filed 3/8/94, effective 4/8/94.] Repealed by 94-20-033 (Order 3783), filed 9/27/94, effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.
- 275-56-720 Managed care—Audit. [Statutory Authority: Chapter 71.24 RCW and Title XIX waiver. 94-07-020 (Order 3710), § 275-56-720, filed 3/8/94, effective 4/8/94.] Repealed by 94-20-033 (Order 3783), filed 9/27/94,

effective 10/28/94. Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547.

Reviser's note: Later promulgation, see chapter 275-57 WAC

Chapter 275-82

ADULT CORRECTIONAL INSTITUTIONS—CLASSIFICATION OF RESIDENTS—ADMINISTRATIVE SEGREGATION

- 275-82-005 Definitions. [Order 1217, § 275-82-005, filed 6/15/77; Order 874, § 275-82-005, filed 11/16/73.] Repealed by 85-01-059 (Order 84-15), filed 12/17/84. Statutory Authority: RCW 72.01.090. Later promulgation, see chapter 137-32 WAC.
- 275-82-010 Administrative segregation. [Order 1217, § 275-82-010, filed 6/15/77; Order 874, § 275-82-010, filed 11/16/73.] Repealed by 85-01-059 (Order 84-15), filed 12/17/84. Statutory Authority: RCW 72.01.090.
- 275-82-015 Notice of meeting. [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.] Repealed by 85-01-059 (Order 84-15), filed 12/17/84. Statutory Authority: RCW 72.01.090.
- 275-82-020 Representation of resident. [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.] Repealed by 85-01-059 (Order 84-15), filed 12/17/84. Statutory Authority: RCW 72.01.090.
- 275-82-025 Conduct of meeting. [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.] Repealed by 85-01-059 (Order 84-15), filed 12/17/84. Statutory Authority: RCW 72.01.090.
- 275-82-030 Decision. [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.] Repealed by 85-01-059 (Order 84-15), filed 12/17/84. Statutory Authority: RCW 72.01.090.
- 275-82-035 Segregation status—Rights retained. [Order 1217, § 275-82-035, filed 6/15/77; Order 874, § 275-82-035, filed 11/16/73.] Repealed by 85-01-059 (Order 84-15), filed 12/17/84. Statutory Authority: RCW 72.01.090.
- 275-82-040 Appeal. [Order 1217, § 275-82-040, filed 6/15/77; Order 874, § 275-82-040, filed 11/16/73.] Repealed by 85-01-059 (Order 84-15), filed 12/17/84. Statutory Authority: RCW 72.01.090.
- 275-82-045 Review of administrative segregation status. [Order 1217, § 275-82-045, filed 6/15/77; Order 874, § 275-82-045, filed 11/16/73.] Repealed by 85-01-059 (Order 84-15), filed 12/17/84. Statutory Authority: RCW 72.01.090.
- 275-82-050 Transfer of resident. [Order 874, § 275-82-050, filed 11/16/73.] Repealed by 85-01-059 (Order 84-15), filed 12/17/84. Statutory Authority: RCW 72.01.090.

Chapter 275-85

RESIDENT OF ADULT CORRECTIONAL INSTITUTION ESCORTED LEAVE OF ABSENCE

- 275-85-005 Escorted leave of absence—Definitions. [Order 796, § 275-85-005, filed 5/10/73.] Repealed by 85-07-042 (Order 85-07), filed 3/19/85. Statutory Authority: RCW 72.01.380. Later promulgation, see WAC 137-52-010.
- 275-85-010 Escorted leave of absence—Purpose. [Order 796, § 275-85-010, filed 5/10/73.] Repealed by 85-07-042 (Order 85-07), filed 3/19/85. Statutory Authority: RCW 72.01.380. Later promulgation, see WAC 137-52-005.
- 275-85-015 Escorted leave of absence—Reasons allowed. [Order 878, § 275-85-015, filed 11/29/73; Order 796, § 275-85-015, filed 5/10/73.] Repealed by 85-07-042 (Order 85-07), filed 3/19/85. Statutory Authority: RCW 72.01.380. Later promulgation, see WAC 137-52-015.
- 275-85-020 Escorted leave of absence—Conditions. [Order 796, § 275-85-020, filed 5/10/73.] Repealed by 85-07-042 (Order 85-07), filed 3/19/85. Statutory Authority: RCW 72.01.380. Later promulgation, see WAC 137-52-020.

- 275-85-025 Escorted leave of absence—Application. [Order 796, § 275-85-025, filed 5/10/73.] Repealed by 85-07-042 (Order 85-07), filed 3/19/85. Statutory Authority: RCW 72.01.380. Later promulgation, see WAC 137-52-025.
- 275-85-030 Escorted leave of absence—Approval. [Order 796, § 275-85-030, filed 5/10/73.] Repealed by 85-07-042 (Order 85-07), filed 3/19/85. Statutory Authority: RCW 72.01.380. Later promulgation, see WAC 137-52-030.
- 275-85-035 Escorted leave of absence—Escort. [Order 796, § 275-85-035, filed 5/10/73.] Repealed by 85-07-042 (Order 85-07), filed 3/19/85. Statutory Authority: RCW 72.01.380. Later promulgation, see WAC 137-52-035.
- 275-85-040 Escorted leave of absence—Expenses. [Order 796, § 275-85-040, filed 5/10/73.] Repealed by 85-07-042 (Order 85-07), filed 3/19/85. Statutory Authority: RCW 72.01.380. Later promulgation, see WAC 137-52-040.
- 275-85-045 Escorted leave of absence—Expenses—Paid by resident. [Order 796, § 275-85-045, filed 5/10/73.] Repealed by 85-07-042 (Order 85-07), filed 3/19/85. Statutory Authority: RCW 72.01.380. Later promulgation, see WAC 137-52-045.
- 275-85-050 Escorted leave of absence—Expenses—Paid by state. [Order 796, § 275-85-050, filed 5/10/73.] Repealed by 85-07-042 (Order 85-07), filed 3/19/85. Statutory Authority: RCW 72.01.380. Later promulgation, see WAC 137-52-050.

**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 275-88
ADULT CORRECTIONAL INSTITUTIONS—DISCIPLINE**

- 275-88-005 Purpose. [Order 849, § 275-88-005, filed 8/23/73.] Repealed by 84-17-058 (Order 84-13), filed 8/14/84, effective 10/10/84. Statutory Authority: RCW 72.01.090. Later promulgation, see WAC 137-28-005.
- 275-88-006 Definitions. [Order 1185, § 275-88-006, filed 2/3/77.] Repealed by 84-17-058 (Order 84-13), filed 8/14/84, effective 10/10/84. Statutory Authority: RCW 72.01.090. Later promulgation, see WAC 137-28-006.
- 275-88-010 Supplementary rules. [Order 1185, § 275-88-010, filed 2/3/77; Order 849, § 275-88-010, filed 8/23/73.] Repealed by 84-17-058 (Order 84-13), filed 8/14/84, effective 10/10/84. Statutory Authority: RCW 72.01.090. Later promulgation, see WAC 137-28-010.
- 275-88-015 Notification. [Order 1185, § 275-88-015, filed 2/3/77; Order 849, § 275-88-015, filed 8/23/73.] Repealed by 84-17-058 (Order 84-13), filed 8/14/84, effective 10/10/84. Statutory Authority: RCW 72.01.090. Later promulgation, see WAC 137-28-015.
- 275-88-020 Definition of misconduct. [Order 1185, § 275-88-020, filed 2/3/77; Order 849, § 275-88-020, filed 8/23/73.] Repealed by 84-17-058 (Order 84-13), filed 8/14/84,

- 275-88-025 effective 10/10/84. Statutory Authority: RCW 72.01.090. Later promulgation, see WAC 137-28-020.
- 275-88-030 General infractions. [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.] Repealed by 84-17-058 (Order 84-13), filed 8/14/84, effective 10/10/84. Statutory Authority: RCW 72.01.090. Later promulgation, see WAC 137-28-025.
- 275-88-035 Serious infractions. [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.] Repealed by 84-17-058 (Order 84-13), filed 8/14/84, effective 10/10/84. Statutory Authority: RCW 72.01.090. Later promulgation, see WAC 137-28-030.
- 275-88-040 Reporting to law enforcement authorities. [Order 1185, § 275-88-035, filed 2/3/77; Order 849, § 275-88-035, filed 8/23/73.] Repealed by 84-17-058 (Order 84-13), filed 8/14/84, effective 10/10/84. Statutory Authority: RCW 72.01.090. Later promulgation, see WAC 137-28-035.
- 275-88-045 Infractions—On-site adjustment. [Order 1185, § 275-88-040, filed 2/3/77; Order 849, § 275-88-040, filed 8/23/73.] Repealed by 84-17-058 (Order 84-13), filed 8/14/84, effective 10/10/84. Statutory Authority: RCW 72.01.090. Later promulgation, see WAC 137-28-040.
- 275-88-050 Infractions—Report on. [Order 849, § 275-88-045, filed 8/23/73.] Repealed by 84-17-058 (Order 84-13), filed 8/14/84, effective 10/10/84. Statutory Authority: RCW 72.01.090. Later promulgation, see WAC 137-28-045.
- 275-88-055 General infraction report—Action on report. [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.] Repealed by 84-17-058 (Order 84-13), filed 8/14/84, effective 10/10/84. Statutory Authority: RCW 72.01.090. Later promulgation, see WAC 137-28-050.
- 275-88-060 Appeal to hearing committee. [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.] Repealed by 84-17-058 (Order 84-13), filed 8/14/84, effective 10/10/84. Statutory Authority: RCW 72.01.090.
- 275-88-065 Appeal to hearing committee—Composition of 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.] Repealed by 84-17-058 (Order 84-13), filed 8/14/84, effective 10/10/84. Statutory Authority: RCW 72.01.090.
- 275-88-067 Appeal to hearing committee—Disqualification or absence of member. [Order 1185, § 275-88-065, filed 2/3/77; Order 849, § 275-88-065, filed 8/23/73.] Repealed by 84-17-058 (Order 84-13), filed 8/14/84, effective 10/10/84. Statutory Authority: RCW 72.01.090.
- 275-88-070 Appeal to hearing committee—Other participants. [Order 849, § 275-88-067, filed 8/23/73.] Repealed by Order 1185, filed 2/3/77.
- 275-88-075 Appeal to hearing committee—Jurisdiction. [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.] Repealed by 84-17-058 (Order 84-13), filed 8/14/84, effective 10/10/84. Statutory Authority: RCW 72.01.090.
- 275-88-080 Prehearing procedures—Rights of residents. [Order 1185, § 275-88-075, filed 2/3/77; Order 849, § 275-88-075, filed 8/23/73.] Repealed by 84-17-058 (Order 84-13), filed 8/14/84, effective 10/10/84. Statutory Authority: RCW 72.01.090. Later promulgation, see WAC 137-28-075.
- 275-88-085 Prehearing procedures—Restriction of resident. [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.] Repealed by 84-17-058 (Order 84-13), filed 8/14/84, effective 10/10/84. Statutory Authority: RCW 72.01.090. Later promulgation, see WAC 137-28-080.
- 275-88-085 Hearing committee—Preparation for 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.] Repealed by 84-17-058 (Order 84-13), filed

- 8/14/84, effective 10/10/84. Statutory Authority: RCW 72.01.090. Later promulgation, see WAC 137-28-085.
- 275-88-090 Conduct of hearing. [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.] Repealed by 84-17-058 (Order 84-13), filed 8/14/84, effective 10/10/84. Statutory Authority: RCW 72.01.090. Later promulgation, see WAC 137-28-090.
- 275-88-093 Decision of hearing committee. [Order 1185, § 275-88-093, filed 2/3/77; Order 849, § 275-88-093, filed 8/23/73.] Repealed by 84-17-058 (Order 84-13), filed 8/14/84, effective 10/10/84. Statutory Authority: RCW 72.01.090. Later promulgation, see WAC 137-28-093.
- 275-88-095 Finding of no infraction. [Order 849, § 275-88-095, filed 8/23/73.] Repealed by 84-17-058 (Order 84-13), filed 8/14/84, effective 10/10/84. Statutory Authority: RCW 72.01.090. Later promulgation, see WAC 137-28-095.
- 275-88-097 Lay advisors. [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.] Repealed by 84-17-058 (Order 84-13), filed 8/14/84, effective 10/10/84. Statutory Authority: RCW 72.01.090. Later promulgation, see WAC 137-28-097.
- 275-88-100 Sanctions—Authority to impose. [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.] Repealed by 84-17-058 (Order 84-13), filed 8/14/84, effective 10/10/84. Statutory Authority: RCW 72.01.090. Later promulgation, see WAC 137-28-100.
- 275-88-105 Sanctions—Types. [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.] Repealed by 84-17-058 (Order 84-13), filed 8/14/84, effective 10/10/84. Statutory Authority: RCW 72.01.090. Later promulgation, see WAC 137-28-105.
- 275-88-110 Sanctions—Limitations. [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.] Repealed by 84-17-058 (Order 84-13), filed 8/14/84, effective 10/10/84. Statutory Authority: RCW 72.01.090. Later promulgation, see WAC 137-28-110.
- 275-88-115 Appeal to superintendent. [Order 1185, § 275-88-115, filed 2/3/77; Order 849, § 275-88-115, filed 8/23/73.] Repealed by 84-17-058 (Order 84-13), filed 8/14/84, effective 10/10/84. Statutory Authority: RCW 72.01.090. Later promulgation, see WAC 137-28-115.
- 275-88-120 Reports to the parole board. [Order 849, § 275-88-120, filed 8/23/73.] Repealed by 84-17-058 (Order 84-13), filed 8/14/84, effective 10/10/84. Statutory Authority: RCW 72.01.090. Later promulgation, see WAC 137-28-120.
- 275-88-130 Time limitations. [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.] Repealed by 84-17-058 (Order 84-13), filed 8/14/84, effective 10/10/84. Statutory Authority: RCW 72.01.090. Later promulgation, see WAC 137-28-130.
- Chapter 275-91**
ADULT CORRECTIONAL INSTITUTIONS—
MEDICAL CARE—HEALTH CARE
- 275-91-010 Health care—Policy. [Order 827, § 275-91-010, filed 7/26/73.] Repealed by Order 1252, filed 11/21/77.
- 275-91-011 Medical/dental care—General policy. [Order 1252, § 275-91-011, filed 11/21/77.] Repealed by 84-16-066 (Order 84-11), filed 7/30/84, effective 9/4/84. Statutory Authority: RCW 72.01.050, 72.01.090 and 72.09.050. Later promulgation, see WAC 137-91-011.
- 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.
- 275-91-021 Medical/dental services. [Order 1252, § 275-91-021, filed 11/21/77.] Repealed by 84-16-066 (Order 84-11), filed 7/30/84, effective 9/4/84. Statutory Authority: RCW 72.01.050, 72.01.090 and 72.09.050. Later promulgation, see WAC 137-91-021.
- 275-91-030 Health care—Program. [Order 827, § 275-91-030, filed 7/26/73.] Repealed by Order 1252, filed 11/21/77.
- 275-91-031 Right to refuse treatment. [Order 1252, § 275-91-031, filed 11/21/77.] Repealed by 84-16-066 (Order 84-11), filed 7/30/84, effective 9/4/84. Statutory Authority: RCW 72.01.050, 72.01.090 and 72.09.050.
- 275-91-040 Health care—Records. [Order 827, § 275-91-040, filed 7/26/73.] Repealed by Order 1252, filed 11/21/77.
- 275-91-041 Involuntary treatment—Appeals. [Order 1252, § 275-91-041, filed 11/21/77.] Repealed by 84-16-066 (Order 84-11), filed 7/30/84, effective 9/4/84. Statutory Authority: RCW 72.01.050, 72.01.090 and 72.09.050.
- 275-91-050 Use of allied health professionals. [Order 1252, § 275-91-050, filed 11/21/77.] Repealed by 84-16-066 (Order 84-11), filed 7/30/84, effective 9/4/84. Statutory Authority: RCW 72.01.050, 72.01.090 and 72.09.050. Later promulgation, see WAC 137-91-050.
- 275-91-060 Records. [Order 1252, § 275-91-060, filed 11/21/77.] Repealed by 84-16-066 (Order 84-11), filed 7/30/84, effective 9/4/84. Statutory Authority: RCW 72.01.050, 72.01.090 and 72.09.050. Later promulgation, see WAC 137-91-060.
- 275-91-070 Supplemental care. [Order 1252, § 275-91-070, filed 11/21/77.] Repealed by 84-16-066 (Order 84-11), filed 7/30/84, effective 9/4/84. Statutory Authority: RCW 72.01.050, 72.01.090 and 72.09.050. Later promulgation, see WAC 137-91-070.
- Chapter 275-92**
ADULT CORRECTIONAL INSTITUTIONS—
RELEASE PROGRAMS—WORK TRAINING
- 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.	275-92-315	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.
275-92-110	Supervised facility—Limits of confinement. [Order 857, § 275-92-110, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.	275-92-320	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.
275-92-115	Supervised facility—Sponsor-escort. [Order 857, § 275-92-115, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.	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.
275-92-200	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.	275-92-330	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.
275-92-205	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.	275-92-335	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.
275-92-210	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.	275-92-340	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.
275-92-215	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.	275-92-345	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.
275-92-220	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.	275-92-350	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.
275-92-225	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.	275-92-355	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.
275-92-230	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.	275-92-400	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.
275-92-235	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.	275-92-405	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.
275-92-240	Work-training release plan revocation—Hearing—Notice. [Order 857, § 275-92-240, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.	275-92-407	Supervision—Individual work release placement. [Statutory Authority: RCW 72.65.100. 81-05-001 (Order 1595), § 275-92-407, filed 2/5/81.] Repealed by 85-08-022 (Order 85-05), filed 4/1/85. Statutory Authority: RCW 72.65.100.
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.	275-92-410	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.
275-92-250	Work-training release plan revocation—Hearing—Scheduling. [Order 857, § 275-92-250, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.	275-92-415	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.
275-92-255	Work-training release plan revocation—Hearing—Procedures. [Order 857, § 275-92-255, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.	275-92-510	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.
275-92-260	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.	275-92-515	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.
275-92-265	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.	275-92-520	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.
275-92-270	Work-training release plan revocation—Hearing—Continuances. [Order 857, § 275-92-270, filed 9/27/73.] Repealed by Order 1216, filed 6/15/77.	275-92-525	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.
275-92-275	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.	275-92-530	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.
275-92-280	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.		

- 275-92-535 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.

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, § 275-96-022, 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 by 83-20-036 (Order 83-09), filed 9/27/83. Statutory Authority: RCW 72.08.380, 72.09.050 and 72.12.140.
- 275-96-060 **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.
- 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 and finding of responsibility (NFR)—Appeal procedure.
- 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. Under RCW 43.20B.325, the department shall base hospitalization charges for patients in state hospitals on the actual operating costs of such hospitals. The department shall require patient's hospitalization charges due and payable on or before the tenth day of each calendar month for services rendered to department patients during the preceding month. A schedule of each hospital's charge rates will be computed under this section based on actual operating costs of the hospital for the previous year. The schedule will be prepared by the secretary's designee, from financial and statistical information contained in hospital records. The schedule will be updated at least annually. All changes under this section shall be prepared in advance of the effective date. Each hospital will make available the schedule of current charge rates upon request.

[Statutory Authority: RCW 43.20B.325. 94-16-048 (Order 3764), § 275-16-030, filed 7/27/94, effective 8/27/94; 93-22-031 (Order 3659), § 275-16-030, filed 10/27/93, effective 11/27/93; 92-17-007 (Order 3434), § 275-16-030, filed 8/6/92, effective 9/6/92; 92-09-118 (Order 3376), § 275-16-030, filed 4/21/92, effective 5/22/92. Statutory Authority: RCW 43.20B.335. 91-21-122 (Order 3267), § 275-16-030, filed 10/23/91, effective 11/23/91; 91-17-064 (Order 3235), § 275-16-030, filed 8/20/91, effective 9/20/91; 91-08-014 (Order 3155), § 275-16-030, filed 3/26/91, effective 4/26/91. Statutory Authority: RCW 43.20B.335 and 71.05.560. 90-18-004 (Order 3061), § 275-16-030, filed 8/23/90, effective 9/23/90. Statutory Authority: RCW 71.02.412. 89-22-128 (Order 2890), § 275-16-030, filed 11/1/89, effective 12/2/89. Statutory Authority: RCW 43.20B.335. 88-21-095 (Order 2715), § 275-16-030, filed 10/19/88. Statutory Authority: RCW 71.02.412. 87-19-026 (Order 2531), § 275-16-030, filed 9/10/87; 86-17-075 (Order 2414), § 275-16-030, filed 8/19/86; 85-17-038 (Order 2273), § 275-16-030, filed 8/15/85; 84-17-011 (Order 2131), § 275-16-030, filed 8/3/84; 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 and finding of responsibility (NFR)—Appeal procedure. (1) The determination officer's assessment of the ability and liability of a person or of the person's estate to pay hospitalization charges shall be issued in the form of a notice and finding of responsibility (NFR) as prescribed by RCW 43.20B.340.

(2) When the NFR is for full hospitalization charges as specified under WAC 275-16-030, the department shall:

- (a) Inform the financially responsible person of the current charges; and
- (b) Periodically recompute the financially responsible person's charges.

(3) When the NFR is for adjusted charges, the department shall:

- (a) Express the charges in a daily or monthly rate; and
- (b) Set aside charges for ancillary services.

(4) The right to an adjudicative proceeding to contest the NFR is contained in RCW 43.20B.340.

(a) A financially responsible person wishing to contest the NFR shall, within twenty-eight days of receipt of the NFR:

(i) File a written application for an adjudicative proceeding showing proof of receipt with the Secretary, DSHS, Attn: Determination Officer, P.O. Box 9768, Olympia, WA 98504; and

(ii) Include in or with the application:

- (A) A specific statement of the issues and law involved;
 (B) The grounds for contesting the department decision;
 and
 (C) A copy of the contested NFR.

(b) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 43.20B.340, this chapter, and chapter 388-08 WAC. If any provision in this chapter conflicts with chapter 388-08 WAC, the provision in this chapter governs.

[Statutory Authority: RCW 71.05.560. 90-21-030 (Order 3083), § 275-16-055, filed 10/9/90, effective 11/9/90. Statutory Authority: RCW 34.05.220 (1)(a) and 43.20B.335. 90-04-075 (Order 3001), § 275-16-055, filed 2/5/90, effective 3/1/90. 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. The determination officer may consider the following other pertinent factors in determining the ability of the estate of the patient and responsible relatives to pay.

(1) 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 the patient's immediate family, to whom the patient owes a duty of support. The patient and/or responsible relatives shall 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.

(2) Consistent with RCW 43.20B.335, the determination officer shall consider a judgment owed by the patient to any victim of an act that would have resulted in criminal conviction of the patient but for a finding of the patient's criminal insanity. A victim shall include an estate's personal

representative who has obtained judgment for wrongful death against the criminally insane patient.

(3) The department shall ensure that any allowance for other pertinent factors does not conflict with Medicaid eligibility requirements for those patients who are eligible or potentially eligible for such benefits.

[Statutory Authority: RCW 43.20B.335. 96-18-090, § 275-16-085, filed 9/4/96, effective 10/5/96. 81.02.412 [71.02.412]. Statutory Authority: RCW 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 43.20B.340, 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 MS HJ-21
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 43.20B.350.

(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 43.20B.335. 90-23-071 (Order 3096), § 275-16-105, filed 11/20/90, effective 12/21/90. Statutory Authority: RCW 81.02.412 [71.02.412]. 81-08-020 (Order 1627), § 275-16-105, filed 3/25/81.]

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	Notice and finding of responsibility—Appeal procedure.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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

WAC 275-20-010 Authority. The following rules regarding costs of care of mentally/physically deficient persons are hereby adopted under the authority of chapter 72.33 RCW.

[Statutory Authority: RCW 72.01.090. 78-03-029 (Order 1270), § 275-20-010, filed 2/17/78; Order 2, § 275-20-010, filed 2/23/68.]

WAC 275-20-030 Schedule of per capita cost. Resident charges will be established in accordance with the methodology promulgated under chapter 275-38 WAC.

[Statutory Authority: RCW 72.33.660. 84-18-022 (Order 2144), § 275-20-030, filed 8/29/84. 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 Notice and finding of responsibility—Appeal procedure. (1) When the department determines that the estate of a resident of a state residential habilitation center is able to pay all or a portion of the monthly charges for care, support, and treatment, the department shall serve a notice and finding of responsibility (NFR) on the:

- (a) Guardian of the resident's estate; or
- (b) If a guardian has not been appointed, resident's spouse or parent or other person acting in a representative capacity and in possession of the resident's property, and the superintendent of the state school.

(2) When a resident is an adult and is not under a legal disability, the department shall personally serve the NFR on the resident.

(3) The NFR shall state the amount which the department determines the resident's estate is able to pay per month. The amount shall not exceed the monthly charges fixed under RCW 43.20B.420.

(4) The resident's or guardian's responsibility for payment to the department shall commence twenty-eight days after service of the NFR.

(5) The right to an adjudicative proceeding contesting the NFR is contained in RCW 43.20B.430.

(a) A financially responsible person wishing to contest the NFR shall, within twenty-eight days of receipt of the NFR:

(i) File a written application for an adjudicative proceeding showing proof of receipt with the Secretary, DSHS, Attn: Determination Officer, P.O. Box 9768, Olympia, WA 98504; and

(ii) Include in or with the application:

- (A) A specific statement of the issues and law involved;
- (B) The grounds for contesting the department decision;

and

(C) A copy of the NFR being contested.

(b) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 43.20B.430, this chapter, and chapter 388-08 WAC. If any provision in this chapter conflicts with chapter 388-08 WAC, the provision in this chapter governs.

[Statutory Authority: RCW 71.05.560, 90-21-030 (Order 3083), § 275-20-080, filed 10/9/90, effective 11/9/90. Statutory Authority: RCW 34.05.220 (1)(a) and 43.20B.420, 90-04-074 (Order 2997), § 275-20-080, filed 2/5/90, effective 3/1/90. 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, DEVELOPMENTAL DISABILITIES

WAC

275-25-010	Definitions.
275-25-015	Exemptions.
275-25-020	Plan development and submission.
275-25-030	Program operation—General provisions.
275-25-040	Appeal procedure.
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.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

275-25-300	Alcoholism program—WAC section numbers. [Order 1142, § 275-25-300, filed 8/12/76. Formerly chapter 275-13 WAC.] Repealed by 93-15-013 (Order 3591), filed 7/8/93, effective 8/8/93. Statutory Authority: Chapters 70.96A and 34.05 RCW and P.L. 102-234.
275-25-310	Approved treatment facilities. [Order 1142, § 275-25-310, filed 8/12/76.] Repealed by 93-15-013 (Order 3591), filed 7/8/93, effective 8/8/93. Statutory Authority: Chapters 70.96A and 34.05 RCW and P.L. 102-234.
275-25-330	Service priority. [Order 1142, § 275-25-330, filed 8/12/76.] Repealed by 93-15-013 (Order 3591), filed 7/8/93, effective 8/8/93. Statutory Authority: Chapters 70.96A and 34.05 RCW and P.L. 102-234.
275-25-340	Funding formula—Alcoholism. [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.] Repealed by 93-15-013 (Order 3591), filed 7/8/93, effective 8/8/93. Statutory Authority: Chapters 70.96A and 34.05 RCW and P.L. 102-234.
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.
- 275-25-810 Drug abuse services. [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.] Repealed by 93-15-013 (Order 3591), filed 7/8/93, effective 8/8/93. Statutory Authority: Chapters 70.96A and 34.05 RCW and P.L. 102-234.
- 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.
- 275-25-840 Funding formulae. [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.] Repealed by 93-15-013 (Order 3591), filed 7/8/93, effective 8/8/93. Statutory Authority: Chapters 70.96A and 34.05 RCW and P.L. 102-234.

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 local funds for community services chapter 71.20 RCW, State services chapter 71A.12 RCW, and Local services chapter 71A.14 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) "Exemption" means the department's approval of a written request for an exception to a rule in this chapter.

(6) "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 an Indian by a federally or nonfederally recognized Indian tribe or by an urban Indian/Alaska community organization.

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

(8) "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.

(9) "Secretary" means the secretary of the department or such employee or such unit of the department as the secretary may designate.

Statutory Authority: Chapters 70.96A and 34.05 RCW and P.L. 102-234. 93-15-013 (Order 3591), § 275-25-010, filed 7/8/93, effective 8/8/93. Statutory Authority: RCW 71A.14.030. 91-17-005 (Order 3230), § 275-25-010, filed 8/9/91, effective 9/9/91. 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 chapters 275-12, 275-13 and 275-29 WAC.

WAC 275-25-015 Exemptions. (1) The department may approve an exemption to a specific rule in this chapter as defined under WAC 275-25-010(5) provided an:

(a) Assessment of the exemption request ensures granting the exemption shall not undermine the legislative intent of Title 71A RCW; and

(b) Evaluation of the exemption request shows granting the exemption shall not adversely affect the quality of the services, supervision, health, and safety of department-served persons.

(2) Agencies and individual providers shall retain a copy of each department-approved exemption.

[Statutory Authority: RCW 71A.14.030. 91-17-005 (Order 3230), § 275-25-015, filed 8/9/91, effective 9/9/91.]

WAC 275-25-020 Plan development and submission. (1) All dates in this section refer to the twenty-four-month period prior to the start of the state fiscal biennium.

(2) Before July 1, in the odd year of each biennium, the department shall negotiate with and submit to counties the biennial plan guidelines.

(3) Before July 1, the department shall submit to counties needs assessment data, and before December 31, updated needs assessment data in the odd year of each biennium.

(4) Before April 1, of the even year of each biennium, each county shall submit to the department a written plan for developmental disabilities services for the subsequent state fiscal biennium. The county's written plan shall be in the form and manner prescribed by the department in the written guidelines.

(5) Within sixty days of receipt of the county's written plan, the department shall acknowledge receipt, review the plan, and notify the county of errors and omissions in meeting minimum plan requirements.

(6) Within thirty days after receipt, each county shall submit a response to the department's review when errors and omissions have been identified within the review.

(7) Before December 15 of the even year of each biennium, the department shall announce the amount of funds included in the department's biennial budget request to each county. The department 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.

(8) Each county shall submit to the department a contract proposal within sixty days of the announcement by the department of the actual amount of funds appropriated and available.

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

(10) The department 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 new contract is executed.

[Statutory Authority: RCW 71A.14.030 and 71A.16.020, 92-09-115 (Order 3373), § 275-25-020, filed 4/21/92, effective 5/21/92. 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 acts.

(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 programs. Verification may be in the manner and to the extent requested by the secretary.

(3) State funds shall not 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 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 the secretary deems necessary for effective program management.

(5) Funding.

(a) The department and county shall negotiate and execute a contract before the department provides reimbursement for services under contract, except as provided under WAC 275-25-020(10).

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

(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 require, then the secretary may with-

hold 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 under the Administrative Procedure Act (chapter 34.05 RCW).

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

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

(b) The subcontractor's specific agreement to abide by the acts 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; and

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

(7) **Records: Maintenance.** Client records shall be maintained for every client for whom services are provided and shall document:

(a) Client demographic data;

(b) Diagnosis or problem statement;

(c) Treatment or service plan; and

(d) Treatment or services provided including medications prescribed.

(8) Liability.

(a) The promulgation of these rules or anything contained in these rules shall not be construed as affecting the relative status or civil rights or liabilities between:

(i) The county and community agency; or

(ii) 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.

(b) The use or implied use herein of the word "duty" or "responsibility" or both shall not 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 acts, or an agency, or said agency's employees, or persons performing services on said agency's behalf.

(c) Failure to comply with any compulsory rules shall be cause for the department to refuse to provide the county and community agency funds under the contract.

[Statutory Authority: RCW 71A.14.030, 91-17-005 (Order 3230), § 275-25-030, filed 8/9/91, effective 9/9/91. 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 34.05 RCW).

[Statutory Authority: Chapters 70.96A and 34.05 RCW and P.L. 102-234, 93-15-013 (Order 3591), § 275-25-040, filed 7/8/93, effective 8/8/93; Order 1142, § 275-25-040, 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. (1) A county may purchase and provide services listed under chapter 71A.14 RCW. The department shall pay a county for department authorized services provided to an eligible developmentally disabled person.

(2) A county may purchase or provide authorized services. Authorized services may include, but are not limited to:

(a) Early childhood intervention services;

(b) Employment services;

(c) Community access services;

(d) Residential services;

(e) Individual evaluation;

(f) Program evaluation;

(g) County planning and administration; and

(h) Consultation and staff development.

[Statutory Authority: RCW 71A.14.030, 91-17-005 (Order 3230), § 275-25-520, filed 8/9/91, effective 9/9/91. 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) Each county shall receive a base amount of funds. The amount shall be based on the prior biennial allocation, including any funds from budget provisos from the prior biennium, and subject to the availability of state and federal funds;

(b) The distribution of any additional funds provided by the legislature or other sources shall be based on a distribution formula which best meets the needs of the population to be served as follows:

(i) On a basis which takes into consideration minimum grant amounts, requirements of clients residing in an ICF/MR or clients on one of the division's Title XIX home and community-based waivers, and the general population of the county, and special education enrollment as well as the population eligible for county-funded developmental disabilities services;

(ii) On a basis that takes into consideration the population numbers of minority groups residing within the county;

(iii) A biennial adjustment shall be made after these factors are considered; and

(iv) Counties not receiving any portion of additional funds pursuant to this formula shall not have their base allocation reduced due to application of this formula.

(c) Funding appropriated through legislative proviso, including vendor rate increases, shall be distributed to the population directed by the legislature utilizing a formula as directed by the legislature or using a formula specific to that population or distributed to identified people;

(d) The ability of the community to provide funds for the developmental disability program provided in chapter 71A.14 RCW may be considered with any or all of the above.

(3) A county may utilize seven or less percent of the county's allocated funds for county administrative expenses. A county may utilize more than seven percent for county administration with approval of the division director. A county electing to provide all services directly, in addition to county administration, is exempt from this requirement.

(4) The department may withhold five or less percent of allocated funds for new programs, for state-wide priority programs, and for emergency needs.

[Statutory Authority: RCW 71A.14.040, 92-13-032 (Order 3404), § 275-25-530, filed 6/10/92, effective 7/11/92. Statutory Authority: RCW 71A.14.030, 91-17-005 and 91-17-025 (Orders 3230 and 3230A), § 275-25-530, filed 8/9/91 and 8/14/91, effective 9/9/91 and 9/14/91. 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.]

Chapter 275-26 WAC

COMMUNITY RESIDENTIAL SERVICES AND SUPPORT

WAC

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275-26-021	Review and evaluation.
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275-26-065	Staffing.
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275-26-107	Program set-up cost.
275-26-110	Change of ownership.
275-26-115	Accounting procedures for client accounts.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

275-26-012	Tenant support agencies. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-012, filed 2/9/83.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
275-26-015	Initial and interim certification. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-015, filed 2/9/83.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
275-26-030	Evaluation and supervision. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-030, filed 2/9/83.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
275-26-032	Emergency and other services. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-032, filed 2/9/83.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
275-26-080	Health services. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-080, filed 2/9/83.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
275-26-085	Tenant support program plan. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-085, filed 2/9/83.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
275-26-090	Tenant services. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-090, filed 2/9/83.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
275-26-500	Alternative living program. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-500, filed 2/9/83.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
275-26-520	Eligibility. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-520, filed 2/9/83.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
275-26-530	Evaluation and supervision. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-530, filed 2/9/83.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
275-26-540	Administration of alternative living services. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-540, filed 2/9/83.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
275-26-550	Alternative living services. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-550, filed 2/9/83.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
275-26-560	Provider requirements. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-560, filed 2/9/83.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.
275-26-570	Maximum compensation. [Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-570, filed 2/9/83.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.12.080.

WAC 275-26-005 Purpose. (1) The purpose of these standards is to specify measures which shall carry out the

legislative intent of Title 71A RCW authorizing the department to provide or contract for the provision of services to clients with developmental disabilities residing in community residential settings.

(2) Residential services shall provide eligible clients the opportunity to:

(a) Enjoy all rights and privileges under the Constitution and laws of the United States and the state of Washington;

(b) Participate in community life with nonhandicapped and less-handicapped persons to the greatest extent possible; and

(c) Achieve a greater measure of independence and fulfillment.

[Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-005, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-005, filed 2/9/83.]

WAC 275-26-010 Definitions. (1) "Agency" means the department-certified entity providing residential instruction and support services to clients.

(2) "Certification" means the determination of satisfactory compliance with the rules and regulations outlined as referenced under this chapter.

(3) "Client" means a person the division determines under RCW 71A.16.040 and WAC 275-27-026 eligible for division-funded services.

(4) "Client/provider account" means an account in the name of one client where the client or client's provider has the authority to make deposits or withdrawals. The banking laws under RCW 30.22.040 refer to this as an "agency account."

(5) "Client services" means instruction and support activities promoting the following client-centered benefits:

(a) Health and safety:

(i) Needing and using health services;

(ii) Dealing with illness and injury and first aid procedures;

(iii) Learning about basic nutrition;

(iv) Maintaining good health;

(v) Obtaining mental health services when needed;

(vi) Learning about human sexuality;

(vii) Being aware of fire evacuation plans;

(viii) Knowing emergency procedures, including how to use 911 or a local emergency number;

(ix) Being aware of burglary protection strategies; and

(x) Learning self-protection.

(b) Personal power and choice:

(i) Securing housing and furnishings reflecting personal preferences, life style, and financial means;

(ii) Expressing opinions and making decisions;

(iii) Learning and exercising rights and responsibilities;

(iv) Improving communication skills;

(v) Participating in various activities, including new experiences;

(vi) Exercising a voter's rights;

(vii) Learning about available protection and advocacy services; and

(viii) Making career choices.

(c) Positive recognition by self and others:

(i) Creating positive self-esteem and feelings of self-worth;

(ii) Choosing valued social roles; and

(iii) Having choices influencing valued perception of self and others.

(d) Integration in the physical and social life of the community:

(i) Residing in areas convenient to shopping, banking, eating, worshipping, learning, making friends, and otherwise participating in community life;

(ii) Assisting people to use available transportation;

(iii) Meeting new people and participating with other members of the community in shared activities; and

(iv) Accessing educational and vocational opportunities.

(e) Positive relationships:

(i) Establishing, maintaining, expanding, and improving relationships by providing personal interaction opportunities with people;

(ii) Involving the client's family, guardian, or representative in planning and decision making which affect the client;

(iii) Resolving disagreements among clients or among clients and family, friends, neighbors, and co-workers;

(iv) Coping with the loss of a significant relationship, such as the death of a friend or family member, end of a relationship, loss of a job, or change of staff.

(f) Competence and self-reliance:

(i) Learning and using skills useful to the client, such as meal planning, grocery shopping, meal preparation, cleaning laundry, using household appliances, money management and budgeting, and use of leisure time in settings where the skills are needed;

(ii) Identifying situations in which the client needs or desires assistance from others;

(iii) Accomplishing tasks requiring the assistance of staff or others; and

(iv) Acquiring and using adaptive devices and equipment.

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

(7) "Depositor," when utilized in determining the rights of persons to funds in an account, means a person who owns the funds.

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

(9) "Exemption" means the department's approval of a written request for an exception to a rule in this chapter.

(10) "Facility based" means a residence which is owned, leased, or rented by an entity other than the client.

(11) "Frequency" means how often a designated event has occurred.

(12) "Group home" means a residence licensed by the applicable state authority and operated by an agency certified by the division of developmental disabilities.

(13) "Group training home" means a residence meeting the definition of RCW 71A.22.020(2) and which is operated by an agency certified by the division of developmental disabilities as defined under RCW 71A.22.040.

(14) "Imprest fund" means a petty cash fund which has a pre-established limit. The total of the cash in the fund and receipts from withdrawals from the fund equal the pre-established limit.

(15) "Individual account" means one account in the name of one client primarily managed by a provider.

(16) "Individual client cash" means one client's cash controlled by the provider.

(17) "Instruction" means goal-oriented teaching addressing skill acquisition and skill enhancement.

(18) "Nonfacility based" means the client owns, leases, sub-leases, or rents a residence although others, except the department, may guarantee the client's credit.

(19) "Nursing assistant" means a nursing assistant-registered under chapter 18.88A RCW, or a nursing assistant-certified under chapter 18.88A RCW.

(20) "Provider" means the agency or individual with which the department contracts for providing client instruction and support services.

(21) "Reprisal" means any negative action taken as retaliation against an employee. A rebuttable presumption is raised that reprisal has occurred if a negative action occurs within a year of a refusal to delegate or accept delegation. Occurring as a result of a lawful employee action, "reprisal" includes, but is not limited to:

- (a) Harassment;
- (b) Firing;
- (c) Demotion; or
- (d) Disciplinary action.

(22) "Residence" means the place or home where a client resides.

(23) "Residential service" means work or duties performed by the provider to meet clients' daily living needs and enhance clients' lives.

(24) "Secretary" means the secretary of social and health services or the secretary's designee.

(25) "Severity" means the seriousness of the occurrence as determined by the:

- (a) Actual or potential negative outcomes for residents; or
- (b) Extent to which the resident's physical, mental, or psychosocial well-being is compromised or threatened.

(26) "Support" means:

- (a) Assistance to a client in performance of necessary functions or tasks; or
- (b) The performance of a task on behalf of a client, that is, someone else does the client's task.

(27) "Trust account" means an account containing two or more clients' funds where the provider has the authority to make deposits or withdrawals.

[Statutory Authority: Chapters 18.88A and 71A.12 RCW. 96-10-076 (Order 3978), § 275-26-010, filed 5/1/96, effective 6/1/96. Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-010, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-010, filed 2/9/83.]

WAC 275-26-019 Exemptions. (1) The department may approve an exemption to a specific rule in this chapter as defined under WAC 275-26-010(9) provided an:

(a) Assessment of the exemption request ensures granting the exemption shall not undermine the legislative intent of Title 71A RCW; and

(b) Evaluation of the exemption request shows granting the exemption shall not affect the quality of the services, supervision, health, and safety of department-served persons.

(2) Agencies and individual providers shall retain a copy of each department-approved exemption.

[Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-019, filed 8/9/91, effective 9/9/91.]

WAC 275-26-020 Certification. (1) Initial certification.

(a) The agency's application for initial certification shall include a mission statement, budget forecast, staff coverage schedule, staff in-service training plan, and agency policies and procedures. The department shall provide the county a copy of the agency's application. The department shall review the recommendations from the county.

(b) The agency shall file with the department a statement of assurance stating the agency shall not:

- (i) Refuse a client's admission to the agency;
- (ii) Deny participation in the activities of the agency; or
- (iii) Deny employment at the agency on the grounds of:
 - (A) Race;
 - (B) Religion;
 - (C) Marital status;
 - (D) Age;
 - (E) Sexual orientation;
 - (F) Color;
 - (G) Creed;
 - (H) National origin; or
 - (I) Handicapping condition, including communicable diseases and HIV/AIDS.

(c) The agency shall comply with:

- (i) Relevant federal, state, and local laws and ordinances; and
- (ii) Department-established standards of care, instruction, and support.

(d) Initial certification may be granted upon assurance the agency shall comply with the rules and regulations outlined under chapter 275-26 WAC within one hundred eighty days of the effective date.

(e) Upon receipt of initial certification, the agency shall be approved for receiving referrals and serving clients.

(f) In the event initial certification expires before the date of formal evaluation and review, the department may extend initial certification for a specified period of time, not to exceed one hundred eighty days.

(2) Regular certification.

(a) Upon the department's determination of satisfactory compliance with the rules and regulations described and referenced herein, through formal evaluation and review under WAC 275-26-030, the department may certify an agency as approved for continued referral of and service provision to clients.

(b) The agency's certification may be granted for either a one-year or two-year period, but the department may require a more frequent certification review.

(c) The county may submit recommendations to the department before certification.

(d) Regular certification may be extended for a period not to exceed one hundred eighty days.

(3) Provisional certification.

(a) An agency found out of compliance with the provisions of this chapter may be subject to provisional certification not to exceed one hundred eighty days.

(b) When the agency does not comply with the requirements of chapter 275-26 WAC within the one hundred eighty days, the department shall initiate certification

revocation. If the agency contests the department's ruling, the agency may request an administrative review conference as described under WAC 275-26-022.

(c) The department's notice of denial, modification, suspension, or revocation of certification is governed by chapter 43.20A RCW and section 95, chapter 175, Laws of 1989.

(d) When an agency comes into compliance with the requirements of chapter 275-26 WAC within one hundred eighty days, the department may grant a regular one-year or two-year certification.

(4) Decertification:

(a) When the department determines the agency does not comply with this chapter the department may revoke the agency's certification as governed under chapter 43.20A RCW and section 95, chapter 175, laws of 1989;

(b) If the agency contests the department's decision, the agency may request an administrative review conference as described under WAC 275-26-022.

[Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-020, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. 86-08-003 (Order 2349), § 275-26-020, filed 3/20/86; 83-05-017 (Order 1945), § 275-26-020, filed 2/9/83.]

WAC 275-26-021 Review and evaluation. (1) The department shall review and/or evaluate the agency's services as set forth by law or this chapter. Evaluation shall occur biennially, but the department may require more frequent evaluations.

(2) The department may, at any time, review each client's records and activities to ensure the agency continues serving the client's needs, interests, and welfare.

(3) The department shall file a report of the evaluation results. When the agency is out of compliance with the standards and regulations contained in chapter 275-26 WAC and department contracts, the report shall specify the corrective action to be implemented within a specific time. When corrective action is not implemented within the specified time, the department may withdraw the agency's certification as described under WAC 275-26-020.

(4) The department shall have the right to conduct additional evaluations or audits of the agency as the department deems necessary.

[Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-021, filed 8/9/91, effective 9/9/91.]

WAC 275-26-022 Administrative review conference—Adjudicative proceeding process. (1) Within twenty-eight days after a community residential support agency is notified of a certification determination it wishes to challenge, the agency shall request, in writing, that the division director or the division director's designee review such determination. The agency shall:

(a) Sign the request;

(b) Identify the challenged determination and the date thereof; and

(c) State as specifically as practicable the issues and regulations involved and the grounds for the agency's contention that the determination is erroneous. The agency shall include with the request copies of any documentation the agency intends to rely on to support its position.

(2) After receiving a timely request meeting the criteria of this section, the director shall contact the agency to schedule a conference for the earliest mutually convenient time. The director shall schedule the conference for no later than thirty days after a properly completed request is received, unless both parties agree, in writing, to a specific later date. The conference may be conducted by telephone unless either the department or the agency requests, in writing, the conference be held in person.

(3) The agency and appropriate representatives of the department shall attend the conference. The agency shall bring to the conference, or provide to the department in advance of the conference, any documentation the agency intends to rely on to support the agency'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 shall be furnished to the agency within sixty days after the conclusion of the conference.

(5)(a) An agency contesting the director's determination shall within twenty-eight days of receipt of the determination:

(i) File a written application for an adjudicative proceeding by a method showing proof of receipt with the office of appeals; and

(ii) Include in or with the application:

(A) A specific statement of the issue or issues and law involved;

(B) The grounds for contesting the director's determination; and

(C) A copy of the director's determination being contested.

(b) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 43.20A.205, this chapter, and chapter 388-08 WAC. If any provision in this chapter conflicts with chapter 388-08 WAC, the provision in this chapter governs.

[Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-022, filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 34.05.220 (1)(a) and 71.12.030 [71A.12.030]. 90-04-074 (Order 2997), § 275-26-022, filed 2/5/90, effective 3/1/90. Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-022, filed 2/9/83.]

WAC 275-26-025 Eligibility for residential services and support. Any client authorized by the division of developmental disabilities shall be eligible for residential services as defined by this chapter.

[Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-025, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-025, filed 2/9/83.]

WAC 275-26-050 Client remuneration. Clients performing work for the agency shall be given remuneration in accordance with wage and hour laws and requirements stipulated by federal and state law, unless the United States Department of Labor or state department of labor and industries has granted written exemption.

[Statutory Authority: RCW 71A.12.080, 91-17-005 (Order 3230), § 275-26-050, filed 8/9/91, effective 9/9/91. 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 owner or board of directors of the agency shall have department-approved written statements including, but not limited to, the following:

- (a) Agency philosophy, objectives, and goals;
- (b) Program description and admission criteria;
- (c) Policies and procedures describing the following:
- (i) Division administrative policy number one prohibiting abuse:

(A) The agency administrator shall complete and file with the division the document entitled division of developmental disabilities administrative policy number one prohibiting a client's mistreatment, neglect, or abuse. The agency shall retain a copy of the document; and

(B) All agency staff working with clients shall sign a similar department-approved document. The agency shall keep the document on record.

(ii) Organizational chart and description showing all supervisory relationships;

(iii) Definition of staff roles and responsibilities, including the person designated to act in the absence of the administrator;

(iv) Criminal background inquiries required under chapter 388-330 WAC;

(v) Client confidentiality and release of information;

(vi) Client rights and grievance procedure;

(vii) Protection of client's financial interests, including management of client accounts, if applicable;

(viii) Drug administration, supervision, handling, storage, and disposal;

(ix) Self-administration of drugs, prescribed or not;

(x) Response to and contingency planning for:

(A) Medical emergencies;

(B) Natural or other disasters;

(C) Missing persons;

(D) Clients involved with law enforcement; and

(E) Unmanageable client behavior.

(xi) Notification of client's guardian and/or relatives in case of emergency.

(2) Following emergencies, as defined under WAC 275-27-020, the agency shall:

(a) Immediately notify the department orally of a serious incident or emergency as described in department policy;

(b) Submit a written incident report to the department as required by law or policy; and

(c) Notify the client's guardian or legal representative.

[Statutory Authority: RCW 71A.12.080, 91-17-005 (Order 3230), § 275-26-055, filed 8/9/91, effective 9/9/91. 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 owner or board of directors of the agency shall maintain current written personnel policies and procedures which shall be made available to all employees.

(2) Personnel policies and practices shall not discriminate against any employee or applicant for employment because of race, color, sex, religion, national origin, creed, marital status, sexual orientation, age, Vietnam era or

disabled veteran status, or the presence of any sensory, mental, or physical handicap, including communicable diseases, and HIV/AIDS, provided the sensory, mental, or physical handicap does not prevent the job's specific performance.

(3) Agency-employed staff shall meet the following minimum requirements:

(a) Have a background inquiry clearance by the authorized state agency;

(b) Exhibit mature behavior and the ability to make independent judgments;

(c) Be twenty-one years of age or older when employed as an administrator;

(d) Be eighteen years of age or older when employed as a direct care staff; and

(e) Have attained a high school diploma or GED equivalent. Current employees are exempt from subsection (3)(e) effective the date of this amendatory act.

(4) Agency employees shall treat a client with dignity and consideration, respecting the client's civil and human rights at all times.

(5) The performance of the administrator and each employee shall be evaluated, in writing, annually or more often by the agency. An owner/administrator is exempt from this requirement.

(6) The administrator or administrator's designee shall be responsible for:

(a) Recruiting, employing, and arranging for residential services staff training;

(b) Terminating from employment any employee performing in an unsatisfactory manner; and

(c) Preparing and maintaining policies and procedures pertaining to clients personnel and financial records; and

(d) Securely storing client, personnel and financial records.

(7) Clients shall not be routinely involved in the instruction and support of other clients.

[Statutory Authority: RCW 71A.12.080, 91-17-005 (Order 3230), § 275-26-060, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW, 83-05-017 (Order 1945), § 275-26-060, filed 2/9/83.]

WAC 275-26-065 Staffing. (1) An agency shall provide sufficient staff to administer the program and perform instruction and support services.

(2) An agency shall provide the client with immediate access to staff or the means to contact staff twenty-four hours a day, seven days each week.

(3) An agency required to have twenty-four-hour, on-duty staff coverage shall have a department-approved staff coverage schedule:

(a) At the time of certification; and

(b) When substantial changes occur. The agency shall retain a copy of department approval of their staffing schedule.

(4) Staff availability.

(a) An agency operating a residential program shall have a designated administrator.

(b) Each facility-based residence shall maintain staffing requirements applicable to the specific licensing regulations and contract requirements under which the agency operates.

(c) When only one direct care staff member is on duty, the agency shall make or have provisions for a second person on call in case of an emergency.

[Statutory Authority: RCW 71A.12.080. 93-04-029 (Order 3504), § 275-26-065, filed 1/27/93, effective 2/27/93; 91-17-005 (Order 3230), § 275-26-065, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-065, filed 2/9/83.]

WAC 275-26-070 Staff training. (1) The agency shall orient the new employee to the agency's philosophy, goals, policies, procedures, and program services within the first:

(a) Two weeks of employment for staff scheduled to work twenty hours or more per week; or

(b) Four weeks of employment for staff scheduled to work less than twenty hours per week.

(2) The agency shall ensure new employees receive a minimum of twelve hours of training during the first six weeks of employment. Such training shall include a combination of orientation, instruction, and on-the-job training.

(3) The agency shall provide a minimum of twenty training hours to each direct service employee during the subsequent five employment months. Such staff training shall include, but not be limited to:

(a) Basic first aid/CPR;

(b) Knowledge and transmission of Hepatitis B; and

(c) Knowledge and transmission of human immunodeficiency virus (HIV), and acquired immunodeficiency syndrome (AIDS).

(4) The agency shall review and explain the current instruction and support plan for each client for whom the employee provides direct services before the employee works alone with the client.

(5) The agency shall document orientation, review, and training activities.

[Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-070, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW. 83-05-017 (Order 1945), § 275-26-070, filed 2/9/83.]

WAC 275-26-071 Individual service plan. The agency shall participate with department staff, the client, the client's guardian or legal representative, and other interested persons in the development of the individual service plan (ISP), under RCW 71A.18.010 and WAC 275-27-060, as required for each client.

[Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-071, filed 8/9/91, effective 9/9/91.]

WAC 275-26-072 Instruction and support. (1) The agency shall develop a written individual instruction and support plan (IISP) for each client:

(a) Based on the goals established in the department's individual service plan (ISP);

(b) Reflecting the client's preferences and concurrence;

(c) Identifying activities promoting one or more of the following client services:

(i) Health and safety;

(ii) Personal power and choice;

(iii) Positive recognition by self and others;

(iv) Integration in the physical and social life of the community;

(v) Positive relationships; and

(vi) Competence and self-reliance.

(d) Identifying the specific goal and describing the methods of instruction and support promoting client-centered benefits and independence in the community.

(2) The agency shall:

(a) Implement the individual instruction and support plan (IISP) in a manner:

(i) Appropriate to the age of the client;

(ii) Taking place or occurring in typical community settings; and

(iii) Resulting in opportunities for:

(A) Positive change;

(B) Personal growth; and

(C) Development toward maximum independence.

(b) Document progress toward achieving the benefits described in the individual instruction and support plan (IISP);

(c) Review the plan semi-annually or more often;

(d) Consult with other providers serving the client and other interested persons as needed to coordinate and promote the individual instruction and support plan (IISP); and

(e) Revise the individual instruction and support plan (IISP) as benefits are achieved.

[Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-072, filed 8/9/91, effective 9/9/91.]

WAC 275-26-073 Health services. (1) The agency shall have a means and procedure for ensuring a client has access to personal care and hygiene services, health services, mental health services, and dental services. For a client for whom the agency provides an average of thirty hours or more of service per month, the agency shall provide instruction and support to the client by:

(a) Maintaining health records;

(b) Assisting the client to arrange appointments with health professionals;

(c) Assisting and ensuring transportation for the client to health services;

(d) Monitoring the client's implementation of medical treatment prescribed by health professionals; and

(e) Communicating directly with health professionals, when indicated.

(2) For each client for whom the agency provides an average of thirty hours or more a month, the agency shall ensure the client receives an annual physical and dental examination unless an exemption is granted, in writing, from the appropriate medical professional.

(3) The agency shall document client refusal to participate in health care services. Documentation shall include:

(a) A written description of events concerning client refusal to participate in health services; and

(b) A written plan to teach the client the benefits of health care participation.

[Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-073, filed 8/9/91, effective 9/9/91.]

WAC 275-26-074 Nurse delegation. (1) Before being authorized to perform a delegated nursing care task, staff shall:

(a) Be a nursing assistant-registered or nursing assistant-certified;

(b) Complete nurse delegation core training as approved by the department. The training includes but is not limited to:

- (i) Nurse delegation laws and protocols;
- (ii) Basic medical knowledge; and
- (iii) Medication administration.

(c) The certified community residential services agency shall document this training activity and a certificate shall be issued to the nursing assistant upon completion of the required training.

(2) Nursing assistants delegated a nursing care task in compliance with the nursing care quality assurance commission requirements shall perform the task:

(a) In compliance with all requirements and protocols established by the commission in chapter 246-840 WAC;

(b) Only for the specific client who was the subject of the delegation; and

(c) Only with the consent of the client or a person authorized to provide consent for health care on behalf of the client under this section and RCW 7.70.065. "Persons authorized to provide consent for health care" shall be a member of one of the following classes of persons in the following order of priority:

- (i) Legal guardian, if any;
- (ii) An individual who holds a durable power of attorney for health care decisions;
- (iii) The client's spouse;
- (iv) The client's children who are at least eighteen years of age;
- (v) The client's parents; and
- (vi) The client's adult siblings.

(3) The nursing assistant shall not transfer delegated authority to perform the nursing care tasks to another nursing assistant.

(4) The nursing assistant:

(a) May consent or refuse to consent to perform a delegated nursing care task;

(b) Shall be responsible for the nursing assistant's own actions with regard to the decision to consent or refuse to consent to the performance of the delegated task; and

(c) The nursing assistant shall not be subject to any employer reprisal for refusing to accept delegation of a nursing care task.

(5) The agency shall post and keep posted in a conspicuous place or places where notices to employees are customarily posted, the toll free telephone number established by aging and adult services administration for receiving complaints regarding delegation of specific nursing tasks to nursing assistants.

[Statutory Authority: Chapters 18.88A and 71A.12 RCW. 96-10-076 (Order 3978), § 275-26-074, filed 5/1/96, effective 6/1/96.]

WAC 275-26-075 Client records. (1) The client's records shall include, but not be limited to, the following:

(a) The client's name, address, and Social Security Number;

(b) The client's guardian or legal representative's name, address, and telephone number;

(c) Copies of legal guardianship papers, if any;

(d) Client health records:

(i) Names, addresses, and telephone numbers of relatives or responsible persons and the name, address, and telephone number of the client's:

- (A) Physician;
- (B) Dentist;
- (C) Mental health provider; or
- (D) Others providing client health care services.

(ii) Health care providers' instructions regarding health care needed, including appointment dates and date of next appointment if appropriate;

(iii) Written documentation that the health care providers' instructions have been followed; and

(iv) A record of prosthesis and other artificial parts;

(e) A copy of the department's individual service plan (ISP); and

(f) The client's agency-developed individual instruction and support plan (IISP).

(2) The agency shall maintain and keep current documentation of:

(a) Instruction and support activities for each client as a basis for review, study, and evaluation of the overall progress in programs provided by the agency to the participating clients;

(b) Semi-annual review of the IISP;

(c) Consultation with other service providers and other interested persons;

(d) IISP revisions and changes; and

(e) Other activities relevant to the client.

(3) The agency serving a client an average of thirty hours or more a month shall assist the client in maintaining a current, written property record. The record shall include:

(a) A list of personal possessions, including clothing the client purchases, with a value of one hundred dollars or more per item;

(b) A list of items the client owns when moving into the program;

(c) Description and identifying numbers, if any;

(d) The date of acquisition of items purchased after moving into the program;

(e) The date and reason for addition or removal from the record; and

(f) The signature of the staff making the entry.

(4) Individual providers shall maintain records as required by the department.

(5) The agency shall consider all client record information:

(a) Privileged and confidential;

(b) Available to the department, to the client, and to residential services staff, as needed, to provide client services;

(c) Available to the county developmental disabilities board when the department requests it as allowed under RCW 71A.14.070.

(6) The agency shall prepare and record all record entries:

(a) In ink;

(b) At the time of or immediately following the occurrence of the event recorded, in legible writing, dated, and signed by the person making the entry.

(7) Any transfer or inspection of records, except under subsection (5) of this section, shall be authorized by a release of information form, specific to the transfer or inspection signed by the client or guardian.

[Statutory Authority: RCW 71A.12.080, 91-17-005 (Order 3230), § 275-26-075, filed 8/9/91, effective 9/9/91. Statutory Authority: Chapter 72.33 RCW, 83-05-017 (Order 1945), § 275-26-075, filed 2/9/83.]

WAC 275-26-076 Nurse delegation—Penalties. (1)

The department shall impose a civil fine of not less than two hundred fifty dollars and not more than one thousand dollars on any provider that knowingly performs or knowingly permits an employee to perform a nursing task except as delegated by a nurse under:

(a) Chapter 18.88A RCW; and

(b) Chapter 246-840 WAC (nursing care quality commission regulations).

(2) When assessing civil fines, the investigator shall consider:

(a) Severity of occurrence;

(b) Frequency of occurrence; and

(c) Other relevant factors relating to the occurrence.

(3) The department shall make technical assistance available to providers for purposes of education and assistance in order to help providers comply with nurse delegation rules and protocols.

(a) The department's technical assistance program shall include:

(i) Requested or voluntarily accepted technical assistance visits during which or soon after which the department informs the provider of violation of law or agency rules;

(ii) How to access the technical assistance;

(iii) Printed information;

(iv) Information and assistance by phone;

(v) Training meetings;

(vi) Other appropriate methods to provide technical assistance; and

(vii) A list of organizations that provide technical assistance.

(b) The provider shall be given a reasonable period of time to correct violations identified during a technical assistance visit before any civil penalty provided by law is imposed for those violations except as provided in subsection (3)(c) of this section;

(c) A civil penalty may be issued during a technical assistance visit if:

(i) The provider has previously been:

(A) Subject to an enforcement action for the same or similar type of violation of the same statute or rule; or

(B) Given previous notice of the same or similar type of violation of the same statute or rule; or

(ii) The violation has a probability of placing a person in danger of death or bodily harm.

(d) Nothing in these rules obligates the department to conduct a technical assistance visit.

(4) Before imposition of a civil fine and for clarification purposes, the department may take substantially the following steps:

(a) Notify the agency of the concern;

(b) Give the agency an opportunity to explain circumstances or present additional information which may clarify concern;

(c) Request the agency to provide additional information if necessary;

(d) Nothing in this rule shall be construed to require the department to impose a fine if a determination is made that no unlawful delegation occurred.

[Statutory Authority: Chapters 18.88A and 71A.12 RCW, 96-10-076 (Order 3978), § 275-26-076, filed 5/1/96, effective 6/1/96.]

WAC 275-26-077 Notice of fine and appeal rights.

(1) The department shall give the provider written notice of the civil fine. The department shall ensure the notice:

(a) States the amount and reasons for the fine and the applicable law under which the fine is imposed; and

(b) Informs the provider of the right to request an adjudicative hearing.

(2) A civil fine becomes due twenty-eight days after the service of the written notice of the fine unless the provider requests a hearing in compliance with chapter 34.05 RCW and RCW 43.20A.215. If a hearing is requested, the department shall stay the fine pending a final decision on the matter.

(3) A provider contesting the department's decision to impose a civil fine shall, within twenty-eight days of receipt of the decision:

(a) File a written application for an adjudicative proceeding by a method showing proof of receipt with the Office of Appeals, P.O. Box 2465, Olympia, WA 98504; and

(b) Include in or with the application:

(i) The grounds for contesting the department decision; and

(ii) A copy of the contested department decision.

(4) Administrative proceedings shall be governed by chapter 34.05 RCW, RCW 43.20A.215, and chapter 388-08 WAC. If any provision in this section conflicts with chapter 388-08 WAC, the provision in this section governs.

(5) When a provider disagrees with the department's finding of a violation under this chapter, the provider shall have the right to have the violation reviewed under the department's dispute resolution process.

(6) Upon request by the provider, the department shall expedite the dispute resolution process to review the imposition of a civil fine.

(7) No agency may discriminate or retaliate in any manner against a person because the person made a complaint or cooperated in the complaint investigation.

[Statutory Authority: Chapters 18.88A and 71A.12 RCW, 96-10-076 (Order 3978), § 275-26-077, filed 5/1/96, effective 6/1/96.]

WAC 275-26-087 Transportation. (1) The agency shall ensure or provide transportation for medical emergencies and medical appointments and therapies.

(2) The agency shall assist the client with or arrange transportation, in conjunction with the client and the division, for:

(a) Implementation of the individual service plan (ISP);

(b) Implementation of the individual instruction and support plan (IISP);

- (c) Work, school or other publicly-funded services;
 - (d) Leisure or recreation activities; and
 - (e) Client-requested activities.
- (3) An agency vehicle used to transport clients shall be:
- (a) In safe operating condition; and
 - (b) Properly insured for its usage.

[Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-087, filed 8/9/91, effective 9/9/91.]

WAC 275-26-095 Physical requirements. (1) The agency shall ensure facility-based residential services provide clients the following conditions or necessary equipment:

- (a) A clean, safe, and healthful environment;
- (b) A location in a residential neighborhood within reasonable distance of necessary physical resources, such as stores, banks, laundromats, churches, job opportunities, and other public services;
- (c) An adequate first-aid kit or supplies and a first-aid manual; and
- (d) Compliance with all licensing regulations, when applicable.
- (e) Current facility-based agencies are exempt from subsection 1(b) effective the date of this amendatory act.

(2) The agency shall ensure nonfacility-based residential services provide clients with the following conditions or necessary equipment:

- (a) A clean, safe, and healthful environment;
- (b) Access to client-usable telephone equipment;
- (c) A working smoke detector, light-alarmed if clients are hearing impaired, located in proximity to sleeping rooms;
- (d) A flashlight or other nonelectrical light source in working condition;
- (e) Basic first-aid supplies;
- (f) An evacuation plan, developed and practiced with the client, placed or stored within the living unit;
- (g) A safe storage area for flammable and combustible materials;
- (h) Unblocked exits; and
- (i) Accessibility by customary forms of ingress and egress for space utilized for residential purposes, excluding ladders, folding stairs, or trap doors.

(3) The agency providing nonfacility-based residential services shall document activities with a client relevant to subsection (2) of this section.

[Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-095, filed 8/9/91, effective 9/9/91. 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 275-26-100 Payment for service. (1) The department shall pay for residential services provided to eligible clients under department contract or policy.

(2) For a client receiving facility-based residential services and support:

- (a) The client shall pay for cost of care or service from earnings or financial resources under department policy;
- (b) Department payments under this chapter shall be supplemental to other financial resources of the client; and
- (c) When a client's guardian controls the client's income, estate, or trust fund, the guardian shall reimburse the agency as described under this section.

(3) A client receiving nonfacility-based residential services shall pay for their own housing, utilities, food, clothing, and other personal and incidental expenses from earnings and other financial resources.

(4) The department shall require a client to participate in defraying the cost of services when mandated by federal or state statute or regulation.

(5) The provider shall inform the department when the client requires services beyond levels described under chapter 275-26 WAC. The department may approve and provide payment for additional expenses or services. The provider shall retain a copy of department approval.

(6) To ensure a client is not charged for services provided by state-funded programs, any payment made for health services with client funds shall be supported by the department's written denial.

[Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-100, filed 8/9/91, effective 9/9/91.]

WAC 275-26-107 Program set-up cost. (1) The department may enter into a contractual agreement to reimburse the provider for costs incurred to establish the program. The provider's costs shall:

- (a) Be based on a budget negotiated with the department; and
 - (b) Include client costs of establishing a residence.
- (2) The provider shall submit the department-required billing documents.

[Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-107, filed 8/9/91, effective 9/9/91.]

WAC 275-26-110 Change of ownership. (1) An agency shall inform the department in writing sixty days prior to a change of ownership.

(2) On the effective date of a change of ownership, the department shall terminate the department's certification with the previous provider.

(3) The department shall withhold final payment to the previous provider until the previous provider submits and the department accepts all reports and required documents.

[Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-110, filed 8/9/91, effective 9/9/91.]

WAC 275-26-115 Accounting procedures for client accounts. (1) Clients' cash or bank accounts controlled by a provider shall be subject to the provisions of this chapter. Clients' accounts shall include, but not be limited to:

- (a) Trust accounts;
- (b) Client/provider accounts;
- (c) Individual accounts;
- (d) Individual client cash; and
- (e) Imprest fund(s).

(2) An account the client independently manages shall not be subject to the provisions of this section.

(3) The provider shall protect a client's financial interests by:

(a) Making available to the requesting client the money held for the client unless a client's guardian or legal representative makes other arrangements;

(b) Securing a client's or client's guardian's or legal representative's written consent for the management of the client's account;

(c) Keeping the client's account current by maintaining a running balance;

(d) Reconciling the client's account to the bank statement monthly;

(e) Making deposits to the client's account within one week of receiving the client's money;

(f) Preventing the client's account from becoming overdrawn or showing a debit;

(g) Limiting imprest and individual client cash funds to a reasonable amount necessary for the needs of the client, not to exceed fifty dollars per client;

(h) Maintaining documentation to support financial transactions for the specific type of account:

(i) Trust account records shall include:

(A) A control journal;

(B) Monthly bank statements and reconciliations;

(C) Checkbook registers and bankbooks;

(D) Deposit receipts;

(E) Canceled checks;

(F) Receipts for purchases; and

(G) Itemized subsidiary ledgers showing deposits, withdrawals, and interest payments to individual clients.

(ii) Client/provider accounts or individual accounts shall include the following records:

(A) Monthly bank statements and reconciliations;

(B) Checkbook registers and bankbooks showing deposits, withdrawals, and interest payments to the client;

(C) Deposit receipts;

(D) Canceled checks; and

(E) Receipts for purchases.

(iii) Individual client cash fund records shall include:

(A) A detailed ledger;

(B) Monthly reconciliation to the cash amount;

(C) Detailed accounting of money received on behalf of the client, including cash received from writing checks over the purchase amount and disposition of money spent; and

(D) Receipts for purchases costing over twenty dollars.

(iv) Imprest fund records shall include:

(A) A subsidiary ledger;

(B) A monthly reconciliation to the cash amount;

(C) A detailed accounting of money received on behalf of the client and disposition of money spent;

(D) Receipts for purchases over the amount of twenty dollars;

(E) Itemized ledgers showing a client's deposits and withdrawals, and interest payments paid to clients.

(i) Notifying the department when the client's account reaches three hundred dollars less than the maximum amount allowable by federal or state law; and

(j) Making each client's account available for the secretary's audit and inspection.

(k) Making client funds available to the client or a new provider on the day of transfer or movement when there is change of ownership or a client moves.

(4) When a client's provider receives a check made out to the client, the provider assisting the client shall:

(a) Secure the client's signature and designation "for deposit only" and deposit the check to the client's account; or

(b) Secure the client's "x" mark in the presence of another witness; and

(i) Co-sign the check with the designation "for deposit only"; and

(ii) Deposit the check to the client's account.

(5) When a provider manages client/provider accounts and individual accounts, the agency and client checks shall:

(a) Be signed at the time of purchase only;

(b) Be signed by the client;

(c) Be initialed or signed by the staff assisting the client; and

(d) Not be written for amounts greater than a purchase unless the provider maintains required documentation described under subsection (3)(h)(ii) of this section.

(6) A provider shall pay overdraft charges, fees resulting from the provider's error or mismanagement when they control:

(a) Trust accounts;

(b) Client/provider accounts; and

(c) Imprest funds.

(7) A provider shall pay service charges for trust accounts and imprest funds when they control them.

(8) The agency shall retain all clients' financial records for a minimum of six years after audit, settlement or contract termination, including but not limited to:

(a) Client's related bankbooks;

(b) Bank statements;

(c) Checkbooks;

(d) Check registers; and

(e) All voided and canceled checks.

(9) The client's provider may loan money to the client from the provider's funds and collect the debt from the client by installments.

(10) The client's provider shall not:

(a) Charge the client interest for money loaned; or

(b) Borrow funds from the client.

(11) Upon a provider's transfer of ownership or movement of the client the previous provider shall within thirty days:

(a) Give the client, the client's guardian, or the client's legal representative a written accounting of all client's funds held by the provider;

(b) When applicable give the new provider a written accounting, in accordance with generally accepted accounting principles, of all transferred client funds;

(c) Obtain the client's, client's guardian's, or client's legal representative's written receipt for all the transferred funds; and

(d) When applicable, obtain the new provider's written receipt for the transferred funds.

(12) When a client becomes incapacitated or a client's whereabouts are unknown, the client's provider shall within thirty days transfer the client's funds to the client's legal guardian or to the department.

(13) When a client dies, the clients provider shall within thirty days transfer the client's funds to the client's legal guardian or to the department if the client does not have a legal heir.

(14) The provider shall not release client funds to a person other than the client or the client's guardian or legal representative without the written consent of the client or the secretary.

[Statutory Authority: RCW 71A.12.080. 91-17-005 (Order 3230), § 275-26-115, filed 8/9/91, effective 9/9/91.]

Chapter 275-27 WAC

DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES RULES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

275-27-210	Home aid resources. [Statutory Authority: RCW 71.20.070. 84-15-058 (Order 2124), § 275-27-210, filed 7/18/84; Order 1143, § 275-27-210, filed 8/11/76.] Repealed by 86-18-049 (Order 2418), filed 8/29/86. Statutory Authority: RCW 71.20.070.
275-27-300	Completion of individual program plan—Residential habilitation centers. [Statutory Authority: RCW 71.20.070. 84-15-058 (Order 2124), § 275-27-300, filed 7/18/84. 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.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.16.020.
275-27-310	Exclusion of child from educational program—Residential schools. [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.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.16.020.
275-27-320	Discipline—Expulsion—Suspension. [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.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71A.16.020.
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

275-27-610	27.01.090, 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.
275-27-615	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.
275-27-620	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), § 275-27-680, 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.
275-27-685	Adult developmental training center—Staffing. [Statutory Authority: RCW 72.01.090, 72.33.165, 72.33.800, and 72.33.810. 78-04-003 (Order 1277), § 275-27-685, 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.

WAC 275-27-020 Definitions. (1) "Best interest" includes, but is not limited to, individual client-centered benefits designed to:

- Prevent regression or loss of skills already acquired;
- Achieve or maintain economic self-support;
- Achieve or maintain self-sufficiency;
- Prevent or remedy neglect, abuse, or exploitation of individuals unable to protect their own interest;
- Preserve or reunite families; and
- Prevent or reduce inappropriate institutional care by providing the least-restrictive setting that will meet the

individual's medical and personal needs, such as community-based services, home-based services, or other forms of less-intensive service.

(2) "Client or person" means a person the division determines under RCW 71A.16.040 and WAC 275-27-026 eligible for division-funded services.

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

(4) "Director" means the director of the division of developmental disabilities.

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

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

(7) "Exemption" means the department's approval of a written request for an exception to a rule in this chapter.

(8) "ICF/MR" means a facility certified as an intermediate care facility for the mentally retarded by Title XIX to provide services to the mentally retarded or persons with related conditions.

(9) "Individual" means the person for whom division services are requested.

(10) "Informed consent" means an agreement obtained from a person or the person's authorized representative, for such person's participation in an activity other than health care. Informed consent for health care shall be provided under RCW 7.70.065. The following information is necessary to informed consent:

(a) An explanation of the procedures to be followed including an identification of experimental procedures;

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

(c) A description of the expected benefits;

(d) A disclosure of appropriate alternative procedures;

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

(f) Instruction that consent may be withdrawn and participation discontinued at any time.

(11) "Intelligence quotient score" means a full scale score on the Wechsler, or the intelligence quotient score on the Stanford-Binet or the Leiter International Performance Scale.

(12) "Nonresidential programs" means programs including, but not limited to, county-funded habilitation services.

(13) "Residential programs" means those programs providing domiciliary care or other residential services, including, but not limited to, state residential facilities, group homes, nursing homes, ICF/MRs, tenant support services, congregate care facilities, boarding homes, children's foster homes, adult family homes, and group training homes.

(14) "Respite care" means temporary services provided to a developmentally disabled person and the person's family on either an emergency or planned basis without which the individual may need an alternative living environment.

(15) "Secretary" means the secretary of the department of social and health services or the secretary's designee.

[Statutory Authority: RCW 71A.14.030 and 71A.16.020. 92-09-115 (Order 3373), § 275-27-020, filed 4/21/92, effective 5/22/92. Statutory Authority: RCW 71A.16.020. 91-17-005 (Order 3230), § 275-27-020, filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71.20.070. 89-06-049 (Order 2767), § 275-27-020, filed 2/28/89; 84-15-058 (Order 2124), § 275-27-020, filed 7/18/84. 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 275-27-023 Exemptions. (1) The department may approve an exemption to a specific rule in this chapter as defined under WAC 275-27-020(7) provided an:

(a) Assessment of the exemption shall not undermine the legislative intent of Title 71A RCW; and

(b) Evaluation of the exemption request shows granting the exemption shall not adversely effect the quality of the services, supervision, health, and safety of department-served persons.

(2) Agencies and individual providers shall retain a copy of each department-approved exemption.

[Statutory Authority: RCW 71A.16.020. 91-17-005 (Order 3230), § 275-27-023, filed 8/9/91, effective 9/9/91.]

WAC 275-27-026 Eligibility for services. (1) A developmental disability is a condition which meets all of the following:

(a) A condition defined as mental retardation, cerebral palsy, epilepsy, autism, or another neurological or other condition as described under WAC 275-27-026;

(b) Originates before the individual reaches eighteen years of age;

(c) Is expected to continue indefinitely; and

(d) Results in a substantial handicap.

(2) Mental retardation is a condition resulting in significantly subaverage general intellectual functioning as evidenced by:

(a) A diagnosis of mental retardation documented by a licensed psychologist or certified school psychologist; and

(b) A substantial handicap when the individual has an intelligence quotient score of more than two standard deviations below the mean using the Stanford-Binet, Wechsler, or Leiter International Performance Scale; and

(c) An intelligence quotient score which is not:

(i) Expected to improve with treatment, instruction, or skill acquisition above the established level; or

(ii) Attributable to mental illness or other psychiatric condition; and

(d) Meeting the requirements of developmental disability under subsection (1)(b) and (c) of this section.

(3) Cerebral palsy is a condition evidenced by:

(a) A diagnosis of cerebral palsy by a licensed physician; and

(b) A substantial handicap when, after forty-eight months of age:

(i) An individual needs direct physical assistance in two or more of the following activities:

(A) Eating;

(B) Dressing;

(C) Bathing;

(D) Toileting; or

(E) Mobility; or

(ii) An individual meets the requirements under subsection (6)(b) of this section; and

(c) Meeting the requirements under subsection (1)(b) and (c) of this section.

(4) Epilepsy is a condition evidenced by:

(a) A diagnosis of epilepsy by a board-eligible neurologist, including documentation the condition is chronic; and

(b) The presence of partially controlled or uncontrolled seizures; and

(c) A substantial handicap when the individual:

(i)(A) Requires the presence of another individual to monitor the individual's medication, and is certified by a physician to be at risk of serious brain damage/trauma without direct physical assistance from another individual; or

(B) In the case of individuals eighteen years of age or older only, requires the presence of another individual to monitor the individual's medication, and is unable to monitor the individual's own medication resulting in risk of medication toxicity or serious dosage side effects threatening the individual's life; or

(ii) Meets the requirements under subsection (6)(b) of this section; and

(d) Meeting the requirements under subsection (1)(b) and (c) of this section.

(5) Autism is a condition evidenced by:

(a) A specific diagnosis, by a board-eligible psychiatrist or licensed clinical psychologist, of autistic disorder, a particular diagnostic subgroup of the general diagnostic category pervasive developmental disorders; and

(b) A substantial handicap shown by:

(i) The presence of significant deficits of social and communication skills and marked restriction of activities of daily living, as determined by one or more of the following persons with at least one year's experience working with autistic individuals:

- (A) Licensed psychologists;
- (B) Psychiatrists;
- (C) Social workers;
- (D) Certified communication disorder specialists;
- (E) Registered occupational therapists;
- (F) Case managers;
- (G) Certificated educators; and
- (H) Others; or

(ii) Meeting the requirements under subsection (6)(b) of this section; and

(c) Meeting the requirements under subsection (1)(b) and (c) of this section.

(6) Another neurological or other condition closely related to mental retardation, or requiring treatment similar to that required for individuals with mental retardation is a condition evidenced by:

(a)(i) Impairment of the central nervous system as diagnosed by a licensed physician; and

(ii) A substantial handicap when, after forty-eight months of age, an individual needs direct physical assistance with two or more of the following activities:

- (A) Eating;
- (B) Dressing;
- (C) Bathing;
- (D) Toileting; or
- (E) Mobility; and

(iii) An intelligence quotient score of at least one and one-half standard deviations below the mean, using the Wechsler Intelligence Scale, the Stanford-Binet, or the Leiter International Performance Scale; and

(iv) Meeting the requirements under subsection (1)(b) and (c) of this section; or

(b) A condition evidenced by:

(i) An intelligence quotient score at least one and one-half standard deviations below the mean, using the Wechsler Intelligence Scale, the Stanford-Binet, or the Leiter International Performance Scale; or

(ii) If the individual's intelligence score is higher than one and one-half standard deviations below the mean, then current or previous eligibility for participation in special education, under WAC 392-171-376 through 392-171-451, shall be demonstrated. Such participation shall not currently or at eighteen years of age be solely due to one or more of the following:

- (A) Psychiatric impairment;
- (B) Serious emotional/behavioral disturbance; or
- (C) Orthopedic impairment; and

(iii) A substantial handicap when a standard score of more than two standard deviations below the mean in each of four domains of the adaptive behavior section of the Inventory for Client and Agency Planning (ICAP) is obtained, the domains identified as:

- (A) Motor skills;
- (B) Social and communication skills;
- (C) Personal living skills;
- (D) Community living skills; and
- (iv) The ICAP is administered at least every twenty-four months; and

(v) Is not attributable to mental illness, personality and behavioral disorders, or other psychiatric conditions; and

(vi) Meets the requirements under subsection (1)(b) and (c) of this section; or

(c) A child under six years of age at risk of developmental disability, as measured by developmental assessment tools and administered by qualified professionals, showing a substantial handicap as evidenced by one of the following:

(i) A delay of at least twenty-five percent of the chronological age in one or more developmental areas between birth and twenty-four months of age; or

(ii) A delay of at least twenty-five percent of the chronological age in two or more developmental areas between twenty-five and forty-eight months of age; or

(iii) A delay of at least twenty-five percent of the chronological age in three or more developmental areas between forty-nine and seventy-two months of age; and

(iv) Such eligibility shall be subject to review at any time, but at least at thirty-six months of age and at least seventy-two months of age;

(v) Developmental areas as described in subsection (6)(c) of this section are:

- (A) Fine or gross motor skills;
- (B) Self-help skills;
- (C) Expressive and receptive communication skills, including American sign language skills;
- (D) Social skills; and
- (E) Cognitive, academic, or problem-solving skills.

(vi) Qualified professionals, as described in subsection (6)(c) of this section, include, but are not limited to, the following professionals with at least one year's experience and training in the field of child development and preferably in the area of developmental disabilities:

- (A) Licensed physicians;
- (B) Licensed psychologists;
- (C) Certified communication disorder specialists;

- (D) Registered occupational therapists;
- (E) Licensed physical therapists;
- (F) Case managers;
- (G) Registered public health nurses; and
- (H) Educators.

(vii) Any standardized developmental assessment tool may be used if the tool:

(I) Is reasonably reliable and valid by professional standards; and

(II) Demonstrates the information required to make a determination of the developmental delay; or

(d) A child under six years of age having a diagnosis of Down Syndrome.

[Statutory Authority: RCW 71A.10.020. 92-04-004 (Order 3319), § 275-27-026, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 71.20.070. 89-06-049 (Order 2767), § 275-27-026, filed 2/28/89.]

WAC 275-27-030 Determination of eligibility. (1)

The department shall determine an individual eligible for services upon application if the individual meets developmental disability criteria as defined under WAC 275-27-026.

(2) The department may require appropriate documents substantiating the presence of a developmental disability.

(3) When the department uses or requires the Wechsler Intelligence Test for the purposes of this chapter, the department may consider any standardized Wechsler Intelligence Test as a valid measure of intelligence, assuming a full scale score can be obtained.

(4) If, in the opinion of the testing psychologist, an individual is not able to complete all of the subtests necessary to achieve a full scale score on the Wechsler, the department shall make a professional judgment about the person's intellectual functioning, based upon the information available.

(5) When an applicant has a significant hearing impairment, the department may use or require the Leiter International Performance Scale to determine the individual's intelligence quotient for the purposes of WAC 275-27-026.

(6) When an applicant has a significant vision impairment, the department may use or require the Wechsler verbal intelligence quotient score as the intelligence quotient score for the purposes of WAC 275-27-026.

(7) When an Inventory for Client and Agency Planning (ICAP) is required by the department to demonstrate a substantial handicap, the department shall provide or arrange for the administration of the ICAP.

(8) The department shall determine an applicant's eligibility for services within ten working days of receipt of the completed application and supporting documents.

(9) Any documentation the department requires shall be subject to departmental review. The department may also review client eligibility at any time.

(10) The secretary or designee may authorize eligibility under subsection (1) of this section under the following conditions:

(a) To register a child under eighteen years of age who is eligible for medically intensive home care services, under the department's Title XIX Model 50 waiver program; or

(b) To eliminate the department's requirement for documentation of disability prior to eighteen years of age when:

(i) The applicant is otherwise eligible under WAC 275-27-026; and

(ii) The department and applicant are unable to obtain any documentation of disability originating prior to eighteen years of age; and

(iii) The department has determined the applicant's condition occurred prior to eighteen years of age.

[Statutory Authority: RCW 71.20.070. 89-06-049 (Order 2767), § 275-27-030, filed 2/28/89; 84-15-058 (Order 2124), § 275-27-030, filed 7/18/84; Order 1143, § 275-27-030, filed 8/11/76.]

WAC 275-27-040 Application for services. (1) All applications for division services shall be filed with one of the division field 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 or parents or guardian of such an individual.

[Statutory Authority: RCW 71.20.070. 84-15-058 (Order 2124), § 275-27-040, filed 7/18/84. 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 sixty days from the date of the division's decision that an individual is developmentally disabled, the appropriate division field services office shall evaluate the individual's needs to determine which services, if any, are necessary to serve the client's best interest.

(2) Upon completion of the evaluation, an individual service plan with determination of necessary services shall be prepared pursuant to WAC 275-27-060 or other department forms as appropriate.

(3) Determination of necessary services shall not be regarded as a guarantee of service authorization or delivery. Service authorization and delivery of services shall be pursuant to WAC 275-27-230.

[Statutory Authority: RCW 71.20.070. 86-18-049 (Order 2418), § 275-27-050, filed 8/29/86; 84-15-058 (Order 2124), § 275-27-050, filed 7/18/84. 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 service plan. (1) The division may develop a written individual service plan (ISP) or other planning documents for each person determined eligible for division and department services within ninety days of the eligibility date. Interim services may be provided if necessary.

(2) An ISP shall be based on an assessment of a person's needs and will specify the services adjudged to be in the best interests of the person and meet the person's habilitation needs. The ISP shall be in the form and manner specified by the director.

(3) A person, the parent if a person is seventeen years of age or younger, or the person's guardian, or an advocate, or the service provider may request review or modification of the service plan at any time based on changed circumstances.

(4) The department's implementation of specific provisions of the plan shall require the development, review,

and may require significant modifications of the ISP and shall include, to the maximum extent possible:

- (a) Appropriate division staff;
- (b) The person;
- (c) The person's parent or guardian;
- (d) Advocate; and

(e) Representatives of the agency or facility which is, or will be, primarily responsible for the implementation of specific provisions of the plan.

(5) An ISP shall be a planning document, and shall not be an authorization for services. An ISP shall not guarantee the authorization or delivery of services. The authorization of such services is described under WAC 275-27-230.

[Statutory Authority: RCW 71A.16.020. 91-17-005 (Order 3230), § 275-27-060, filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71.20.070. 86-18-049 (Order 2418), § 275-27-060, filed 8/29/86; 84-15-058 (Order 2124), § 275-27-060, filed 7/18/84. 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 275-27-219 Continuity of family support services. (1) It is the policy of the department to recognize the dependence of individuals currently receiving family support services at a given level of services, and to avoid disruption of those services at that given level when possible.

(2) In order for the department to maximize the continuity of service while remaining within appropriated funds for family support services, when appropriated funds for family support services do not permit serving new applicants or increasing services to current recipients without reducing services to existing clients, the department may deny requests for new or increased services based on the lack of funds pursuant to WAC 275-27-230.

(3) These requests may be denied even if the service need levels, as described in WAC 275-27-223, of new applicants or current recipients are of a higher priority than those currently receiving services.

[Statutory Authority: RCW 71A.12.040. 92-13-024 (Order 3394), § 275-27-219, filed 6/9/92, effective 7/10/92.]

WAC 275-27-220 Family support services. (1) The department's intent of family support services shall be to:

(a) Reduce or eliminate the need for out-of-home residential placement of a client where the in-home placement is in the client's best interest;

(b) Allow a client to live in the most independent setting possible; and

(c) Have access to services best suited to a client's needs.

(2) The department's family support services shall include, but not be limited to, the following services:

- (a) Emergency or planned respite care;
- (b) Attendant care;
- (c) Therapeutic services, including:
 - (i) Physical therapy;
 - (ii) Occupational therapy;
 - (iii) Behavior management therapy; and
 - (iv) Communication therapy.

(d) The purchase, rental, loan, or refurbishment of specialized equipment, environmental modifications, and other adaptations; and

(e) Other service approved by the director or designee as described under subsection (1) of this section.

(3) The department shall authorize services to the family for a specified time-limited period.

(a) A departmental service authorization shall state the type, amount, and period (duration) of service. Each department authorization shall constitute a new service for a new period.

(b) If requested family support services are not authorized, such actions shall be deemed a denial of services.

(c) Family support services may be authorized below the amount requested by the family for the period. When, during the authorized service period, family support services are reduced or terminated below the amount specified in service authorizations, the department shall deem such actions as a reduction or termination of services.

(4) The department shall authorize family support services in accordance with department-established policies. The department shall base periodic service authorizations on:

(a) Requests for family support services described in subsection (2) of this section;

(b) Service need levels as described in section 223 of this chapter;

(c) Availability of family support funding;

(d) The family's ability to purchase services required by a minor client as described under WAC 275-27-221 based on family-provided financial information; and

(e) Authorization by a review committee, in each regional office, which reviews each request for service.

(5) The department shall authorize family support services contingent upon the applicant providing accurate and complete information concerning family income and disability-related expenses as requested by the department.

(6) The department shall ensure service authorizations do not exceed maximum amounts for each service need level based on the availability of funds.

(7) The department shall not authorize a birth parent, adoptive parent, or stepparent living in the same household as the client as the direct care provider for respite, attendant, nursing, therapy, or counseling services for a child seventeen years of age or younger.

(8) The department shall ensure subsections (4)(d) and (5) of this section are only in effect until July 31, 1995.

[Statutory Authority: RCW 71A.12.040 and 43.43.745. 94-04-092 (Order 3702), § 275-27-220, filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 71A.12.040. 92-09-114 (Order 3372), § 275-27-220, filed 4/21/92, effective 5/22/92. Statutory Authority: RCW 71.20.070. 88-05-004 (Order 2596), § 275-27-220, filed 2/5/88; 86-18-049 (Order 2418), § 275-27-220, filed 8/29/86.]

WAC 275-27-221 Family financial participation.

(1) "Dependent" means a relative who depends on the family income for at least half of the relative's support.

(2) "Disability-related expenses" means the:

(a) Most recent annual expenses provided by the family to eligible clients including bills from physician, dentists, and other medical professionals;

(b) Clients' health insurance premiums and/or medical spenddown;

(c) Amounts paid to rent or purchase medical equipment;

(d) Amounts paid for modification of homes or vehicles to accommodate the eligible children;

(e) Specialized clothing;

(f) Exceptional child care and other disability-related expenses.

(3) "Family" means a person or a person and the person's spouse, if not legally separated, and the person's dependents.

(4) "Gross family income" means the total income of all members of a family, or adjusted gross income as specified on line thirty-one of the Internal Revenue Service form 1040 and line sixteen of the Internal Revenue Service form 1040A. Income includes:

(a) Earned income, such as wages and tips;

(b) Unearned income, such as interest, dividends, and pensions;

(c) Family's share of income from S corporations (domestic corporation with one class of stock having thirty-five or less shareholders, who are U.S. citizens), partnerships, estates, and trusts;

(d) Gains from the sale or exchange (including barter) of real estate, securities, coins, gold, silver, gems, or other property;

(e) Gain from the sale or exchange of the family's main home;

(f) Accumulation distributions from trusts;

(g) Scholarships and fellowship grants;

(h) Original issue discount, distribution from simplified employee pensions (SEPs) and deductible employee contributions (DECs);

(i) Amounts received in place of wages from accident and health plans if employer paid for the policy;

(j) Bartering income, Tier 2 and supplemental annuities under the Railroad Retirement Act;

(k) Life insurance proceeds from a policy the family cashed in if the proceeds are more than the premiums paid;

(l) Endowments;

(m) Lump-sum distributions;

(n) Prizes and awards;

(o) Gambling winnings;

(p) Social Security;

(q) Capital gains; and

(r) Child support.

(s) Income does not include earned income by dependent family members, nor income of a family member who resides in another household when such income is not available to the family member seeking family support services.

(5) Based on the level of family support services authorized under WAC 275-27-220(4) for a client who is seventeen years of age or younger, in order to be authorized for family support services, each family shall provide the department with accurate and complete information sufficient to assess the family's ability to participate in the purchase of family support services. This information includes:

(a) Family's annual gross income;

(b) Family size; and

(c) Client's disability-related expenses.

(6) The department shall make an assessment of the family's ability to purchase services required by the client as follows:

(a) Determine the annual gross income of the eligible client's family;

(b) Not require families, whose annual gross income is less than three hundred percent of the statewide need standard, rounded up to the next even one thousand dollars, based on family size, to participate in the purchase of family support services;

(c) Require families, whose annual gross income is three hundred percent or more of the statewide need standard, rounded up to the next even one thousand dollars, based on family size, to participate in the purchase of the services according to the following incremental formula:

(i) For that portion of a family's income between three hundred percent and four hundred percent of the statewide need standard, rounded up to the next even one thousand dollars, based on family size, family financial participation shall be six percent times that portion of the family's reported income;

(ii) In addition, for that portion of a family's income between four hundred percent and five hundred percent of the statewide need standard, rounded up to the next even one thousand dollars, based on family size, family financial participation shall be six and one-half percent times that portion of the family's reported income;

(iii) In addition, for that portion of a family's income between five hundred percent and six hundred percent of the statewide need standard, rounded up to the next even one thousand dollars, based on family size, family financial participation shall be seven percent times that portion of the family's reported income;

(iv) In addition, for that portion of a family's income between six hundred percent and seven hundred percent of the statewide need standard, rounded up to the next even one thousand dollars, based on family size, family financial participation shall be seven and one-half percent times that portion of the family's reported income;

(v) In addition, for that portion of a family's income between seven hundred percent and eight hundred percent of the statewide need standard, rounded up to the next even one thousand dollars, based on family size, family financial participation shall be eight percent times that portion of the family's reported income;

(vi) In addition, for that portion of a family's income between eight hundred percent and nine hundred percent of the statewide need standard, rounded up to the next even one thousand dollars, based on family size, family financial participation shall be eight and one-half percent times that portion of the family's reported income;

(vii) In addition, for that portion of a family's income between nine hundred percent and one thousand percent of the statewide need standard, rounded up to the next even one thousand dollars, based on family size, family financial participation shall be nine percent times that portion of the family's reported income;

(viii) In addition, for that portion of a family's income between one thousand percent and eleven hundred percent of the statewide need standard, rounded up to the next even one thousand dollars, based on family size, family financial participation shall be nine and one-half percent times that portion of the family's reported income;

(ix) In addition, for that portion of a family's income between eleven hundred percent and fourteen hundred

percent of the statewide need standard, rounded up to the next even one thousand dollars, based on family size, family financial participation shall be ten percent times that portion of the family's reported income; and

(x) The department shall not authorize family support services for families whose annual gross income is over fourteen hundred percent of the statewide need standard, rounded up to the next even one thousand dollars, based on family size.

(d) The department shall adjust the annual gross income downward for annual disability-related expenses incurred by the family for eligible clients.

(7) The department may reevaluate at any time the ability of a family to purchase required family support services under this subsection, but not less than once per year or when the department believes there is a change of factors that determine ability to purchase services including family income and family size.

(8) The department shall recompute the required level of participation as described under subsection (7) of this section if the department's reevaluation reveals a difference of one hundred twenty dollars per year or more between the:

(a) Family's current ability to participate in the purchase of family support services; and

(b) Level of financial participation most recently determined by the department.

(9) The department may recompute the level of participation when the difference is less than one hundred twenty dollars per year.

(10) The department shall ensure this section is only in effect until July 31, 1995.

[Statutory Authority: RCW 71A.12.040 and 43.43.745. 94-04-092 (Order 3702), § 275-27-221, filed 2/1/94, effective 3/4/94.]

WAC 275-27-223 Service need levels. (1) The department shall use service need levels to determine periodic family support service authorizations.

(2) The department shall determine service need levels in order of priority for funding as follows:

(a) Service need level 1: Client is at immediate risk of out-of-home placement without the provision of family support services. The client needs intensive residential support to assist the client's family to care for the family's child or adult requiring nursing services, attendant care, or support due to difficult behaviors. A client shall:

(i) Have received, over the past three months, at least ten days or eighty hours of service; or

(ii) Requires at least ten days or eighty hours per month of service to prevent immediate out-of-home placement, based upon an assessment conducted by the department;

(b) Service need level 2: Client is at high risk of out-of-home placement without the provision of family support services and has one or more of the following documented in writing:

(i) The client:

(A) Currently receives adult protective services or division of children and family services as an active:

(I) Child protective service client;

(II) Child welfare service client; or

(III) Family reconciliation service client.

(B) Has returned home from foster care or group care placement within the last six months;

(C) Has a serious medical problem requiring close and ongoing monitoring and/or specialized treatment, such as:

(I) Apnea monitor;

(II) Tracheotomy;

(III) Heart monitor;

(IV) Ventilator;

(V) Constant monitoring due to continuous seizures;

(VI) Immediate life-saving intervention due to life threatening seizures;

(VII) Short bowel syndrome; or

(VIII) Brittle bone syndrome.

(D) Has a dual diagnosis based on current mental health DSM Axis I diagnosis;

(E) Has an extreme behavioral challenge resulting in health and safety issues for self and/or others which:

(I) Resulted in serious physical injury to self or others within the last year;

(II) For a client who is two years of age or older, requires constant monitoring when awake for personal safety reasons; or

(III) Is of imminent danger to self or others as determined by a psychiatrist, psychologist, or other qualified professional.

(F) Is ten years of age or older or weighs forty pounds or more, requires lifting, and needs direct physical assistance in three or more of the following areas:

(I) Bathing;

(II) Toileting;

(III) Feeding;

(IV) Mobility; or

(V) Dressing.

(ii) The caregiver:

(A) Is a division of developmental disabilities client;

(B) Has a physical or medical problem that interferes with providing care; or

(C) Has serious mental health or substance abuse problems and:

(I) Is receiving counseling for these problems; or

(II) Has received or applied for counseling within the past six months.

(c) Service need level 3: The family is at risk of significant deterioration which could result in an out-of-home placement of the client without provision of family support services due to the following:

(i) The client requires direct physical assistance, above what is typical for such client's age, in three or more of the following areas:

(A) Bathing;

(B) Toileting;

(C) Feeding;

(D) Mobility; or

(E) Dressing.

(ii) The client has current behavioral episodes resulting in:

(A) Physical injury to the client or others;

(B) Substantial damage to property; and/or

(C) Chronic sleep pattern disturbances or chronic continuous screaming behavior.

(iii) The client has medical problems requiring substantial extra care; and/or

- (iv) The family is:
 - (A) Experiencing acute and/or chronic stress;
 - (B) Has acute or chronic physical limitations; or
 - (C) Has acute or chronic mental or emotional limitations.
- (d) Service need level 4: Family needs temporary or ongoing services in order to:
 - (i) Receive support to relieve and/or prevent stress of caregiver/family; or
 - (ii) Enhance the current functioning of the family.
- (3) The department shall determine service need level of the client's service request by reviewing information received from the client, family, and other sources about:
 - (a) Whether client is an active recipient of services from the division of children and family services or adult protective services;
 - (b) Whether indicators of risk of out-of-home placement exist, and the imminence of such an event. The department's assessment of such risk may include:
 - (i) Review of family's requests for placement;
 - (ii) History of family's involvement with children's protective services or adult protective services;
 - (iii) Client's current adjustment;
 - (iv) Parental history of psychiatric hospitalization;
 - (v) Clinical assessment of family's condition; and
 - (vi) Statements from other professionals.
 - (c) Caregiver conditions, such as acute and/or chronic:
 - (i) Stress;
 - (ii) Physical limitations; and
 - (iii) Mental and/or emotional impairments.
 - (d) Client's need for intense medical, physical, or behavioral support;
 - (e) Family's ability to use typical community resources;
 - (f) Availability of private, local, state, or federal resources to help meet the need for family support;
 - (g) Severity and chronicity of family or client problems; and
 - (h) Degree to which family support services will:
 - (i) Ameliorate or alleviate such problems; and
 - (ii) Reduce the risk of out-of-home placement.

[Statutory Authority: RCW 71A.12.040 and 43.43.745. 94-04-092 (Order 3702), § 275-27-223, filed 2/1/94, effective 3/4/94. Statutory Authority: RCW 71A.12.040. 92-09-114 (Order 3372), § 275-27-223, filed 4/21/92, effective 5/22/92. Statutory Authority: RCW 71.20.070. 88-05-004 (Order 2596), § 275-27-223, filed 2/5/88.]

WAC 275-27-230 Authorization of services. (1) The division's field services section shall be responsible for authorizing services received by eligible persons including, but not limited to:

- (a) Placement to and from residential habilitation centers;
 - (b) Other community residential services;
 - (c) Family support services; and
 - (d) Nonresidential programs.
- (2) The division's authorization of services shall be based on the availability of services and funding.
- (3) The division shall include the following persons when determining authorized services:
- (a) The person;
 - (b) The person's parent or guardian and may include:
 - (i) The person's advocate; or

- (ii) Other responsible parties.
- (4) The division shall not make an emergency or temporary admission of a person to a residential habilitation center for thirty-one days or more without the written approval of the division director or the director's designee.
- (5) The division shall authorize county-funded services only when the:
 - (a) Service is included in a department contract;
 - (b) Person is at least twenty-one years of age and graduated from school during their twenty-first year; or
 - (c) Person is twenty-two years of age or older; or
 - (d) Person is two years of age or younger and eligible for early intervention services.
- (6) The department shall require a person to participate in defraying the cost of services provided when mandated by state or federal regulation or statute.

[Statutory Authority: RCW 71A.16.020. 91-17-005 (Order 3230), § 275-27-230, filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71.20.070. 86-18-049 (Order 2418), § 275-27-230, filed 8/29/86; 84-15-058 (Order 2124), § 275-27-230, filed 7/18/84. 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 division's field services may include services to protect the financial interests of developmentally disabled individuals.

[Statutory Authority: RCW 71.20.070. 84-15-058 (Order 2124), § 275-27-240, filed 7/18/84; Order 1143, § 275-27-240, filed 8/11/76.]

WAC 275-27-250 Guardianship services. If it appears an eligible individual requires a guardian, the division's field services may assure initiation of and/or assist in guardianship proceedings.

[Statutory Authority: RCW 71.20.070. 84-15-058 (Order 2124), § 275-27-250, filed 7/18/84; Order 1143, § 275-27-250, filed 8/11/76.]

WAC 275-27-400 Notification. (1) The department shall notify the client or applicant, the parent when the client or applicant is a minor, and the guardian when the client or applicant is an adult, of the following decisions:

- (a) Denial or termination of eligibility set forth in WAC 275-27-030;
 - (b) Development or modification of the individual service plan set forth in WAC 275-27-060;
 - (c) Authorization, denial, reduction, or termination of services set forth in WAC 275-27-230; and
 - (d) Admission or readmission to, or discharge from, a residential habilitation center.
- (2) The notice shall set forth appeal rights pursuant to WAC 275-27-500 and a statement that the client's case manager can be contacted for an explanation of the reasons for the action.

(3)(a) The department shall provide notice of a denial or partial authorization of a family support services request and a statement of reason for denial or partial authorization to the person or persons described in subsection (1) of this section. The department shall send such notice no later than five working days before the end of the month previous to the month for which service was requested;

(b) The department shall make available an administrative review of a decision to deny or partially authorize services upon receipt of a written request by a person or persons described in subsection (1) of this section to the administrator of the region in which the client is living. The regional office must receive a request for administrative review by the last working day of the month;

(c) The client shall state in the written request why the client or client's family believes their service priority designation is not correct;

(d) Upon receipt of request for administrative review, the regional administrator or designee shall review the request and the client file; and

(e) The department shall send the results of the administrative review to the client and/or family within the first five working days of the service month for which the client is being denied or receiving a partial authorization for services.

(4) The department shall provide at least thirty days' advance notice of action to terminate a client's eligibility, terminate or reduce a client's service, or discharge a client from a residential habilitation center to the community, except for the transfer or removal of a client from a service set forth in WAC 275-27-500 (5)(f).

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

(6) The division shall ensure notification to the school district in which a school-aged child is to be placed when a placement decision is reached.

[Statutory Authority: RCW 71.20.070, 88-05-004 (Order 2596), § 275-27-400, filed 2/5/88; 86-18-049 (Order 2418), § 275-27-400, filed 8/29/86; 84-15-058 (Order 2124), § 275-27-400, filed 7/18/84. 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 Adjudicative proceeding. (1) A client, former client, or applicant acting on the applicant's own behalf or through an authorized representative has the right to an adjudicative proceeding to contest the following department actions:

(a) Denial or termination of eligibility set forth in WAC 275-27-030;

(b) Development or modification of the individual service plan set forth in WAC 275-27-060;

(c) Authorization, denial, reduction, or termination of services set forth in WAC 275-27-230;

(d) Admission or readmission to, or discharge from, a residential habilitation center;

(e) A claim the client, former client, or applicant owes an overpayment debt;

(f) A decision of the secretary under RCW 71A.10.060 or 71A.10.070;

(g) A decision to change a client's placement from one category of residential services to a different category of residential services.

(2) Adjudicative proceedings are governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 71A.10.050, the rules in this chapter, and by chapter 388-08 WAC. If any provision in this chapter conflicts with chapter 388-08 WAC, the provision in this chapter shall govern.

(3) The applicant's application for an adjudicative proceeding shall be in writing and filed with the DSHS office of appeals within twenty-eight days of receipt of the decision the appellant wishes to contest.

(4) The department shall not implement the following actions while an adjudicative proceeding is pending:

(a) Termination of eligibility;

(b) Reduction or termination of service, except when the action to reduce or terminate the service is based on the availability of funding and/or service; or

(c) Removal or transfer of a client from a service, except when a condition in subsection (5)(f) of this section is present.

(5) The department shall implement the following actions while an adjudicative proceeding is pending:

(a) Denial of eligibility;

(b) Development or modification of an individual service plan;

(c) Denial of service;

(d) Reduction or termination of service when the action to reduce or terminate the service is based on the availability of funding or service;

(e) After notification of an administrative law judge's (or review judge) ruling that the appellant has caused an unreasonable delay in the proceedings; or

(f) Removal or transfer of a client from a service when:

(i) An immediate threat to the client's life or health is present;

(ii) The client's service provider is no longer able to provide services due to:

(A) Termination of the provider's contract;

(B) Decertification of the provider;

(C) Nonrenewal of provider's contract;

(D) Revocation of provider's license; or

(E) Emergency license suspension.

(iii) The client, the parent when the client is a minor, or the guardian when the client is an adult, approves the decision.

(6) When the appellant files an application to contest a decision to return a resident of a state residential school to the community, the procedures specified in RCW 71A.10.050(2) shall govern the proceeding. These procedures include:

(a) A placement decision shall not be implemented during any period during which an appeal can be taken or while an appeal is pending and undecided unless the:

(i) Client's or the client's representative gives written consent; or

(ii) Administrative law judge (or review judge) after notice to the parties rules the appellant has caused an unreasonable delay in the proceedings.

(b) The burden of proof is on the department; and

(c) The burden of proof is whether the specific placement proposed by the department is in the best interests of the resident.

(7) The initial order shall be made within sixty days of the department's receipt of the application for an adjudicative proceeding. When a party files a petition for administrative review, the review order shall be made within sixty days of the department's receipt of the petition. The decision-rendering time is extended by as many days as the

proceeding is continued on motion by, or with the assent of, the appellant.

[Statutory Authority: RCW 71A.16.020, 91-17-005 (Order 3230), § 275-27-500, filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 34.05.220 (1)(a) and 71.12.030 [71A.12.030], 90-04-074 (Order 2997), § 275-27-500, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 71.20.070, 86-18-049 (Order 2418), § 275-27-500, filed 8/29/86. Statutory Authority: RCW 72.33.161, 84-15-038 (Order 2122), § 275-27-500, filed 7/13/84. Statutory Authority: RCW 72.01.090, 72.33.040, 72.33.125 and 72.33.165, 78-04-033 (Order 1280), § 275-27-500, filed 3/16/78; Order 1143, § 275-27-500, filed 8/11/76.]

WAC 275-27-800 Community alternatives program (CAP). Purpose—Legal basis.

(1) The purpose of this program is to authorize certain home and community-based services for persons with developmental disabilities to provide an alternative to care in an institution for the mentally retarded (IMR).

(2) Community alternatives program (CAP) is a Medicaid program authorized by P.L. 97-35 Section 2176 as approved by the secretary of the U.S. Department of Health and Human Services.

[Statutory Authority: RCW 71.20.020, 84-07-018 (Order 2086), § 275-27-800, filed 3/14/84.]

WAC 275-27-810 Eligible persons. (1) To be eligible to apply for community alternatives program (CAP) services, the individual must:

(a) Meet the criteria for the division of developmental disabilities (DDD) eligibility.

(b) Meet the criteria for disability as established in the Social Security Act.

(c) Have an income of less than three hundred percent of the federal Supplemental Security Income (SSI) benefit amount.

(d) Need an IMR level of care as determined by a DDD nursing care consultant.

(i) Require twenty-four hour care and require services that cannot be provided by a family member, and

(ii) Have a documented need for habilitation services and training.

(2) Participation in CAP is by choice of the otherwise IMR-eligible person.

[Statutory Authority: RCW 71.20.020, 84-07-018 (Order 2086), § 275-27-810, filed 3/14/84.]

WAC 275-27-820 Community alternatives program (CAP)—Services. (1) The department may authorize the following services under 42 CFR Part 435 as specified in the ISP:

(a) Case management services, including intake, eligibility determination, assessment of need, service coordination, service authorization, placement and case monitoring;

(b) Habilitation services, including instruction, support, and supervision in developing a person's physical skills, personal care, social and community integration skills;

(c) Family support for an eligible person needing support and supervision which the person's family cannot provide; and

(d) Other community-based services.

(2) The department cost of a person's services under CAP shall not exceed one hundred percent of the cost of care in an ICF/MR.

(3) The division shall review CAP eligibility under 42 CFR Part 435 on forms specified by the division director.

[Statutory Authority: RCW 71A.16.020, 91-17-005 (Order 3230), § 275-27-820, filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 71.20.020, 84-07-018 (Order 2086), § 275-27-820, filed 3/14/84.]

**Chapter 275-30 WAC
JUVENILE PAROLE REVOCATION**

WAC

275-30-010	Definitions.
275-30-020	Conditions of parole.
275-30-030	Parole suspension, arrest, and detention.
275-30-040	Parole revocation petition.
275-30-050	Waiver of hearing.
275-30-060	Parole revocation hearing.
275-30-070	Confinement.
275-30-080	Reinstatement of parole.

WAC 275-30-010 Definitions. (1) "Department" means the department of social and health services.

(2) "Juvenile parole officer" means a state employee, or person under contract to the state, whose responsibilities include supervising juveniles on parole.

(3) "Juvenile parolee" means a person under age twenty-one released from a juvenile correctional facility and placed under the supervision of a juvenile parole officer.

(4) "Modification of parole conditions" means a change in the order of parole conditions provided by the juvenile parole officer with full knowledge of the change by the juvenile parolee.

(5) "Parole" means a period of supervision following release from a juvenile correctional facility, during which time certain conditions must be adhered to or consequences from a predetermined list may be invoked.

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

(7) "Violation" means behavior by a juvenile parolee contrary to written parole conditions.

[Statutory Authority: RCW 13.40.210, 88-20-083 (Order 2709), § 275-30-010, filed 10/5/88.]

WAC 275-30-020 Conditions of parole. (1) Following a juvenile's release from a residential facility, the department may require the juvenile to comply with a parole program in the juvenile's community for not more than eighteen months.

(2) The department shall determine a juvenile's period of parole as twenty-four months for crimes committed on or after July 1, 1990 when the juvenile is sentenced for:

(a) Rape in the first or second degree;

(b) Rape of a child in the first or second degree;

(c) Child molestation in the first degree; or

(d) Indecent liberties with forcible compulsion.

(3) The department shall, for the period of a juvenile's parole, require the juvenile to refrain from possessing a firearm, or using a deadly weapon and refrain from committing new offenses. The department's parole program may require the juvenile to:

(a) Undergo available medical or psychiatric treatment, including urinalysis;

(b) Report as directed to a parole officer, by in-person contact, telephone, and electronic monitoring;

(c) Pursue a course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the department of any address change; and

(e) Comply with provisions of an intensive aftercare program imposed pursuant to RCW 13.40.320(8).

(4) The juvenile shall sign an order of parole conditions on department forms. When the juvenile refuses to sign an order of parole conditions, a witness, attesting the order of parole conditions has been explained to the juvenile, and the juvenile's parole officer shall sign the order. The department shall provide a copy to the juvenile.

(5) The parole officer may modify an order of parole conditions as long as the officer gives the juvenile an opportunity to comment on the proposed modification before the order takes effect.

[Statutory Authority: RCW 13.40.320. 96-20-017, § 275-30-020, filed 9/20/96, effective 10/21/96. Statutory Authority: RCW 13.40.210. 94-15-002 (Order 3751), § 275-30-020, filed 7/7/94, effective 8/7/94; 90-22-072 (Order 3091), § 275-30-020, filed 11/6/90, effective 12/7/90; 88-20-083 (Order 2709), § 275-30-020, filed 10/5/88.]

WAC 275-30-030 Parole suspension, arrest, and detention. (1) When a juvenile parole officer believes a juvenile parolee has violated a condition of parole, the officer may issue an order of parole suspension, arrest, and detention if:

(a) The juvenile parolee poses an imminent danger to himself or herself or other persons; or

(b) The juvenile parolee is unlikely to voluntarily appear at a parole revocation hearing, considering such factors as whether the juvenile parolee has failed to appear at other judicial or administrative hearings.

(2) The order of parole suspension, arrest, and detention, on department forms, shall include a complete statement of the nature of violation and the date thereof, and shall inform the juvenile parolee of his or her right to be represented by an attorney. Copies of the order of parole suspension, arrest, and detention shall be sent to the appropriate local law enforcement agencies, to the detention facility, and to the secretary.

(3) A juvenile parolee held in detention for an alleged violation of parole conditions is entitled, within twenty-four hours (excluding Saturdays, Sundays, and holidays) of being placed in detention, to an informal hearing to determine whether there is probable cause to believe a parole violation occurred and whether continued detention pending a parole revocation hearing is necessary. The hearing shall be conducted by a parole supervisor or designee not directly involved in the case. The parole supervisor or designee shall interview both the juvenile parolee and the juvenile parole officer suspending the parole. Immediately following the hearing, the parole supervisor or designee shall issue a decision, with reasons, on department forms, either releasing the juvenile parolee or authorizing continued detention. In no event shall a juvenile parolee be held in detention longer than seventy-two hours (excluding Saturdays, Sundays, and holidays) without a parole revocation petition being filed pursuant to WAC 275-30-040.

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[Statutory Authority: RCW 13.40.210. 88-20-083 (Order 2709), § 275-30-030, filed 10/5/88.]

WAC 275-30-040 Parole revocation petition. (1) If a juvenile parole officer believes a juvenile parolee has violated a condition of parole, the juvenile parole officer may file a parole revocation petition. The petition, on department forms, shall include the following:

(a) A statement of the nature of the violation and date thereof;

(b) The number of days of confinement sought by the juvenile parole officer as a result of the violation;

(c) Notice of the time, date, and location of the parole revocation hearing; and

(d) Notice of the juvenile parolee's right to be represented by an attorney, either one of his or her own choosing or one appointed at public expense.

(2) The parole revocation petition shall be filed with the local office of the state office of administrative hearings. A copy of the petition shall be served either personally or by certified mail, return receipt requested, on the juvenile parolee or the juvenile parolee's attorney, and on the juvenile parolee's parents or guardian. Another copy shall be filed with the secretary.

[Statutory Authority: RCW 13.40.210. 88-20-083 (Order 2709), § 275-30-040, filed 10/5/88.]

WAC 275-30-050 Waiver of hearing. A juvenile parolee, only through his or her attorney, on department forms, may waive the right to a parole revocation hearing and agree to the parole revocation and confinement proposed by the juvenile parole officer.

[Statutory Authority: RCW 13.40.210. 88-20-083 (Order 2709), § 275-30-050, filed 10/5/88.]

WAC 275-30-060 Parole revocation hearing. (1) Unless waived by the juvenile parolee, the department shall initiate a parole revocation hearing on every parole revocation petition for determining whether the alleged parole violation occurred. If the juvenile parolee is held in detention as described under WAC 275-30-030, the administrative law judge shall hold the hearing within seventy-two hours (excluding Saturdays, Sundays, and holidays) of service of the petition. Otherwise the administrative law judge shall hold a hearing no sooner than seven days after service of the petition.

(2) At the parole revocation hearing, the juvenile may waive his or her right to be represented by an attorney. A juvenile waiving the right to an attorney may either contest or agree to the parole revocation.

(3) The administrative law judge shall conduct in accordance with chapter 10-08 WAC a parole revocation hearing. The administrative law judge shall grant the parole revocation petition if the administrative law judge finds by a preponderance of the evidence the violation occurred and the violation warrants revocation. If the parole revocation petition is granted, the administrative law judge shall order the period of confinement requested in the petition.

(4) The administrative law judge shall issue an oral decision immediately following the parole revocation hearing. Within forty-eight hours of the hearing, the

administrative law judge shall issue a written decision. The decision shall constitute a final administrative decision. The administrative law judge shall provide a copy of the decision to the juvenile parole officer, the juvenile parolee and his or her attorney, the juvenile parolee's parents or guardian, and the department.

[Statutory Authority: RCW 13.40.210. 90-22-072 (Order 3091), § 275-30-060, filed 11/6/90, effective 12/7/90; 88-20-083 (Order 2709), § 275-30-060, filed 10/5/88.]

WAC 275-30-070 Confinement. (1) A juvenile's confinement for violating one or more conditions of parole, as alleged in a parole revocation petition, may not exceed thirty days. Confinement may be continuous, or for a portion of each day, or for certain days each week with the balance of time under supervision. The department shall give the juvenile credit against any period of confinement for days served in detention pending a parole revocation hearing. The juvenile shall serve his or her confinement in a county detention facility unless otherwise ordered by the secretary.

(2) If a juvenile's parole is revoked two or more times during one parole period, the secretary shall approve any period of confinement exceeding a combined total of thirty days.

(3) Instead of confinement under subsection (1) of this section, the secretary may return the offender to confinement in an institution for the remainder of the sentence range if the offense for which the offender was sentenced is rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, indecent liberties with forcible compulsion, or a sex offense that is also a serious violent offense as defined under RCW 9.94A.030.

[Statutory Authority: RCW 13.40.210. 90-22-072 (Order 3091), § 275-30-070, filed 11/6/90, effective 12/7/90; 88-20-083 (Order 2709), § 275-30-070, filed 10/5/88.]

WAC 275-30-080 Reinstatement of parole. Immediately following any period of confinement for suspension or revocation of parole, the order of parole conditions shall be deemed reinstated.

[Statutory Authority: RCW 13.40.210. 88-20-083 (Order 2709), § 275-30-080, filed 10/5/88.]

Chapter 275-31 WAC

DIVISION OF DEVELOPMENTAL DISABILITIES PROGRAM OPTION RULES

WAC

275-31-005	Purpose.
275-31-010	Definitions.
275-31-020	Determination of eligibility.
275-31-030	Notification to potential applicants.
275-31-040	Application for services.
275-31-050	Individual service plan.
275-31-070	Implementation of necessary services.
275-31-080	Criteria for determining costs.
275-31-090	Method of rate determination.

WAC 275-31-005 Purpose. (1) In order for developmentally disabled individuals to live in the most independent settings possible, and in order for these individuals and

families to have access to services best suited to their needs, the division of developmental disabilities may approve alternative service plans for individuals.

(2) Measurable outcomes producing a positive result for individuals will be demonstrated as a result of services provided under such alternative plans.

(3) Cost savings will be demonstrated when costs of services under alternative plans are compared with costs of services provided prior to alternative plans.

[Statutory Authority: RCW 72.33.125. 84-03-054 (Order 2066), § 275-31-005, filed 1/18/84.]

WAC 275-31-010 Definitions. (1) "Department" means the department of social and health services of the state of Washington.

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

(3) "Field services" means the section of the division providing case management services and resource management to division clients living in the community.

(4) "Individual" means the person for whom an alternative plan is being developed.

(5) "Individual habilitation plan" means an individual written plan of care prepared by an interdisciplinary team that sets measurable goals or objectives stated in terms of desirable behavior and that prescribes an integrated program of activities, experiences, or therapies necessary for the individual to reach those goals or objectives. The overall purpose of the plan is to help the individual function at the greatest physical, intellectual, social, or vocational level the individual can presently or potentially achieve.

(6) "Individual program plan" means an individual service plan or individual habilitation plan.

(7) "Individual service plan" means the written plan, specifying goals and objectives, developed by division staff, parent or parents and/or guardian, the individual, and others whose participation is relevant to identifying needs of the individual.

(8) "Less dependent program" means an alternative program which will provide increased numbers and variety of community contacts for the individual or will require fewer hours of staff supervision/support for the individual.

(9) "Provider" means the person or agency contracted by the department to provide training, support, or other services as designated in the alternative plan.

(10) "Secretary" means the secretary of the department of social and health services or such officer of the department as the secretary may designate to carry out administration of the provision of these rules.

[Statutory Authority: RCW 72.33.125. 84-03-054 (Order 2066), § 275-31-010, filed 1/18/84.]

WAC 275-31-020 Determination of eligibility. An individual shall be eligible for services under an alternative plan, provided that the division has determined the individual has a disability as defined in WAC 275-27-030 and the individual is receiving current services from the department.

[Statutory Authority: RCW 72.33.125. 84-03-054 (Order 2066), § 275-31-020, filed 1/18/84.]

WAC 275-31-030 Notification to potential applicants. (1) Field services shall, prior to March 15, 1984, contact by mail all individuals determined to have a disability as defined in WAC 275-27-030, along with the guardians and agencies entitled to custody of such disabled individuals and parents of disabled individuals who are minors. Thereafter, the aforementioned persons shall be advised once in each calendar year.

(2) Potential applicants shall be informed of the process by which they may develop an alternative plan for services.

[Statutory Authority: RCW 72.33.125. 84-03-054 (Order 2066), § 275-31-030, filed 1/18/84.]

WAC 275-31-040 Application for services. (1) In the case of a minor individual, an application can be made by the parent or parents, the guardian or limited guardian, or by the person or agency legally entitled to custody.

(2) In the case of an adult, an application can be made by the individual, by the guardian or limited guardian, or by the person or agency legally entitled to custody.

(3) Application will be made on the forms supplied by the department and the applicant will state the following:

- (a) The outline of services proposed;
- (b) Service providers for each service;
- (c) Tasks necessary to the delivery of each service and the person/organization responsible for each task;
- (d) All costs of services currently provided for the individual;

(e) The cost of each service component proposed in the alternative plan;

(f) Information explaining why the alternative plan is a less dependent program than the current program; and

(g) Information explaining why the alternative plan is appropriate under the goals and objectives of the individual program plan.

(4) Applicants must be notified within ninety days after the alternative plan has been received by the department of the secretary's approval or denial of the plan.

(5) The notification of the department's decision is subject to appeal rights pursuant to WAC 275-27-400 and 275-27-500.

[Statutory Authority: RCW 72.33.125. 84-03-054 (Order 2066), § 275-31-040, filed 1/18/84.]

WAC 275-31-050 Individual service plan. The division shall ensure a current individual service plan is available for each individual prior to approval of application.

[Statutory Authority: RCW 72.33.125. 84-03-054 (Order 2066), § 275-31-050, filed 1/18/84.]

WAC 275-31-070 Implementation of necessary services. (1) Plans meeting all the criteria specified in RCW 72.33.125(5) shall be implemented as soon as reasonable, but not later than one hundred twenty days after the completion of the determination process.

(2) Approval and reasonableness may be reviewed for a new determination if the plan has not been implemented within one hundred twenty days.

[Statutory Authority: RCW 72.33.125. 84-03-054 (Order 2066), § 275-31-070, filed 1/18/84.]

WAC 275-31-080 Criteria for determining costs. (1) The term "all costs" includes, but is not limited to: Residential support, habilitation, medical care, income grants to the persons, support to assist their families or other caregivers, and nonrecurring start-up expenses. All residential costs will recognize capital investment, using federal or professional accounting conventions. The department will take the following costs into account:

(a) All costs paid by the department, including costs borne by the federal government. Income grants paid by the federal government directly to the person (or payee) will be considered.

(b) All costs of the current or proposed program.

(2) The department will estimate a monthly average cost based on a two-year prospective cost period.

(3) Where costs are paid or records kept for a group of individuals rather than for one individual in question, the department will primarily use average cost for that group, such as all individuals living at the particular group home or particular residential habilitation center, or all the persons supported by the particular day habilitation program. Exceptions will be considered for persons receiving substantial services above the services received by the typical person in the group.

(4) The analysis of the proposed alternative service plan should show that proposed services can be provided at eighty percent of the current service cost. Exceptions will be considered for persons needing substantial services.

[Statutory Authority: RCW 72.33.125. 84-03-054 (Order 2066), § 275-31-080, filed 1/18/84.]

WAC 275-31-090 Method of rate determination. Prevailing rates for comparable services will ordinarily be utilized in determining reimbursement for cost components of the alternative plan.

[Statutory Authority: RCW 72.33.125. 84-03-054 (Order 2066), § 275-31-090, filed 1/18/84.]

Chapter 275-33 WAC

TRANSFER OF JUVENILE OFFENDER TO THE DEPARTMENT OF CORRECTIONS

WAC

275-33-010	Purpose.
275-33-020	Notification to juvenile.
275-33-030	Composition of board.
275-33-040	Attendance at hearing.
275-33-050	Consideration of evidence.
275-33-060	Record of decision.

WAC 275-33-010 Purpose. The purpose of this chapter is to establish standards and procedures for the conduct of review boards for juvenile offenders being considered for transfer to the department of corrections (DOC) from the department of social and health services in accordance with RCW 13.40.280.

[Statutory Authority: RCW 13.40.280. 84-10-032 (Order 2097), § 275-33-010, filed 4/30/84.]

WAC 275-33-020 Notification to juvenile. A juvenile being considered for transfer to DOC shall be notified in writing at least five days in advance of the review board hearing convened to consider the matter. Notification to the juvenile offender will include the reasons the transfer is being considered and a copy of the rules pertaining to the review board hearing. Prior to any review board hearing, the juvenile being considered for transfer to DOC, or the juvenile's attorney, shall have the right of access to, and adequate opportunity to examine any files or records of the department pertaining to the proposed transfer of the juvenile to the department of corrections.

[Statutory Authority: RCW 13.40.280. 84-10-032 (Order 2097), § 275-33-020, filed 4/30/84.]

WAC 275-33-030 Composition of board. The review board will be composed of the director of DJR or designee and two other juvenile rehabilitation administrators appointed by the chairman.

[Statutory Authority: RCW 13.40.280. 84-10-032 (Order 2097), § 275-33-030, filed 4/30/84.]

WAC 275-33-040 Attendance at hearing. Attendance at a review board shall be limited to parties directly concerned. The chairperson may exclude unauthorized persons unless the parties agree to their presence. Parties shall have the right to present evidence, cross-examine witnesses and make recommendations to the board. All relevant and material evidence is admissible which, in the opinion of the chairperson, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness.

[Statutory Authority: RCW 13.40.280. 84-10-032 (Order 2097), § 275-33-040, filed 4/30/84.]

WAC 275-33-050 Consideration of evidence. At the conclusion of the hearing, the review board will consider all evidence presented and make a decision whether continued placement of the juvenile offender in an institution for juvenile offenders presents a continuing and serious threat to the safety of others in the institution.

[Statutory Authority: RCW 13.40.280. 84-10-032 (Order 2097), § 275-33-050, filed 4/30/84.]

WAC 275-33-060 Record of decision. The chair of the review board will prepare a written record of the decision and reasons therefore. The review board shall be recorded manually, or by mechanical, electronic, or other device capable of transcription.

[Statutory Authority: RCW 13.40.280. 84-10-032 (Order 2097), § 275-33-060, filed 4/30/84.]

Chapter 275-35 WAC

CONSOLIDATED JUVENILE SERVICES PROGRAMS

WAC

275-35-010 Authority.
275-35-020 Definitions.

275-35-030 Establishment of a consolidated juvenile services program.
275-35-040 General provisions.
275-35-050 Organization.
275-35-060 Administration.
275-35-070 Monitoring of performance and evaluation of program impact.
275-35-080 Distribution of funds and fiscal management.
275-35-100 Exceptions to rules.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

275-35-090 Services. [Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040. 85-09-003 (Order 2221), § 275-35-090, filed 4/4/85.] Repealed by 88-13-028 (Order 2632), filed 6/7/88. Statutory Authority: RCW 13.06.030.

WAC 275-35-010 Authority. Rules and regulations relating to consolidated juvenile service programs are hereby adopted pursuant to chapter 13.06 RCW.

[Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040. 85-09-003 (Order 2221), § 275-35-010, filed 4/4/85.]

WAC 275-35-020 Definitions. (1) "Activities" means specific tasks or units of accomplishment which lead to a desired result or outcome.

(2) "Administration" means discrete, assignable activities and costs necessary for overall management and support of a consolidated juvenile services program.

(3) "Application" means the document requesting state funds for specific projects under the consolidated juvenile services program.

(4) "Case plan" means the document establishing direction, providing updates, and revisions of a juvenile's activities in a project or program.

(5) "Consolidated juvenile services program" or "program" means that portion of the county's juvenile justice, education, and social service systems providing services to a juvenile who has been adjudicated an offender, referred to a diversion unit, or is at risk of becoming involved in the juvenile justice system.

(6) "Consolidated juvenile services review committee" or "review committee" means a group of individuals whose function is to provide input and review and make comments regarding the application. Said review committee shall be selected by the program administrator in consultation with the executive body and include, but not necessarily be limited to, representatives from the following: The executive's office, juvenile court judges and staff, law enforcement, prosecuting and defense attorneys, educators, ethnic minorities, children services professionals, citizens, and private sector youth-serving groups.

(7) "Director" means the director of the division of juvenile rehabilitation or his or her designee.

(8) "Division" means the division of juvenile rehabilitation.

(9) "Indirect costs" means costs for staff, goods, and services which exist or are required exclusive of the consolidated juvenile services program.

(10) "Juvenile" means an individual under the chronological age of eighteen years and who has not been transferred to adult court.

(11) "Juvenile justice system" or "system" means the organizational structure and process existing in the county for handling juveniles accused of or adjudicated for an offense.

(12) "Juvenile offender" means a juvenile found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom the juvenile court has extended jurisdiction.

(13) "Participating county" means a county or counties making application under this chapter.

(14) "Planning body" means that individual or group of individuals responsible for the development of the application.

(15) "Program administrator" or "administrator" means the person designated to administer the consolidated juvenile program.

(16) "Project" means a single unit of work to be performed as part of a consolidated juvenile services program.

(17) "Project supervisor" or "supervisor" means a person designated to supervise a project or projects in the consolidated juvenile services program.

(18) "Regional administrator" means the regional administrator of one of the division's six administrative regions, or his or her designee.

(19) "Regional plan" means the document developed by the regional administrator setting forth regional program emphasis and priorities for the ensuing funding period.

(20) "Results" means outcomes or indications that activities have been accomplished.

[Statutory Authority: RCW 13.06.030, 88-13-028 (Order 2632), § 275-35-020, filed 6/7/88. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040, 85-09-003 (Order 2221), § 275-35-020, filed 4/4/85.]

WAC 275-35-030 Establishment of a consolidated juvenile services program. (1) Request to participate.

(a) A request by a county or group of counties to participate under these provisions shall include a signed resolution or letter of intent submitted to the regional administrator by the executive body expressing intent to participate. The county or group of counties shall include in the request a statement that funds requested will not be used to replace county funds for existing programs. For those counties with juvenile detention facilities, the counties shall include in the resolution or letter of intent standards of operation as outlined under RCW 13.06.050.

(b) After official acceptance by the regional administrator, the county's application shall be considered in determining the division's community program expenditure for the ensuing funding period.

(c) Other public and private sector agencies within the county shall be considered in the development of the application and may be included as subcontractors in the county's request for funding by the division.

(d) Other public and private sector agencies may apply directly to the division for program funds. In such instances said agencies shall be responsible to meet all obligations and requirements specified for participating counties under this chapter.

(2) Program planning process and approval.

(a) Based upon divisional goals, the regional administrator develops the regional plan to assist planning bodies in formulating local priorities and program strategies.

(b) Each participating county shall develop through its existing planning process a program application for the delivery of services and shall agree through submission of the application to comply with the provisions of this chapter.

(c) The application shall be submitted to the review committee who shall review and make comments, which shall include but not be limited to the following areas:

(i) Efforts to identify and utilize existing community services;

(ii) The avoidance of service duplication;

(iii) Appropriate linkage to and support from other elements of the county's existing juvenile justice, education, and social service systems to reduce or eliminate barriers to effective family centered service delivery;

(iv) The extent to which the regional priorities have been addressed;

(v) Efforts to address racial disproportionality; and

(vi) Efforts to address issues specific to the Americans with Disabilities Act initiative as it relates to client and family service delivery.

(d) Prior to the submission of the application to the regional administrator, the comments of the review committee shall be considered by the planning body who shall, if needed, either modify the plan or attach to the plan the reasons for not making suggested modifications.

(e) Written guidelines and instructions for preparing the application shall be provided by the division. The application shall be developed in consultation with the regional administrator to ensure the coordination of state, county, and private sector resources within regional boundaries and shall be submitted to the regional administrator for review and approval.

(f) The division may provide planning bodies and review committees with technical services in the development of the application.

[Statutory Authority: RCW 13.06.030, 94-11-065 (Order 3735), § 275-35-030, filed 5/12/94, effective 6/12/94; 88-13-028 (Order 2632), § 275-35-030, filed 6/7/88. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040, 85-09-003 (Order 2221), § 275-35-030, filed 4/4/85.]

WAC 275-35-040 General provisions. (1) Access to services and use of existing community resources.

(a) Program administrators shall ensure all juveniles participating in the program have access to appropriate services, activities, and opportunities.

(b) Planning bodies shall avoid duplicating existing community services. If proposed services are similar to those already existing in the community, clear evidence must be presented in the application to demonstrate why such existing services are inappropriate or unavailable to meet identified needs or why such services cannot be provided through cooperative program planning or shared funding arrangements.

(2) All juveniles served by projects covered under this chapter shall be afforded due process in all contacts, especially those which may result in a more restrictive intervention.

(3) All projects included in the application shall comply with the provisions of this chapter, applicable divisional

policies and standards, juvenile court rules, as well as other applicable standards and rules.

[Statutory Authority: RCW 13.06.030, 88-13-028 (Order 2632), § 275-35-040, filed 6/7/88. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040, 85-09-003 (Order 2221), § 275-35-040, filed 4/4/85.]

WAC 275-35-050 Organization. The organizational structure of the program is the prerogative of the county or private sector agency participating under this chapter and shall not be dictated by these standards.

[Statutory Authority: RCW 13.06.030, 88-13-028 (Order 2632), § 275-35-050, filed 6/7/88. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040, 85-09-003 (Order 2221), § 275-35-050, filed 4/4/85.]

WAC 275-35-060 Administration. (1) Approval of the application shall be contingent upon the designation of a program administrator as well as a supervisor for each project.

Said administrators and supervisors are responsible for the implementation of the program and the accomplishment of stated activities and results.

(2) Administrators or supervisors shall meet at least annually with the regional administrator to review progress toward the achievement of results and other matters related to the overall implementation and funding of projects within the program.

(3) Administrators or supervisors shall submit reports and data as requested relating to programs and/or projects covered under this chapter to the regional administrator and shall participate with the regional administrator in the development of program and/or project status reports as may be required by the division.

(4) Case records and management information.

(a) Administrators and supervisors shall ensure a case record is kept for each juvenile in projects covered under this chapter. Diversion units will keep only such information as is necessary to monitor and evaluate the referral and disposition activities.

(b) Juvenile offender records shall minimally contain a case plan, based upon assessed factors related to risk to reoffend, setting forth specific objectives and methods and a termination/closing report summarizing case activity and results.

(c) Case records and plans shall be current and reviewed at least quarterly by the project supervisor. Reviews shall be documented in the case record.

(d) The provisions of chapter 13.50 RCW pertaining to the maintenance and confidentiality of social and legal information apply to all programs and projects covered under this chapter.

(e) Administrators and/or supervisors shall provide necessary statistical data to maintain case files in the division's management information system.

(5) Policies and procedures.

(a) Each administrator shall maintain written policies and procedures for the reporting of serious criminal incidents involving juveniles participating in the program and misconduct or malfeasance by staff of the program to the regional administrator.

(b) These policies and procedures shall be submitted as attachments to the application.

(6) Change in application.

(a) Modification of a project requires the advance written approval of the regional administrator and may, at the regional administrator's discretion, require review and comment by the review committee.

(b) Changes in the budget during a funding period are accomplished by transfer, modification, or amendment.

(i) Transfers. The reallocation of funds between line items of the contract and which does not change the overall scope of the program may be accomplished by written notification to the regional administrator.

(ii) Modifications. Reallocation of funds between line items of the contract requires written notification of the regional administrator. The regional administrator may require review and comment by the review committee.

(iii) Amendments. Amendments shall be processed through the division's regional office, and may, at the regional administrator's discretion, require review and comment by the review committee. Amendments are necessary when:

(A) Total contract budget amounts are increased or decreased;

(B) A project is added or deleted;

(C) Increased agency staffing is requested;

(D) A change moves moneys into a previously vacant line item.

(7) Training. Each participating county or agency shall ensure program staff receive training necessary to execute programs covered under this chapter.

(8) Assumption of division services.

(a) The assumption of division services shall be negotiated between the regional administrator and the administrator and will be reviewed by the director prior to a final decision.

(b) Where such services are assumed, the regional administrator shall provide appropriate orientation and training.

(9) Review board authority in projects covered by this chapter shall rest with the administrator.

[Statutory Authority: RCW 13.06.030, 94-11-065 (Order 3735), § 275-35-060, filed 5/12/94, effective 6/12/94; 88-13-028 (Order 2632), § 275-35-060, filed 6/7/88. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040, 85-09-003 (Order 2221), § 275-35-060, filed 4/4/85.]

WAC 275-35-070 Monitoring of performance and evaluation of program impact. (1) It shall be the responsibility of the administrator to submit monthly activity reports, administrator's annual narrative reports, corrective action plans and reports, and other such reports as specified in the division's monitoring instructions for the program to the regional administrator.

(2) It shall be the responsibility of the regional administrator to submit to the director progress reports as specified in the division's monitoring instructions for the program.

(3) The regional administrator may, at any time, request a formal program/project or fiscal audit and may also request other available technical services to assist in monitoring and evaluating the program/projects.

[Statutory Authority: RCW 13.06.030, 94-11-065 (Order 3735), § 275-35-070, filed 5/12/94, effective 6/12/94; 88-13-028 (Order 2632), § 275-35-070, filed 6/7/88. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040, 85-09-003 (Order 2221), § 275-35-070, filed 4/4/85.]

WAC 275-35-080 Distribution of funds and fiscal management. (1) Funding constraints.

(a) Funds for programs covered by this chapter shall be utilized for the achievement of activities and results stated for each project.

(b) Failure on the part of any project to perform in accordance with the provisions of this chapter or to achieve established activities and results may result in the termination or reduction of funds.

(c) The administrator shall be responsible for the management of all fiscal matters related to the program, shall comply with state and local policies and procedures and the terms and conditions of the contract, and shall provide information to the regional administrator at regular and requested intervals.

(2) Limitations of funding.

(a) Funds received by participating counties shall not be used for indirect costs.

(b) Mileage reimbursement and per diem may not exceed the current allowable state or county rate, whichever is less.

(c) Equipment purchases shall be approved in advance by written approval of the regional administrator and shall be processed through the regional office.

(d) Funds for evaluation are allowable, but the design, scope, and the expected final product shall be clearly specified in the application.

(e) Funds for administration may not exceed ten percent of the total contract award.

(f) Further limitations on the distribution of funds for certain expenditure categories may be set forth in the division's application and budget instructions for the program.

[Statutory Authority: RCW 13.06.030. 94-11-065 (Order 3735), § 275-35-080, filed 5/12/94, effective 6/12/94; 88-13-028 (Order 2632), § 275-35-080, filed 6/7/88. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040. 85-09-003 (Order 2221), § 275-35-080, filed 4/4/85.]

WAC 275-35-100 Exceptions to rules. A waiver of the specific requirements of this chapter may be requested by written application to the director in situations where the imposition of such provisions can be shown to be detrimental or impractical to overall program operations. The director shall give each waiver request individual consideration and promptly advise the applicant in writing of the director's decision regarding the waiver and explain the basis for such decision.

[Statutory Authority: RCW 13.06.030. 88-13-028 (Order 2632), § 275-35-100, filed 6/7/88. Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040. 85-09-003 (Order 2221), § 275-35-100, filed 4/4/85.]

Chapter 275-37 WAC

**DIVISION OF JUVENILE REHABILITATION—
RULES, PRACTICES, AND PROCEDURES**

WAC

- 275-37-010 Definitions.
- 275-37-020 Rated bed capacity.

WAC 275-37-010 Definitions. (1) "Department" means the department of social and health services.

(2) "Director" means the director of the division of juvenile rehabilitation or his or her designee.

(3) "Division" means the division of juvenile rehabilitation.

(4) "Regional administrator" means the regional administrator of one of the division's six administrative regions.

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

(6) "Superintendent" means the superintendent of one of the division's three institutions or two forest camps.

[Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040. 85-09-003 (Order 2221), § 275-37-010, filed 4/4/85.]

WAC 275-37-020 Rated bed capacity. The rated bed capacity of the division is that number of confinement beds on file with the office of financial management by the first day of each biennium for operation during each ensuing fiscal year.

[Statutory Authority: RCW 13.06.030, 13.40.210 and 72.72.040. 85-09-003 (Order 2221), § 275-37-020, filed 4/4/85.]

Chapter 275-38 WAC

**ICF/MR PROGRAM AND REIMBURSEMENT
SYSTEM**

WAC

- 275-38-001 Terms—Definitions.
- 275-38-003 Exemptions.
- 275-38-005 ICF/MR care.
- 275-38-015 Name of IMR.
- 275-38-020 Closure of an IMR facility.
- 275-38-025 Adequate IMR care.
- 275-38-030 Continuity of resident care.
- 275-38-035 IMR contract—Noncompliance.
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- 275-38-065 Transfer or discharge planning.
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- 275-38-525 Change of ownership.
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- 275-38-535 Due dates for reports.
- 275-38-540 Requests for extensions.
- 275-38-545 Reports.
- 275-38-546 Failure to submit final reports.
- 275-38-550 Improperly completed or late reports.
- 275-38-555 Completing reports and maintaining records.
- 275-38-560 Certification requirement.
- 275-38-565 Reports—False information.
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- 275-38-585 Requirement for retention of reports by the department.
- 275-38-586 Requirements for retention of records by the contractor.
- 275-38-590 Disclosure of IMR facility reports.
- 275-38-595 Desk review.
- 275-38-600 Field audits.
- 275-38-605 Preparation for audit by the contractor.
- 275-38-610 Scope of field audits.
- 275-38-615 Inadequate documentation.
- 275-38-620 Deadline for completion of audits.

275-38-625	Disclosure of audit narratives and summaries.	275-38-940	Suspension of payment.
275-38-645	Resident trust accounts.	275-38-945	Termination of payments.
275-38-650	Accounting procedures for resident trust accounts.	275-38-950	Disputes.
275-38-655	Trust moneys—Imprest fund.	275-38-955	Recoupment of undisputed overpayments.
275-38-660	Trust moneys control or disbursement.	275-38-960	Administrative review—Adjudicative proceeding.
275-38-665	Trust moneys availability.		
275-38-667	Accounting upon change of ownership.		
275-38-670	Procedure for refunding trust money.		
275-38-675	Liquidation of trust fund.		
275-38-678	Resident property records.	275-38-007	IMR facilities. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-007, filed 8/3/82.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 74.09.120 and 71A.20.140.
275-38-680	Allowable costs.		
275-38-685	Substance prevails over form.		
275-38-690	Offset of miscellaneous revenues.	275-38-040	Classification of IMR residents. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-040, filed 8/3/82.] Repealed by 91-17-005 (Order 3230), filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 74.09.120 and 71A.20.140.
275-38-695	Costs of meeting standards.		
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275-38-715	Education and training.	275-38-575	Reporting for an abbreviated period. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-575, filed 8/3/82.] Repealed by 88-12-087 (Order 2629), filed 6/1/88. Statutory Authority: RCW 74.09.120.
275-38-720	Total compensation—Owners, relatives, and certain administrative personnel.		
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275-38-760	Operating leases of facilities and equipment.	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.
275-38-765	Rental expense paid to related organizations.		
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275-38-775	Depreciation expense.		
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275-38-785	Depreciation base.		
275-38-790	Depreciation base—Donated or inherited assets.		
275-38-795	Lives.		
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275-38-805	Retirement of depreciable assets.		
275-38-810	Handling of gains and losses upon retirement of depreciable assets.		
275-38-812	Handling of gains and losses upon retirement of depreciable assets—Other periods.	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.
275-38-813	Handling of gains and losses upon retirement of depreciable assets.		
275-38-815	Recovery of excess over straight-line depreciation.		
275-38-820	Unallowable costs.	275-38-730	Maximum allowable compensation of certain administrative personnel. [Statutory Authority: RCW 74.09.120. 84-09-032 (Order 2092), § 275-38-730, filed 4/13/84; 82-16-080 (Order 1853), § 275-38-730, filed 8/3/82.] Repealed by 84-19-042 (Order 2150), filed 9/17/84. Statutory Authority: RCW 74.09.120. Later promulgation, see WAC 275-38-868.
275-38-831	Reimbursement principles.		
275-38-835	Program services not covered by the reimbursement rate.	275-38-735	Disclosure and approval of joint facility cost allocation. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-735, filed 8/3/82.] Repealed by 88-12-087 (Order 2629), filed 6/1/88. Statutory Authority: RCW 74.09.120.
275-38-840	Prospective reimbursement rate for new contractors.		
275-38-845	Rate determination.		
275-38-846	Desk review for rate determination.		
275-38-850	Cost centers.		
275-38-860	Resident care and habilitation cost center rate.		
275-38-863	Administration, operations, and property cost center rate.	275-38-740	Management agreements, management fees, and central office services. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-740, filed 8/3/82.] Repealed by 84-19-042 (Order 2150), filed 9/17/84. Statutory Authority: RCW 74.09.120. Later promulgation, see WAC 275-38-869.
275-38-865	Food rate component.		
275-38-868	Maximum allowable compensation of certain administrative personnel.		
275-38-869	Management agreements, management fees, central office services, and board of directors.		
275-38-870	Administration and operations rate component.		
275-38-875	Property rate component.	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.
275-38-880	Return on equity.		
275-38-885	Upper limits to reimbursement rate.		
275-38-886	Principles of settlement.		
275-38-887	Procedures for overpayments and underpayments.	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.
275-38-888	Preliminary settlement.		
275-38-889	Final settlement.		
275-38-890	Interim rate.		
275-38-892	Final payment.	275-38-905	Requests for revision of a prospective rate. [Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-905, filed 8/3/82.] Repealed by 88-12-087 (Order 2629), filed 6/1/88. Statutory Authority: RCW 74.09.120.
275-38-895	Notification of rates.		
275-38-900	Adjustments required due to errors or omissions.		
275-38-903	Receivership.		
275-38-906	Adjustments to prospective rates.		
275-38-910	Public review of rate-setting methods and standards.		
275-38-915	Public disclosure of rate-setting methodology.		
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275-38-935	Payment.		

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

WAC 275-38-001 Terms—Definitions. 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" means 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" means "active treatment" as defined under 42 CFR 483.440(a) including implementation of an individual program plan for each client as outlined under 42 CFR 483.440 (c) through (f).

(3) "Administration and management" means activities employed to maintain, control, and evaluate the efforts and resources of a facility or organization for the accomplishment of the objectives and policies of that facility or organization.

(4) "Admission" means entering and being authorized to receive services from a state-certified facility.

(5) "Allowable costs" are described under WAC 275-38-680.

(6) "Appraisal" means 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 a person 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.

(7) "Arm's-length transaction" means a transaction resulting from good-faith bargaining between a buyer and seller who have adverse positions in the market place. Sales or exchanges of ICF/MR 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 an ICF/MR facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered an arm's-length transaction for purposes of chapter 275-38 WAC.

(8) "Assets" means economic resources of the contractor, recognized, and measured in conformity with accounting principles. Assets also include deferred charges which are not resources, but recognized and measured in accordance with accounting principles. The value of assets acquired in a change of ownership entered into after September 30, 1984, shall not exceed the acquisition cost of the owner of record as of July 18, 1984.

(9) "Bad debts" means amounts considered uncollectable from accounts and notes receivable.

(10) "Beds" means unless otherwise specified, the number of set-up beds in the ICF/MR facility, not exceeding the number of licensed beds.

(11) "Beneficial owner" means 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, who 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 to the same person 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 (5) of this section, with 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) Under the power to revoke a trust, discretionary account, or similar arrangement; or

(iv) Under the automatic termination of a trust, discretionary account, or similar arrangement.

Except, any person acquiring an ownership interest or power specified in subsection (11)(c)(i), (ii), or (iii) of this section shall be deemed the beneficial owner of the ownership interest acquired through the exercise or conversion of such ownership interest or power;

(d) Who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement and shall not be deemed the beneficial owner of such pledged ownership interest except under the following conditions:

(i) The pledgee shall take all formal steps necessary and be required to:

(A) Declare a default and determine the power to vote;

or

(B) Direct the vote; or

(C) Dispose or direct the disposition of how such pledged ownership interest will be exercised.

(ii) 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 any transaction with persons who meet the conditions set forth in subsection (11)(b) of this section; and

(iii) The pledge agreement, before default, does not grant to the pledgee the power to:

(A) Vote or direct the vote of the pledged ownership interest; or

(B) Dispose or direct the disposition of the pledged ownership interest, other than the grant of such power or powers under a pledge agreement where credit is extended and where the pledgee is a broker or dealer.

(12) "Boarding home" means any home or other institution licensed in accordance with chapter 18.20 RCW.

(13) "Capitalization" means the recording of an expenditure as an asset.

(14) "Capitalized lease" means a lease required to be recorded as an asset and associated liability in accordance with generally accepted accounting principles.

(15) "Cash method of accounting" means 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.

(16) "Change of ownership" means a change in the individual or legal organization responsible for the daily operation of an ICF/MR facility.

(a) Events changing ownership include but are not limited to:

(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 ICF/MR enterprise is transferred by the contractor to another party;

(iii) The ICF/MR facility is leased, or an existing lease is terminated;

(iv) Where the contractor is a partnership, any event occurring 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, that is, subject to the contractor's general approval of daily operating decisions;

(ii) If the contractor is a corporation, some or all of its stock is transferred.

(17) "Charity allowances" means reductions in charges made by the contractor because of the indigence or medical indigence of a resident.

(18) "Client or person" means a person the division determines, under RCW 71A.16.040 and WAC 275-27-026, eligible for division-funded services.

(19) "Consent" means the process through which a person's agreement is obtained for procedures and for taking actions affecting that person.

(20) "Contract" means a contract between the department and a contractor for the delivery of ICF/MR services to eligible Medicaid recipients.

(21) "Contractor" means an entity contracting with the department to deliver ICF/MR services to eligible Medicaid recipients.

(22) "Courtesy allowances" means 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.

(23) "Custody" means immediate physical attendance, shelter, and supervision of a person for purposes of the person's care and welfare.

(24) "DDD" means the division of developmental disabilities of the department.

(25) "Department" means the department of social and health services (DSHS) and its employees.

(26) "Depreciation" means the systematic distribution of the cost or other base of a tangible asset, less any salvage, over the estimated useful life of the asset.

(27) "Discharge" means the resident's leaving the residential facility and the facility's relinquishment of responsibilities acquired by reason of the acceptance for admission of the resident.

(28) "Donated asset" means 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.

(29) "Entity" means an individual, partnership, corporation, public institution established by law, or any other

association of individuals, capable of entering enforceable contracts.

(30) "Equity capital" means total tangible and other assets necessary, ordinary, and related to resident 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.

(31) "Exemption" means the department's approval of a written request for an exception to a rule in this chapter.

(32) "Facility" means a residential setting certified as an ICF/MR by the department in accordance with federal regulations. A state facility is a state-owned and operated residential habilitation center or a state-operated living alternative (SOLA). A nonstate facility is a residential setting licensed in accordance with chapter 18.51 RCW as a nursing home or chapter 18.20 RCW as a boarding home.

(33) "Fair market value" means 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.

(34) "Financial statements" means statements prepared and presented in conformity with accounting principles and this chapter including, but not limited to, balance sheet, statements of operations, statements of changes in financial position, and related notes.

(35) "Fiscal year" means 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.

(36) "Funded capacity" for a state facility means the number of beds on file with the office of financial management by the first day of each biennium for operation during each ensuing fiscal year.

(37) "Generally accepted accounting principles" means accounting principles currently approved by the financial accounting standard board (FASB).

(38) "Generally accepted auditing standards" means auditing standards approved by the American Institute of Certified Public Accountants (AICPA).

(39) "Goodwill" means the excess of the price paid for a business over the fair market value of all other identifiable, tangible, and intangible assets acquired. "Goodwill" also means the excess of the price paid for an asset over fair market value.

(40) "Habilitative services" means those services required by the individual habilitation plan provided or directed by qualified therapists.

(41) "Harmful" means situations when the individual is at immediate risk of serious bodily harm.

(42) "Historical cost" means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architects' fees, and engineering studies.

(43) "Imprest fund" means a fund:

(a) That is regularly replenished in exactly the amount expended from the fund[; and]

[(b) In which the cash and expended receipts always equal a predetermined amount].

(44) "ICF/MR" means a facility certified as an intermediate care facility for the mentally retarded by Title XIX to provide services to the mentally retarded or persons with related conditions.

(45) "Interest" means the cost incurred for the use of borrowed funds, generally paid at fixed intervals by the user.

(46) "Joint facility costs" means any costs representing expenses incurred benefiting more than one facility, or one facility and any other entity.

(47) "Lease agreement" means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not under a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee shall not be considered modification of a lease term.

(48) "Medicaid program" means the state medical assistance program provided under RCW 74.09.500 or authorized state medical services.

(49) "Medical assistance recipient" means an individual determined eligible for medical assistance by the department for the services provided in chapter 74.09 RCW.

(50) "Modified accrual method of accounting" means a method of accounting in which revenues are recognized only when cash is received, and expenses are reported in the period in which incurred, regardless of when paid.

(51) "Net book value" means the historical cost of an asset less accumulated depreciation.

(52) "Nonallowable costs" means costs not allowed under WAC 275-38-680.

(53) "Nonrestricted funds" means donated funds not restricted to a specific use by the donor, for example, general operating funds.

(54) "Nursing home" means a home, place, or institution, licensed in accordance with chapter 18.51 RCW, where skilled nursing, intermediate care, and ICF/MR services are delivered.

(55) "Operating lease" means a lease under which rental or lease expenses are included in current expenses in accordance with accounting principles.

(56) "Owner" means a sole proprietor, general or limited partner, or beneficial interest holder of five percent or more of a corporation's outstanding stock.

(57) "Ownership interest" means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form such beneficial ownership takes.

(58) "Per diem (per resident day) costs" means total allowable costs for a fiscal period divided by total resident days for the same period.

(59) "Prospective daily payment rate" means the daily amount the department assigns to each contractor for providing services to ICF/MR residents. The rate is used to compute the maximum participation of the department in the contractor's costs.

(60) "Qualified mental retardation professional (QMRP)" means QMRP as defined under 42 CFR 483.430(a).

(61) "Qualified therapist" means 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, and meeting all requirements of state law;

(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.

(62) "Regression analysis" means a statistical technique through which one can analyze the relationship between a dependent or criterion variable and a set of independent or predictor variables.

(63) "Regional services" means services of a local office of the division of developmental disabilities.

(64) "Related organization" means 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.

(65) "Relative" means spouse; natural parent, child, or sibling; adopted child or adoptive parent; stepparent, stepchild, stepbrother, stepsister; 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.

(66) "Resident day" means 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 person is admitted for purposes of this definition when the person is assigned a bed and a resident record is opened.

(67) "Resident living staff (also known as resident care and training staff)" means staff whose primary responsibility is the care and development of the residents, including:

- (a) Resident activity program;
- (b) Domiciliary services; and
- (c) Habilitative services under the supervision of the QMRP.

(68) "Restricted fund" means a fund where the use of the principal 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.

(69) "Secretary" means the secretary of DSHS.

(70) "Start-up costs" means 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.

(71) "Superintendent" means the superintendent or the superintendent's designee of a residential habilitation center.

(72) "Title XIX" means the 1965 amendments to the Social Security Act, P.L. 89-07, as amended.

(73) "Uniform chart of accounts" means a list of account titles identified by code numbers established by the department for contractors to use in reporting costs.

(74) "Vendor number (also known as provider number)" means a number assigned to each contractor delivering ICF/MR services to ICF/MR Medicaid recipients.

(75) "Working capital" means 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 and 71A.20.140. 91-17-005 (Order 3230), § 275-38-001, filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-001, filed 6/1/88; 85-06-063 (Order 2213), § 275-38-001, filed 3/6/85; 84-19-042 (Order 2150), § 275-38-001, filed 9/17/84; 82-16-080 (Order 1853), § 275-38-001, filed 8/3/82.]

Reviser's note: RCW 34.05.395 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 275-38-003 Exemptions. (1) The department may approve an exemption to a specific rule in this chapter as defined under WAC 275-38-001(31) provided an:

(a) Assessment of the exemption request ensures granting the exemption shall not undermine the legislative intent of Title 71A RCW; and

(b) Evaluation of the exemption request shows granting the exemption shall not adversely effect the quality of the services, supervision, health, and safety of department-served persons.

(2) Agencies and individual providers shall retain a copy of each department-approved exemption.

[Statutory Authority: RCW 74.09.120 and 71A.20.140. 91-17-005 (Order 3230), § 275-38-003, filed 8/9/91, effective 9/9/91.]

(1997 Ed.)

WAC 275-38-005 ICF/MR care. (1) The department has the administrative and legal authority to purchase and provide ICF/MR the 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) This chapter establishes standards for habilitative training, health related care, supervision, and residential services to eligible persons.

(3) Each state and nonstate ICF/MR facility shall be certified as a Title XIX ICF/MR facility.

(4) Each nonstate ICF/MR facility with a certified capacity of sixteen beds or more shall be licensed as a nursing home in accordance with chapter 18.51 RCW.

(5) Each nonstate ICF/MR 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 ICF/MR services must comply with all applicable federal regulations under Title XIX, Section 1905 of the Social Security Act 42 U.S.C. as amended, and nonstate-operated facilities must comply as well with state regulations governing the licensing of nursing homes or boarding homes for the aged, and other relevant state regulations.

(7) Certified facilities shall admit only developmentally disabled persons as residents.

(8) State facilities may not exceed funded capacity, unless otherwise authorized by the secretary in accord with RCW 71A.20.090.

(9) The sections of this chapter will supersede and replace any and all sections affecting ICF/MR facilities or programs in chapters 388-88 and 388-96 WAC except where specifically referenced in this chapter.

[Statutory Authority: RCW 74.09.120 and 71A.20.140. 91-17-005 (Order 3230), § 275-38-005, filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-005, filed 6/1/88; 82-16-080 (Order 1853), § 275-38-005, 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 275-38-045 Minimum staff requirements.

Each ICF/MR shall provide staff adequate in numbers and qualifications to meet the needs of the residents.

[Statutory Authority: RCW 74.09.120 and 71A.20.140. 91-17-005 (Order 3230), § 275-38-045, filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-045, filed 8/3/82.]

WAC 275-38-050 Placement of client. (1) Placement into an ICF/MR facility is the responsibility of the division of developmental disabilities and shall be accomplished in accordance with the applicable federal and state regulations.

(2) The client's eligibility for ICF/MR services shall be determined by department representatives before payment can be approved, provided a facility may not admit a client requiring services the facility is not able to provide.

[Statutory Authority: RCW 74.09.120 and 71A.20.140. 91-17-005 (Order 3230), § 275-38-050, filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-050, filed 8/3/82.]

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WAC 275-38-055 Transfer of client—Relocation.

(1) The department is responsible for assuring the client's health care and rehabilitative training needs are identified and met, as provided by state and federal regulations. The department is responsible for assuring each client is placed in a facility certified as capable of meeting the needs of the client. The division's regional services section shall be responsible for authorizing changes in residential services.

(2) A client admitted to a facility may be transferred or discharged only for medical reasons, for the client's welfare, or for 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, the parent or guardian, and a review of the relevant records.

(3) If the department services provided to a resident are not commensurate with the resident's needs, the department is responsible for initiating and facilitating the resident's relocation. The department shall consider a resident in a state facility eligible for community residential services when such services appropriately meet the person's individual needs.

A circumstance where the department may enforce immediate movement of a resident from an ICF/MR facility is the revocation or suspension of the ICF/MR certification or license.

(4) The department shall notify, in writing, the resident and resident's guardian, next of kin, or responsible party of the facility's certification or contract status when the:

(a) Department or health care financing administration (HCFA) determines a facility no longer meets certification requirements as an ICF/MR; or

(b) Department determines the facility does not meet contract requirements; or

(c) Facility voluntarily terminates the facility's contract or participation in the ICF/MR program.

(5) When the department determines a resident's relocation is necessary, the department shall give the resident and resident's guardian, next of kin, or responsible party twenty-eight days notice, in writing, of the department's intent to relocate the resident as required under WAC 275-38-060.

(6) When the department determines there is a serious and immediate threat to the resident's health or safety, the department shall not be required to give the resident and resident's guardian, next of kin, or responsible party twenty-eight days notice of the resident's relocation.

(7) 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 ICF/MR facility and receiving federal funds.

(8) 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 the resident's stay at the facility.

The facility shall follow the following procedure for resident relocation or discharge:

(i) The facility shall send a request in writing to the department, for relocation or discharge of a resident. The facility's 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 the resident's 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 and the resident's guardian, or next-of-kin, or responsible party, of the decision as described under WAC 275-38-060; and

(v) The resident and the department shall be allowed thirty days from the date 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 ICF/MR the resident desires for placement. If this selection is available and appropriate to the habilitation and health care needs of the resident, the department shall make all reasonable attempts to accomplish relocation. If the relocation or ICF/MR selection is not appropriate or available, the resident may make another selection.

(i) The resident or the resident's guardian shall request such a move in writing.

(ii) The division of developmental disabilities shall be responsible for arranging the resident's relocation.

[Statutory Authority: RCW 74.09.120 and 71A.20.140. 91-17-005 (Order 3230), § 275-38-055, filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-055, filed 8/3/82.]

WAC 275-38-060 Resident rights—Relocation redetermination of eligibility. (1) Except in the cases specified in WAC 275-38-060 [(2)][(3)], the resident, and the resident's guardian, next-of-kin, or responsible party of the resident shall be informed in writing twenty-eight days before any relocation or redetermination of eligibility for ICF/MR services to ensure orderly transfer or discharge. Such resident's notice shall include:

(a) The grounds for the proposed eligibility 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 twenty-eight days of receipt of the notice;

(c) The right to request a fair hearing within twenty-eight 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 available legal services in the community.

(2) The department shall send a fair hearing request form with the notice of relocation and/or redetermination of eligibility for ICF/MR services.

(a) If the resident requests a fair hearing within the twenty-eight day time period, the department shall not redetermine eligibility 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 the secretary's designee finds the redetermination of eligibility is not appropriate, further action shall not be taken to redetermine eligibility 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 the secretary's designee affirms the determination to change the resident's eligibility for services and/or transfer, and no judicial review is filed within twenty-eight days of the receipt of notice of determination, the department shall proceed with the planned action.

(d) If the secretary or secretary's designee affirms the determination to change the resident's eligibility for ICF/MR services or transfer and a request for judicial review has been filed, any proposed redetermination of eligibility 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; or

(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 shall not include a right to a fair hearing for a resident when the department judges the facility where the resident resides is not 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; or

(e) Emergency license suspension.

[Statutory Authority: RCW 74.09.120 and 71A.20.140. 91-17-005 (Order 3230), § 275-38-060, filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-060, filed 8/3/82.]

Reviser's note: RCW 34.05.395 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 275-38-065 Transfer or discharge planning.

The division of developmental disabilities (DDD) shall prepare a suitable written discharge or transfer plan for each resident to be transferred or discharged. DDD's plan shall include the location of available settings providing the appropriate services 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 staffs of the old and new facilities to discuss expectations and provide consultation on request; and

(5) Posttransfer follow-up by the division of developmental disabilities to monitor the effects of the change.

[Statutory Authority: RCW 74.09.120 and 71A.20.140. 91-17-005 (Order 3230), § 275-38-065, filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 74.09.120. 82-16-080 (Order 1853), § 275-38-065, filed 8/3/82.]

WAC 275-38-075 Discharge, readmission, and incident reporting. (1) A certified ICF/MR facility having an ICF/MR 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) The department shall require discharge and readmission for residents admitted as hospital inpatients.

[Statutory Authority: RCW 74.09.120 and 71A.20.140. 91-17-005 (Order 3230), § 275-38-075, filed 8/9/91, effective 9/9/91. 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 275-38-090 Superintendent's limited authority to hold. (1) When a superintendent, acting on behalf of the secretary, receives information that a resident intends to voluntarily discharge himself or herself from the programs and services of the residential habilitation center (RHC), the superintendent shall determine if such a departure would be harmful to the resident.

(2) If, in the superintendent's judgment, the resident's departure is harmful to the resident, the superintendent may hold the resident until the danger passes, not to exceed forty-eight hours. The superintendent may refer the resident to a mental health professional as described under RCW 71.05.150.

(3) When the superintendent detains an RHC resident as required under this section, the superintendent or the superintendent's designee shall give notification of such hold to the resident and the legal representative of the resident as provided under RCW 71A.10.070. If the legal representative is not available, the superintendent shall also notify one or more persons in the following order of priority:

(a) A parent of a person with a developmental disability eighteen years of age or older;

(b) Other kin of the person with a developmental disability with a preference to persons with closest kinship;

(c) The Washington protection and advocacy agency for the rights of a person with a developmental disability, appointed in compliance with 42 USC section 6042; or

(d) A person who is not an employee of the department nor a contractor under this title nor an employee of such contractor who, in the opinion of the superintendent is concerned with the person's welfare.

(4) This section shall not prohibit the superintendent of an RHC from notifying:

(a) A mental health professional;

(b) Local law enforcement;

(c) Adult protective services;

(d) Child protective services; or

(e) Other agencies as appropriate.

(5) At the end of the forty-eight-hour hold, the superintendent shall not continue to detain a resident.

(6) If the provisions of the section are invoked a second time within six months, the superintendent or superintendent's designee shall make a referral to a mental health professional within eight hours. In this situation, the resident may only be held until the mental health professional:

(a) Investigates and evaluates the specific facts surrounding the situation; and

(b) Determines the further detention of the resident in accord with RCW 71.05.150.

(7) This section shall not prohibit the superintendent of an RHC or designee from allowing a resident to leave the center for prescribed periods under such conditions as may be appropriate for the resident's habilitation or care.

(8) When a resident has voluntarily left the programs and services of the RHC, under the provision of this section, except as provided in subsection (7), the superintendent shall initiate discharge proceeding.

[Statutory Authority: RCW 74.09.120 and 71A.20.140. 91-17-005 (Order 3230), § 275-38-090, filed 8/9/91, effective 9/9/91.]

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) Unless a shorter period is approved by the division director, 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, and shall include all earnest money, purchase, and lease agreements involved in the transaction.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-520, filed 6/1/88; 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 sixty 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. The IMR contract with the new owner shall be effective as of the date of the change of ownership.

(3) A new contractor shall submit the following as a part of the projected budget:

- (a) A statement disclosing the identity of all individuals and organizations having beneficial ownership interest in the current operating entity or in the land, building, or equipment of the facility; and
- (b) The identity of individuals or organizations having beneficial ownership in the purchasing or leasing entity.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-525, filed 6/1/88; 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 give the department sixty days written notice of such termination in accordance with the terms of the contract.

(2) When a contractor terminates for any reason, the former contractor shall submit final reports in accordance with WAC 275-38-546.

(3) Upon notification of a contract termination, the department shall determine by preliminary or final settlement calculations the amount of any overpayments made to the contractor, including overpayments disputed by the contractor. If preliminary or final settlements are unavailable for

any period up to the date of contract termination, the department shall make a reasonable estimate of any overpayment or underpayments for such periods. The department shall base a reasonable estimate upon prior period settlements, available audit findings, the projected impact of prospective rates, and other information available to the department.

(4) Payments for one or more months for care provided under a contract will be held until the former contractor has filed a properly completed final annual cost report, and the final settlement has been determined. In lieu of the withheld payments, the former contractor may provide security, in a form acceptable to the department, in the amount of determined and estimated overpayments, whether or not the overpayments are the subject of good-faith dispute. Security shall consist of:

(a) A surety bond issued by a bonding company acceptable to the department; or

(b) An assignment of funds to the department; or

(c) Collateral acceptable to the department; or

(d) A purchaser's assumption of liability for the prior contractor's overpayment; or

(e) Any combination of (4)(a), (b), (c), or (d) of this subsection.

(5) A surety bond or assignment of funds shall:

(a) Be at least equal in amount to determined or estimated overpayments, whether or not the subject of good-faith dispute, minus withheld payments;

(b) Be issued or accepted by a bonding company or financial institution licensed to transact business in Washington state;

(c) Be for a term sufficient to ensure effectiveness after final settlement and the exhaustion of administrative and judicial remedies: *Provided*, That the bond or assignment shall initially be for a term of five years, and shall be forfeited if not renewed thereafter in an amount equal to any remaining overpayment in dispute;

(d) Provide the full amount of the bond or assignment, or both, shall be paid to the department if a properly completed final cost report is not filed in accordance with this chapter, or if financial records supporting this report are not preserved and made available to the auditor; and

(e) 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 and assignment. The bond or assignment or both shall be paid to the department if 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.

(6) The department shall release any payment withheld as security if alternate security, acceptable to the department, is provided under subsection (4) of this section in an amount equivalent to determined and estimated overpayments.

(7) If the total of withheld payments, bonds, and assignments is less than the total of determined and estimated overpayments, the unsecured amount of such overpayments shall be a debt due the state. The debt shall become a lien against the real and personal property of the contractor from the time of filing by the department with the county auditor of the county where the contractor resides or owns

property. Such a lien claim has preference over the claims of all unsecured creditors.

(8) The contractor shall file a properly completed final cost report in accordance with the requirements of chapter 275-38 WAC, which may be audited by the department. A final settlement shall be determined within ninety days following completion of the audit process (including any administrative review of the audit requested by the contractor) or within twelve months if audit is not performed.

(9) Following determination of settlement for all periods, security held pursuant to this section shall be released to the contractor after overpayments determined in connection with final settlement have been paid by the contractor. If the contractor contests the settlement determination in accordance with WAC 275-38-886, the department shall hold the security, not to exceed the amount of estimated unrecovered overpayments being contested, pending completion of the administrative appeal process.

(10) If, after calculation of settlements for any periods, it is determined that overpayments exist in excess of the value of security held by the state, the department may seek recovery of these additional overpayments as provided by law.

(11) The department may accept an assignment of funds if the assignment meets the requirements of subsection (4) of this section.

(12) 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. 88-12-087 (Order 2629), § 275-38-530, filed 6/1/88; 82-16-080 (Order 1853), § 275-38-530, filed 8/3/82.]

WAC 275-38-535 Due dates for reports. (1) Nonstate facilities' annual cost reports for a calendar year shall be submitted by March 31 of the following year.

(2) State facilities' annual cost reports for a fiscal year shall be submitted by December 31 of that year.

(3) If a contract is terminated for any reason, the former owner shall submit a final cost report, in addition to any reports due under subsection (1) of this section, within one hundred twenty days after the effective date of termination for the period January 1 of the year of termination through the effective date of termination.

(4) A new contractor shall submit, by March 31 of the following year, a cost report for the period from the effective date of the contract through December 31 of the year the contract was made effective, unless an exception is granted by the division director.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-535, filed 6/1/88; 84-19-042 (Order 2150), § 275-38-535, filed 9/17/84; 82-16-080 (Order 1853), § 275-38-535, filed 8/3/82.]

WAC 275-38-540 Requests for extensions. (1) The department, upon a written request setting forth reasons for the necessity of an extension, may grant two extensions of up to thirty days each for filing any required report, if the written request is received at least ten days prior to the due dates of the reports.

(2) Extensions shall be granted only if the circumstances stated clearly indicate the due date cannot be met and the circumstances were not foreseeable by the contractor.

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[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-540, filed 6/1/88; 82-16-080 (Order 1853), § 275-38-540, filed 8/3/82.]

WAC 275-38-545 Reports. (1) Each nonstate contractor shall submit to the department an annual cost report for the period from January 1 through December 31 of the preceding year.

(2) Each state facility shall submit to the department an annual cost report for the period from July 1 of the preceding year through June 30 of the current year, i.e., state fiscal year.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-545, filed 6/1/88; 82-16-080 (Order 1853), § 275-38-545, filed 8/3/82.]

WAC 275-38-546 Failure to submit final reports. (1) If a contract is terminated, the former contractor shall submit a final report as required by WAC 275-38-530(2) and 275-38-535(3). The former contractor shall submit final reports to the department within one hundred twenty days after the contract is terminated or prior to the expiration of any department-approved extension granted pursuant to WAC 388-96-107. When the contractor fails to submit a final report, all payments made to the contractor relating to the period for which a report has not been received shall be a debt owed to the department. The contractor shall refund the amount due to the department within thirty days after receiving written demand from the department.

(2) Effective thirty days after written demand for the payment is received by the contractor, interest will begin to accrue on any unpaid balance at the rate of one percent per month.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-546, filed 6/1/88.]

WAC 275-38-550 Improperly completed or late reports. (1) For 1981 and subsequent annual cost reporting periods, contractors shall submit an annual report, including the proposed settlement computed by cost center pursuant to WAC 275-38-886, in accordance with chapter 275-38 WAC, departmental regulations and instructions. The department may return an annual cost report deficient in any of these respects in whole or in part to the contractor for proper completion. Submit annual reports by the due date determined in accordance with WAC 275-38-535.

(2) If a the department does not receive properly completed report 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. 88-12-087 (Order 2629), § 275-38-550, filed 6/1/88; 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. All entries shall be in black or dark blue ink or provided in an acceptable, indelible copy.

(2) Contractors shall complete reports in accordance with instructions provided by the department. If no specific instruction covers a situation, follow generally accepted accounting principles.

(3) Contractors shall use the accrual method of accounting, except for governmental institutions operated on a modified accrual method of accounting. Reverse all revenue and expense accruals 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 and generally accepted accounting principles are followed.

(4) Contractor shall consistently apply methods of allocating costs [shall be consistently applied], including indirect or overhead costs. Contractors operating multiservice facilities or facilities incurring joint facility costs shall allocate costs in accordance with benefits received from the resources represented by those costs.

(5) The contractor shall maintain records relating to an IMR so reported data can be audited for compliance with generally accepted accounting principles and the department's reimbursement principles and reporting instructions. If a contractor maintains records utilizing a chart of accounts other than that established by the department, the contractor shall provide to the department a written schedule specifying the way in which the contractor's individual account numbers correspond to the department's chart of accounts. Contractors shall make records available for review by authorized personnel of the department and of the United States Department of Health and Human Services during normal business hours at a location in the state of Washington specified by the contractor.

(6) 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. 88-12-087 (Order 2629), § 275-38-555, filed 6/1/88; 86-18-002 (Order 2412), § 275-38-555, filed 8/21/86; 82-16-080 (Order 1853), § 275-38-555, filed 8/3/82.]

Reviser's note: RCW 34.05.395 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 275-38-560 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 administrator of the IMR facility. If the report is prepared by someone other than an employee of the contractor, include a separate statement with the certification signed by the individual preparing the report and indicating his or her status with the contractor. Submit only the original signature of the certification of the cost report.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-560, filed 6/1/88; 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 275-38-900.

(3) Contractors filing false reports may be referred for prosecution under applicable statutes.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-565, filed 6/1/88; 82-16-080 (Order 1853), § 275-38-565, filed 8/3/82.]

WAC 275-38-570 Amendments to reports. (1) For

purposes of determining allowable costs for computing a final settlement, the department shall consider an amendment to an annual report only if filed by the contractor before receipt of notification scheduling the department's field audit. If no audit is conducted by the department and the preliminary settlement report becomes the final settlement report, the department shall consider an amendment to an annual report only if filed within thirty days after the contractor receives the final settlement report for which no audit has been conducted. For only the purpose of adjusting reimbursement rates for errors or omissions, the contractor may file an amendment subsequent to notification scheduling the department's field audit pursuant to the provision of WAC 275-38-900. A contractor may file an amendment and the department can consider it only if the errors or omissions are significant. 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 or rate to a contractor if the amendment is:

(a) Not the result of circumstances beyond the control of the contractor; or

(b) The result of good-faith error under the system of cost allocation and accounting in effect during the reporting period in question.

(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. 88-12-087 (Order 2629), § 275-38-570, filed 6/1/88; 82-16-080 (Order 1853), § 275-38-570, filed 8/3/82.]

WAC 275-38-585 Requirement for retention of reports by the department. The department shall retain each required report for a period of five years following the

date the report was submitted. If at the end of five years there are unresolved audit questions, the department shall retain the report until such questions are resolved.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-585, filed 6/1/88; 82-16-080 (Order 1853), § 275-38-585, filed 8/3/82.]

WAC 275-38-586 Requirements for retention of records by the contractor. The contractor shall retain all records supporting the required reports for a period of five years subsequent to filing at a location in the state of Washington specified by the contractor. If at the end of five years there are unresolved audit questions, the records shall be retained until these questions are resolved. All such data shall be made available upon demand to authorized representatives of the department and of the United States Department of Health and Human Services. When a contract is terminated, final settlement shall not be made until accessibility to and preservation of the records within the state of Washington are assured.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-586, filed 6/1/88.]

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. (1) The department shall field audit all cost reports for calendar year 1983.

(2) The department may field audit cost reports for years subsequent to 1983 by auditors employed by or under contract with the department. The department shall notify facilities selected for audit within one hundred twenty days after submission of a complete and correct cost report of the department's intent to audit. The department shall complete such audits within one year after notification of the department's intent to audit unless the contractor fails to allow access to records and documentation or otherwise prevents the audit from being completed in a timely manner.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-600, filed 6/1/88; 84-09-018 (Order 2091), § 275-38-600, filed 4/10/84; 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 shall normally notify the

contractor at least ten working days in advance of a field audit.

(2) The contractor shall provide the auditors with access to the IMR and to all financial and statistical records. These financial and statistical records shall include income tax returns relating to the cost report directly or indirectly, and work papers supporting the data in the cost report or relating to resident trust funds. Such records shall be made available at a location in the state of Washington specified by the contractor.

(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.

(4) The contractor shall designate and make available one or more individuals familiar with the internal operations of a facility being audited in order to respond to questions and requests for information and documentation from the auditors. If the individual or individuals designated cannot answer all questions and respond to all requests, an alternative individual with sufficient knowledge and access to records and information must be provided by the contractor.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-605, filed 6/1/88; 82-16-080 (Order 1853), § 275-38-605, filed 8/3/82.]

WAC 275-38-610 Scope of field audits. (1) Auditors shall review the contractor's record keeping and accounting practices and, where appropriate, make written recommendations for improvements.

(2) Auditors shall examine the contractor's financial and statistical records to verify:

(a) Supporting records are in agreement with reported data; and

(b) Only assets, liabilities, and revenue and 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; and

(c) Allowable costs have been accurately determined and are necessary, ordinary, and related to resident care; and

(d) Related organizations and beneficial ownerships or interests have been correctly disclosed; and

(e) Resident trust funds have been properly maintained.

(3) Auditors shall prepare and provide draft audit narratives and summaries to the contractor before final narratives and summaries are prepared.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-610, filed 6/1/88; 82-16-080 (Order 1853), § 275-38-610, filed 8/3/82.]

WAC 275-38-615 Inadequate documentation. The auditors shall disallow any assets, liabilities, revenues, or expenses reported as allowable which are not supported by adequate documentation in the contractor's financial records. Documentation must show:

(1) The costs were incurred during the period covered by the report and were related to resident care and training; and

(2) Assets reported were used in the provision of resident care and training.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-615, filed 6/1/88; 82-16-080 (Order 1853), § 275-38-615, filed 8/3/82.]

WAC 275-38-620 Deadline for completion of audits.

(1) The department shall complete field audits within one year after a properly completed annual cost report is received or within one year after an IMR facility is notified it has been selected for audit, provided field auditors are given timely access to the IMR facility and to all records necessary to audit the report.

(2) For state IMRs, the department shall complete field audits within three years after a properly completed cost report is received by the department, provided field auditors are given timely access to the facility and all records necessary to audit the report.

(3) The department shall give priority to any field audits of final annual reports and whenever possible shall begin such field audits within ninety days after a properly completed final annual report is received.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-620, filed 6/1/88; 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) The contractor shall make each account available for audit and inspection by a department representative and be maintain such accounts for a minimum of five 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 shall reevaluate 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, whose resources are within one hundred dollars of the amount listed on the award letter.

(c) The accumulation toward the limit under subsection (2)(a) or (b) of this section, 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 may overdraw his or her account (show a debit balance). If a resident wants to spend an amount greater than in his or her trust account, the IMR may provide money from its own funds. The IMR can collect the debt by installments from that portion of the resident's allowance remaining at the end of each month. No interest may be charged to residents for such loans.

(3) Resident trust accounts may not be 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 department before a resident trust account can be charged.

A written denial from the department 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, nose drops, etc.). The pharmacist's notation to this effect is sufficient.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-650, filed 6/1/88; 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. The contractor shall deposit all moneys over and above the trust fund petty cash amount 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 shall 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) The contractor shall make any related bankbooks, bank statements, checkbook, check register, and all voided and cancelled checks, available for audit and inspection by a department representative, and shall be maintained by the IMR for not less than five 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. 88-12-087 (Order 2629), § 275-38-655, filed 6/1/88; 82-16-080 (Order 1853), § 275-38-655, filed 8/3/82.]

WAC 275-38-660 Trust moneys control or disbursement. The contractor shall hold trust moneys and not to be turned over to anyone other than:

(a) The resident or his or her guardian without the written consent of the resident,

(b) His or her designated agent as appointed by power of attorney, or

(c) Appropriate department of social and health services personnel as designated by the DDD regional services administrator.

(1) Complete a receipt in duplicate when moneys are received; give one copy to the person making payment or deposit, and retain the other copy in the receipt book for easy reference.

(2) Residents shall endorse any checks received. 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, deposit 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 contractor shall credit the resident's trust account ledger sheet 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. 88-12-087 (Order 2629), § 275-38-660, filed 6/1/88; 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 former contractor shall provide the new contractor with a written accounting, in accordance with generally accepted auditing standards, of all resident funds being transferred, and obtain a written receipt for the funds from the new contractor.

(2) The facility shall 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 former contractor, the resident retains all rights and remedies provided under state law.

[Statutory Authority: 74.09.120. 88-12-087 (Order 2629), § 275-38-667, filed 6/1/88; 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. (1) Allowable costs are documented costs which are 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 which prudent and cost-conscious management would pay.

(2) Upon a request for a rate adjustment pursuant to WAC 275-38-900 or 275-38-906, costs previously audited and not disallowed are subject to review by the department pursuant to subsection (1) of this section.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-680, filed 6/1/88; 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 shall prevail over the transaction's form. Accordingly, allowable costs shall not include increased costs resulting from transactions or the application of accounting methods which circumvent the principles of the prospective cost-related reimbursement system.

(2) The department shall not allow increased costs resulting from a series of transactions between the same parties and involving the same assets (e.g., sale and lease-back, successive sales or leases of a single facility or piece of equipment).

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-685, filed 6/1/88; 82-16-080 (Order 1853), § 275-38-685, filed 8/3/82.]

WAC 275-38-690 Offset of miscellaneous revenues. (1) The contractor shall reduce allowable costs 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. The contractor shall not deduct unrestricted grants, gifts, endowments, and interest therefrom, 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) The department shall recover only allowable costs under this section. Costs allocable to activities or services not included in IMR services (e.g., costs of vending machines and services specified in chapter 388-86 WAC which are not included in IMR services) are nonallowable costs.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-690, filed 6/1/88; 82-16-080 (Order 1853), § 275-38-690, filed 8/3/82.]

WAC 275-38-695 Costs of meeting standards. All necessary and ordinary expenses a contractor incurs in providing IMR services meeting all applicable standards will be allowable costs. The expenses include necessary and ordinary costs of:

(1) Meeting licensing and certification standards;

(2) Fulfilling accounting and reporting requirements imposed by chapter 275-38 WAC; and

(3) Performing any resident assessment activity required by the department.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-695, filed 6/1/88; 82-16-080 (Order 1853), § 275-38-695, filed 8/3/82.]

WAC 275-38-700 Limit on costs to related organizations. (1) The department shall allow costs applicable to services, facilities, and supplies furnished by organizations related to the contractor only to the extent:

(a) The costs do not exceed the lower of the cost to the related organization; or

(b) The price of comparable services, facilities, or supplies are purchased elsewhere. The term "related organization" is defined in WAC 275-38-001.

(2) Nonstate facilities shall make documentation of costs to related organizations available to the auditors at the time and place the financial records relating to the entity are audited. State facilities shall make documentation of costs to related organizations available to the auditors at the time the facility is audited at the department's offices of accounting services, financial recovery, or budget. The department shall disallow payments to or for the benefit of the related organization where the cost to the related organization cannot be documented.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-700, filed 6/1/88; 82-16-080 (Order 1853), § 275-38-700, filed 8/3/82.]

WAC 275-38-705 Start-up costs. The department shall allow necessary and ordinary start-up costs, as defined in WAC 275-38-001, in the administration and operations rate component. Start-up costs shall be 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. 88-12-087 (Order 2629), § 275-38-705, filed 6/1/88; 82-16-080 (Order 1853), § 275-38-705, filed 8/3/82.]

WAC 275-38-706 Organization costs. (1) The department shall allow necessary and ordinary costs directly incident to the creation of a corporation or other form of business of the contractor and that are incurred prior to the admission of the first resident. The department will allow these costs in the administration and operations cost area if they are amortized over not less than sixty consecutive months beginning with the month in which the first resident is admitted for care.

(2) Allowable organization costs include, but are not limited to, legal fees incurred in establishing the corporation or other organization and fees paid to states for incorporation. Organization costs do not include costs relating to the issuance and sale of shares of stock or other securities.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-706, filed 6/1/88.]

WAC 275-38-715 Education and training. (1) The department shall allow ordinary expenses of on-the-job training and in-service training required for employee orientation and certification training when directly related to the performance of duties assigned.

(2) Ordinary expenses of resident life staff training pursuant to chapter 18.52A RCW shall be allowable costs.

(3) Necessary and ordinary expenses of recreational and social activity training conducted by the contractor for volunteers shall be allowable costs. Expenses of training programs for other nonemployees shall not be allowable costs, except training provided to employees of a county-contracted training program which is provided by an IMR as a condition of their agreement with the county-contracted training program.

(4) The department shall allow expenses for travel in the states of Idaho, Oregon, and Washington and the Province of British Columbia associated with education and training if the expenses meet the requirements of chapter 275-38 WAC.

[Statutory Authority: RCW 74.09.120, 88-12-087 (Order 2629), § 275-38-715, filed 6/1/88; 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 shall be as provided in the employment contract, including benefits, whether such contract is written, verbal, or inferred from the acts of the parties. In the absence of a contract, total compensation shall include 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, 88-12-087 (Order 2629), § 275-38-720, filed 6/1/88; 82-16-080 (Order 1853), § 275-38-720, filed 8/3/82.]

WAC 275-38-725 Owner or relative—Compensation. (1) The department shall limit total compensation of an owner or relative of an owner to the ordinary compensation for necessary services actually performed.

(a) Compensation is ordinary if it 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. Such records shall document compensated time was spent in provision of necessary services actually performed.

(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, 88-12-087 (Order 2629), § 275-38-725, filed 6/1/88; 82-16-080 (Order 1853), § 275-38-725, filed 8/3/82.]

WAC 275-38-745 Allowable interest. (1) The department shall allow the contractor's necessary and ordinary interest for working capital and capital indebtedness.

(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.

(d) Interest expense for assets acquired in a change of ownership entered into after September 30, 1984, shall be disallowed in proportion to the amount by which the loan principal for the acquired assets exceeds the original depreciation base of the owner of the assets as of July 18, 1984.

(2) Interest paid to or for the benefit of a related organization shall 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.

(3) The contractor shall capitalize interest expense and loan origination fees relating to construction incurred during the period of construction. Such costs shall be amortized over the life of the asset from the date the first resident is admitted or the asset is put into service for resident care and training.

[Statutory Authority: RCW 74.09.120, 88-12-087 (Order 2629), § 275-38-745, filed 6/1/88; 85-06-063 (Order 2213), § 275-38-745, filed 3/6/85; 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, the contractor shall deduct interest income from the investment or lending of nonrestricted funds from allowable interest expense, except for a nonprofit facility.

(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, 88-12-087 (Order 2629), § 275-38-750, filed 6/1/88; 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 contractor shall capitalize the following costs:

(1) Expenditures and costs for equipment including furniture and furnishings, 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) Expenditures and costs for equipment including furniture and furnishings, 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 equipment or 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) Effective January 1, 1990, for settlement purposes for periods subsequent to that date, and for purposes of setting rates for periods beginning July 1, 1990, and subsequently, subsection (1) of this section shall be applied with the sum one thousand dollars replacing the sum five hundred dollars.

(5) Expenditures for and costs of building, and other real property items, components, and improvements and leasehold improvements, if required or authorized by the lease agreement, in excess of one thousand dollars and involving one or more of the following:

(a) Increase the interior floor space of the structure;

(b) Increase or renewal of 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 water-related, or similar fixed equipment;

(e) Landscaping or redecorating;

(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. 90-15-017 (Order 3037), § 275-38-770, filed 7/12/90, effective 8/12/90; 88-12-087 (Order 2629), § 275-38-770, filed 6/1/88; 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 shall 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 chapter 275-38 WAC.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-775, filed 6/1/88; 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) A fairly long life, 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. 88-12-087 (Order 2629), § 275-38-780, filed 6/1/88; 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, if any, 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.

(5) Effective October 1, 1984, the depreciation base for assets acquired in a change of ownership entered into on or after July 18, 1984, shall not exceed the lower of the purchase price of the new owner or the acquisition cost base of the owner of the assets on or after July 18, 1984. Costs (including legal fees, accounting and administrative costs, travel costs, and the cost of feasibility studies) attributable to the negotiation or settlement of the assets acquired in the change of ownership, where any payment has previously been made by Title XIX, shall not be allowed.

Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-785, filed 6/1/88; 86-01-008 (Order 2312), § 275-38-785, filed 12/5/85; 85-06-063 (Order 2213), § 275-38-785, filed 3/6/85; 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, if any, 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 historical cost 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. 88-12-087 (Order 2629), § 275-38-790, filed 6/1/88; 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 except the building. 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, except as follows: For boarding home licensed facility building improvements required by the Fire Safety Evaluation System (FSES) of the Life Safety Code of 1984, the improvements shall be depreciated over a period of not less than five years. This exception shall require prior approval by the department.

(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, except as follows: For boarding home licensed facility building improvements required by the Fire Safety Evaluation System (FSES) of the Life Safety Code of 1984, the improvements shall be depreciated over a period of not less than five years. This exception shall require prior approval by the department.

(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. 86-01-008 (Order 2312), § 275-38-795, filed 12/5/85; 82-16-080 (Order 1853), § 275-38-795, filed 8/3/82.]

WAC 275-38-800 Methods of depreciation. (1) Buildings, building improvements, land improvements, leasehold 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. 88-12-087 (Order 2629), § 275-38-800, filed 6/1/88; 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 subsequent 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. 88-12-087 (Order 2629), § 275-38-812, filed 6/1/88; 82-16-080 (Order 1853), § 275-38-812, filed 8/3/82.]

WAC 275-38-813 Handling of gains and losses upon retirement of depreciable assets. This section shall apply in the place of WAC 275-38-812 effective October 1, 1984. Effective October 1, 1984, assets acquired in a change of ownership entered into on or after July 18, 1984, shall be subject to the following depreciation recapture provisions.

(1) 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.

(2) 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.

(3) 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 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.

[Statutory Authority: RCW 74.09.120. 86-01-008 (Order 2312), § 275-38-813, filed 12/5/85.]

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 IMR 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, shall be recovered by the department.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-815, filed 6/1/88; 82-16-080 (Order 1853), § 275-38-815, filed 8/3/82.]

WAC 275-38-820 Unallowable costs. (1) Costs shall 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 Medicaid 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 CFR) 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.

(i) Any portion of trade association dues attributable to legal and consultant fees and costs in connection with lawsuits, or other legal action against the department.

(ii) Travel expenses for members of trade association boards of directors, otherwise meeting the requirements of chapter 275-38 WAC, for more than twelve meetings per year.

(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 items 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, including but not limited to accounting services in preparation of administrative or judicial review, where the final administrative decision is rendered in favor of the department or where otherwise the determination of the department stands at the termination of administrative review.

(ff) Legal and consultant fees in connection with a lawsuit against the department, including appeals of administrative decision suits.

(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.

(ii) Travel expenses outside the states of Idaho, Oregon, and Washington and the Province of British Columbia. However, travel to and from the home and central office of a chain organization operation will be allowed outside those areas if such travel is necessary, ordinary, and related to resident care and training.

(jj) Moving expenses of employees in the absence of a demonstrated, good-faith effort to recruit within the states of Idaho, Oregon, and Washington and the Province of British Columbia.

(3) If a contractor provides goods or services not reimbursable under chapter 275-38 WAC, any material indirect or overhead costs must be allocated to such goods or services and not be reported as an allowable cost.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-820, filed 6/1/88; 82-16-080 (Order 1853), § 275-38-820, filed 8/3/82.]

WAC 275-38-831 Reimbursement principles. (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.

(2) 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.

(3) For nonstate facilities, final payment shall be the lower of their prospective rate or allowable costs.

(a) Prospective rates for nonstate facilities shall be determined in accordance with WAC 275-38-845, 275-38-846, 275-38-850, 275-38-860, 275-38-863, 275-38-865, 275-38-868, 275-38-869, 275-38-870, 275-38-875, and 275-38-880.

(b) Final payments for nonstate facilities shall be determined in accordance with WAC 275-38-886.

(4) For state facilities, final payment shall be their allowable costs.

(a) Interim rates for state facilities shall be determined in accordance with WAC 275-38-846 and 275-38-890.

(b) Final payments for state facilities shall be determined in accordance with WAC 275-38-892.

[Statutory Authority: RCW 74.09.120, 85-06-063 (Order 2213), § 275-38-831, filed 3/6/85; 84-19-042 (Order 2150), § 275-38-831, filed 9/17/84; 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 shall be established within sixty days following receipt by the department of a properly completed projected budget (see WAC 275-38-520). The reimbursement rate shall be effective as of the effective date of the contract.

(2) The prospective reimbursement rate shall 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 taking into account applicable lids or maximums.

(3) If a properly completed projected budget is not received at least sixty days prior to the effective date of the contract, the department shall establish a preliminary rate based on the other factors specified in subsection (2) of this section. The preliminary prospective rate shall 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 shall 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, 88-12-087 (Order 2629), § 275-38-840, filed 6/1/88; 82-16-080 (Order 1853), § 275-38-840, filed 8/3/82.]

WAC 275-38-845 Rate determination. (1) Each contractor's reimbursement rate shall be determined prospec-

tively once each calendar year to be effective July 1. Rates may be adjusted to take into consideration legislative inflation adjustments or pursuant to WAC 275-38-900 or 275-38-906.

(2) If the contractor participated in the program for at least six months of the prior calendar year, its rates shall be based on the contractor's allowable costs in the prior period. If the contractor participated in the program for less than six months of the prior calendar year, its rates shall be based on its rate determined per WAC 275-38-840.

(3) Contractors submitting correct and complete cost reports by March 31, shall be notified of their rates by July 1, unless circumstances beyond the control of the department interfere.

(4) The department shall take data used in determining rates from the most recent, complete, desk-reviewed cost report submitted by the contractor.

(5) Data containing obvious errors shall be excluded from the determination of predicted costs, cost averages, and rate upper limits for WAC 275-38-870.

(6) Inflation factor adjustments shall be specified in division policy Directive 406.

[Statutory Authority: RCW 74.09.120, 88-12-087 (Order 2629), § 275-38-845, filed 6/1/88; 84-19-042 (Order 2150), § 275-38-845, filed 9/17/84; 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 each cost report to determine if the information is correct, complete, and reported in conformity with generally accepted accounting principles, the requirements of chapter 275-38 WAC, and such rules and instructions issued by the department. An analysis by the department to determine whether reported information is correct and complete may include, but is not limited to:

(a) An examination of reported costs for prior years;

(b) An examination of desk review adjustments made in prior years and their final disposition; and

(c) An examination of findings, if any, from field audits of cost reports from prior years and findings, if any, from the field audit of the cost report under analysis.

(2) If it appears from the analysis a contractor has not correctly determined or reported its costs, the department may make adjustments to the reported information for purposes of establishing reimbursement rates. The department shall provide a schedule of such adjustments to contractors and shall include an explanation for the adjustment and the dollar amount for each adjustment made. Adjustments shall be subject to review and appeal as provided in subsection (2)(a) or (b) below.

(a) If a contractor believes an adjustment is in error, the adjustment shall be subject to review pursuant to WAC 275-38-900; and

(b) If a satisfactory resolution of issues is not reached between the contractor and the department, the adjustment shall be subject to further review pursuant to WAC 275-38-950 and 275-38-960.

(3) The department may accumulate data from properly completed cost reports for use in exception profiling and establishing rates.

(4) The department may further utilize such accumulated data for analytical, statistical, or informational purposes as deemed necessary by the department.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-846, filed 6/1/88; 83-17-074 (Order 2012), § 275-38-846, filed 8/19/83.]

WAC 275-38-850 Cost centers. (1) A contractor's overall reimbursement rate for IMR residents consists of the total of three component rates, each covering one cost center. The five cost centers are: Resident care and habilitative services; food; administration and operations; property; and return on equity;

(2) Effective January 1, 1985, a contractor's reimbursement rate for IMR residents consists of the total of three component rates, each covering one cost center. The three cost centers are: Resident care and habilitation; administration, operations, and property; and return on equity.

[Statutory Authority: RCW 74.09.120. 85-06-063 (Order 2213), § 275-38-850, filed 3/6/85; 82-16-080 (Order 1853), § 275-38-850, filed 8/3/82.]

WAC 275-38-860 Resident care and habilitation cost center rate. (1) For C and D level facilities, the resident care and habilitation cost center shall reimburse for resident living services, habilitative and training services, recreation services, and nursing services in accordance with applicable federal and state regulation.

(2) For E level facilities, the resident care and habilitation cost center shall reimburse for resident living services, habilitative and training services, recreation services, and nursing services in accordance with applicable federal and state regulation. The cost center shall reimburse for resident care and training staff performing administration and operations functions specified in WAC 275-38-870.

(3) A facility's resident care and habilitation cost center rate shall be the facility's most recent desk-reviewed costs per resident day adjusted for inflation.

[Statutory Authority: RCW 74.09.120. 93-17-034 (Order 3616), § 275-38-860, filed 8/11/93, effective 9/11/93; 90-15-017 (Order 3037), § 275-38-860, filed 7/12/90, effective 8/12/90; 88-12-087 (Order 2629), § 275-38-860, filed 6/1/88; 86-18-002 (Order 2412), § 275-38-860, filed 8/21/86; 86-01-008 (Order 2312), § 275-38-860, filed 12/5/85; 85-06-063 (Order 2213), § 275-38-860, filed 3/6/85; 84-19-042 (Order 2150), § 275-38-860, filed 9/17/84; 83-17-074 (Order 2012), § 275-38-860, filed 8/19/83; 82-16-080 (Order 1853), § 275-38-860, filed 8/3/82.]

WAC 275-38-863 Administration, operations, and property cost center rate. Effective October 1, 1985, the administration, operations, and property cost center rate shall consist of the sum of three rate components: Food, administration and operations, and property. The food rate component shall be established pursuant to WAC 275-38-865. The administration and operations rate component shall be established pursuant to WAC 275-38-870. The property rate component shall be established pursuant to WAC 275-38-875.

[Statutory Authority: RCW 74.09.120. 86-01-008 (Order 2312), § 275-38-863, filed 12/5/85; 85-06-063 (Order 2213), § 275-38-863, filed 3/6/85.]

WAC 275-38-865 Food rate component. (1) The food rate component 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) A facility's food rate component shall be set at the July 1, 1983, IMR food rate component, adjusted for inflation.

[Statutory Authority: RCW 74.09.120. 85-06-063 (Order 2213), § 275-38-865, filed 3/6/85; 84-19-042 (Order 2150), § 275-38-865, filed 9/17/84; 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 275-38-868 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 specified in division policy Directive 403 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 amount specified in division policy Directive 403.

(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 amount specified in division policy Directive 403.

(5) 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 amount specified in division policy Directive 403.

(6) If the licensed administrator, licensed assistant administrator, registered administrator-in-training, or QMRP regularly works fewer than forty hours per week, allowable compensation shall be the lower of:

(a) Actual compensation received, or

(b) The maximum amount allowed multiplied by the percentage derived by dividing 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.

[Statutory Authority: RCW 74.09.120. 84-19-042 (Order 2150), § 275-38-868, filed 9/17/84. Formerly WAC 275-38-730.]

WAC 275-38-869 Management agreements, management fees, central office services, and board of directors. (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 submitted by the contractor at least sixty 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 thirty 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 shall be allowable. When necessary for the health and safety of facility residents, the sixty-day notice requirement may be waived, in writing, by the department.

(2) Management fees shall be allowed only if:

(a) A written management agreement both creates a principal and/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.

(c) To be allowable, fees must be for necessary, non-duplicative services.

(3) The contractor shall limit allowable fees for general management services, including corporate or business entity management and board of director's fees and including the overhead and indirect costs associated with providing general management services to:

(a) The maximum allowable compensation under WAC 275-38-868 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 275-38-868 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 under WAC 275-38-868, less the actual compensation received by the QMRP.

(4) A management fee paid to or for the benefit of a related organization shall 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 275-38-868.

(5) Central office costs, owner's compensation, and other fees or compensation, including joint facility costs, for general administrative and management services, shall include the overhead and indirect costs associated with providing general management expense not allocated to specific services. Such costs shall be subject to the management fee limits determined in subsections (3) and (4) of this section.

(1997 Ed.)

(6) Necessary travel and housing expenses of nonresident staff working at a contractor's IMR facility are allowable costs if the visit does not exceed three weeks. Such costs in excess of three weeks shall be subject to the management fee limits determined in subsections (3) and (4) of this section.

(7) Bonuses paid to employees at a contractor's IMR facility are compensation. Bonuses paid to employees at a contractor's central office or otherwise not employed at the IMR facility, who are not engaged in nonmanagerial services such as accounting, are management costs and shall be subject to the management fee limits determined in subsections (3) and (4) of this section.

(8) Fees paid to members of the board of directors of corporations operating IMR facilities shall be subject to the management fee limits determined in subsection (3) and (4) of this section.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-869, filed 6/1/88; 84-19-042 (Order 2150), § 275-38-869, filed 9/17/84. Formerly WAC 275-38-740.]

WAC 275-38-870 Administration and operations rate component. (1) The administration and operations rate component 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 habitative supplies, taxes, and insurance.

(2) A facility's administration and operations rate component shall be the lesser of:

(a) The facility's most recent desk-reviewed cost per resident day, adjusted for inflation; or

(b) The eighty-fifth percentile ranking of state and nonstate facilities' most recent desk-reviewed cost per resident day, adjusted for inflation. 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. 85-06-063 (Order 2213), § 275-38-870, filed 3/6/85; 84-19-042 (Order 2150), § 275-38-870, filed 9/17/84; 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 rate component. The property rate component will reimburse for the necessary and ordinary costs of leases, depreciation, and interest. A facility's property rate component shall be the facility's most recent desk-reviewed cost per resident day.

[Statutory Authority: RCW 74.09.120. 86-01-008 (Order 2312), § 275-38-875, filed 12/5/85; 85-06-063 (Order 2213), § 275-38-875, filed 3/6/85; 84-19-042 (Order 2150), § 275-38-875, filed 9/17/84; 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) 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 the prior calendar year's December 31 Medicare rate of return 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. Field audit shall determine whether the desk-reviewed reported equity exceeds the equity documented and calculated in conformance with Medicare rules and regulations as modified by this section. Using the determinations of field audit, the department shall recalculate the contractor's return on equity rate for the rate period using the report. 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. 88-12-087 (Order 2629), § 275-38-880, filed 6/1/88; 84-19-042 (Order 2150), § 275-38-880, filed 9/17/84; 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 Principles of settlement. (1) Settlement shall be calculated at the lower of prospective reimbursement rate or audited allowable costs, except as otherwise provided in this chapter.

(2) Each contractor shall complete a proposed preliminary settlement as part of the annual cost report and submit it by the due date of the annual cost report. After review of the proposed preliminary settlement, the department shall issue a preliminary settlement report to the contractor.

(3) If a field audit is conducted, the department shall evaluate the audit findings after completion of the audit and shall issue a final settlement which takes account of such findings and evaluations.

(4) Pursuant to preliminary or final settlement and the procedures set forth in chapter 275-38 WAC[, the contractor shall refund overpayments to the department and the department shall pay underpayments to the contractor].

(5) When payment for services is first made following preliminary or final settlement for the period during which the services were provided, payment shall be at the most recent available settlement rate.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-886, filed 6/1/88; 85-06-063 (Order 2213), § 275-38-886, filed 3/6/85; 84-19-042 (Order 2150), § 275-38-886, filed 9/17/84; 83-17-074 (Order 2012), § 275-38-886, filed 8/19/83.]

Reviser's note: RCW 34.05.395 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 275-38-887 Procedures for overpayments and underpayments. (1) The department shall make payment of underpayments determined by preliminary or final settlement within thirty days after the preliminary or final settlement report is submitted to the contractor.

(2) A contractor found to have received overpayments or payments in error as determined by preliminary or final settlement shall refund such payments to the department within thirty days after receipt of the preliminary or final settlement report as applicable.

(3) If a contractor fails to comply with subsection (2) of this section, the department shall:

(a) Deduct from current monthly amounts due the contractor the refund due the department and interest on the unpaid balance at the rate of one percent per month; or

(b) If the contract has been terminated:

(i) Deduct from any amounts due the contractor the refund due the department and interest on the unpaid balance at the rate of one percent per month; or

(ii) Pursue, as authorized by law and regulation, recovery of the refund due and interest on the unpaid balance at the rate of one percent per month.

(4) If a facility is pursuing timely filed administrative or judicial remedies in good faith regarding settlement report, the contractor need not refund. The department shall not withhold any refund or interest from current amounts due the facility if the refund is specifically disputed by the contractor on review or appeal. The department may recover portions of refunds not specifically disputed by the contractor on review or appeal and assess interest as provided in subsection (3) of this section. If the administrative or judicial remedy sought by the facility is not granted or is granted only in part after exhaustion or mutual termination of all appeals, the facility shall refund all amounts due the department within sixty days after the date of decision or termination plus interest as payable on judgments from the date the review was requested pursuant to WAC 275-38-950 and 275-38-960 to the date the repayment is made.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-887, filed 6/1/88.]

WAC 275-38-888 Preliminary settlement. (1) Effective January 1, 1985, the proposed preliminary settlement submitted by a contractor pursuant to WAC 275-38-886 shall use the prospective rate for the resident care and habilitation cost center at which the contractor was paid during the report period, including any client specific payment adjustments made for the resident care and habilita-

tion cost center. Such payments shall be weighted by the number of paid resident days reported for the period each rate was in effect. These payments shall be compared to the contractor's allowable costs for the resident care and habilitation cost center divided by total resident days.

(2) A contractor's administration, operations, and property cost center settlement rate shall be its prospective rate for the report period weighted by the number of paid resident days reported for the period each rate was in effect.

(3) A contractor's return on equity settlement rate shall be its prospective rate for the report period weighted by the number of paid resident days reported for the period each rate was in effect.

(4) Within one hundred twenty days after a proposed preliminary settlement is received, the department shall review it for accuracy and either accept or reject the proposal of the contractor. If accepted, the proposed preliminary settlement shall become the preliminary settlement report. If rejected, the department shall issue a preliminary settlement report by cost center which shall fully substantiate disallowed costs, refunds, or underpayments due and adjustments to the proposed preliminary settlement.

(5) A contractor shall have thirty days after receipt of a preliminary settlement report to contest such report pursuant to WAC 275-38-950 and 275-38-960. Upon expiration of the thirty-day period, a preliminary settlement report shall not be subject to review.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-888, filed 6/1/88.]

WAC 275-38-889 Final settlement. (1) If an audit is conducted, the department shall issue a final settlement report to the contractor after completion of the audit process, including exhaustion or mutual termination of reviews and appeals of audit findings or determinations.

(2) The final settlement shall be by cost center and shall fully substantiate disallowed costs, refunds, underpayments, or adjustments to the cost reports and financial statements, reports, and schedules submitted by the contractor.

(a) The final settlement report shall use the prospective rate at which the contractor was paid during the report period, including any client specific payment adjustments made for resident care and training cost center. Such payments shall be weighted by the number of paid resident days reported for the period each rate was in effect. The department shall compare these payments to the contractor's audited allowable costs for the period.

(b) A contractor's administration operations and property cost center settlement rate shall be its prospective rate for the period weighted by the number of paid resident days reported for the period each rate was in effect.

(c) A contractor's return on equity rate shall be its prospective rate for the report period weighted by the number of paid resident days reported for the period each rate was in effect.

(3) If the contractor is pursuing an administrative or judicial review or appeal in good faith regarding audit findings or determinations, the department may issue a partial final settlement report in order to recover overpayments based on audit findings or determinations not in dispute on review or appeal.

(4) A contractor shall have thirty days after receipt of a final settlement report to contest such report pursuant to WAC 275-38-950 and 275-38-960. Upon expiration of the thirty-day period, a final settlement report shall not be subject to review.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-889, filed 6/1/88.]

WAC 275-38-890 Interim rate. (1) A state facility's interim rate shall be determined utilizing the most recent desk-reviewed costs per resident day. These costs may be adjusted to incorporate federal, state, or department changes in program standards or services.

(2) A facility's interim rate may be adjusted for federal, state, or department changes in program standards or services.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-890, filed 6/1/88; 84-19-042 (Order 2150), § 275-38-890, filed 9/17/84.]

WAC 275-38-892 Final payment. (1) A settlement shall be determined to establish a state facility's final payment. A settlement shall be calculated as follows:

(a) If the state facility's allowable costs for the report period are greater than their interim payment, the amount owed to the facility shall be the difference of cost minus interim payment.

(b) If the state facility's allowable costs for the report period are less than their interim payments, the amount owed by the department shall be the difference of interim payment minus cost.

(2) The settlement process shall consist of a preliminary settlement and a final settlement.

(3) The preliminary settlement process shall be as follows:

(a) State facilities shall submit a proposed settlement report with their 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 the settlement amount.

(4) The final settlement process shall be as follows:

(a) After completion of the audit process, the department shall submit a final settlement report to the state facility substantiating disallowed costs, refunds, underpayments, or adjustments to the contractor's financial statements, cost report, and final settlement.

(b) A preliminary settlement as issued by the department shall become the final settlement if an audit is not to be conducted pursuant to WAC 275-38-620.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-892, filed 6/1/88; 84-19-042 (Order 2150), § 275-38-892, filed 9/17/84.]

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) The department may adjust prospective rates in accordance with subsection (1) of this section and WAC 275-38-570, as a result of cost report or computational errors or omissions by the department or by the contractor. The department shall 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 shall be effective as of the effective date of the original rate, whether the adjustment is solely for computing a preliminary or final settlement or for the purpose of modifying past or future rate payments as well.

(2) If a contractor claims an error or omission based upon incorrect cost reporting, the contractor shall submit amended cost report pages. 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 unless the amendments meet the requirements of WAC 275-38-570. If the department determines the changes made by such amendments are material, the amended pages shall be subject to field audit. If the department determines the amendments are incorrect or otherwise unacceptable from a field audit, or other information available to the department, any rate adjustment based on the amendment shall be null and void. Future rate payment increases, if any, scheduled as a result of such an amendment shall be cancelled immediately. Payments based upon the rate adjustment shall be subject to repayment as provided in subsection (3) of this section.

(3) The contractor shall pay or commence repayment for an amount he or she owes the department resulting from an error or omission within sixty days after receipt of notification of the rate adjustment or in accordance with a schedule determined by the department. If the determination is contested in accordance with WAC 275-38-950 and 275-38-960, 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 for any purpose shall be made to a rate more than one hundred twenty days after the final audit narrative and summary is sent to the contractor or more than one hundred twenty days after the preliminary settlement becomes the final settlement.

(a) A final settlement within this one hundred twenty day time limit may be reopened for the sole purpose of making an adjustment to a prospective rate in accordance with WAC 275-38-900.

(b) Only such an adjustment to a prospective rate and its related computation shall be subject to review if timely contested pursuant to WAC 275-38-950 and 275-38-960. Other actions relating to settlement reopened shall not be

subject to review unless previously contested in a timely manner.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-900, filed 6/1/88; 82-16-080 (Order 1853), § 275-38-900, filed 8/3/82.]

WAC 275-38-903 Receivership. (1) If the IMR facility is providing care to recipients of state medical assistance is placed under receivership pursuant to chapter 388-98 WAC, the receiver shall:

(a) Become the Medicaid contractor for the duration of the receivership period;

(b) Assume all reporting responsibilities for new contractors;

(c) Assume all other responsibilities for new contractors set forth in chapter 275-38 WAC; and

(d) Be responsible for the refund of Medicaid rate payments pursuant to chapter 275-38 WAC in excess of costs during the period of receivership.

(2) In establishing the prospective rate during receivership, the department shall consider:

(a) Compensation, if any, ordered by the court for the receiver. Such compensation may already be available to the receiver through the rate as follows:

(i) The return on equity cost center rate, or

(ii) The administrator's salary in the case of facilities where the receiver is also the administrator.

If these existing sources of compensation are less than what was ordered by the court, additional costs may be allowed in the rate up to the compensation amount ordered by the court;

(b) Start-up costs and costs of repairs, replacements, and additional staff needed for resident health, training, security, and welfare. To the extent such costs can be covered through the return on equity cost center rate, if any, no additional money will be added to the rate; and

(c) Any other allowable costs as set forth in chapter 275-38 WAC.

(3)(a) Upon order of the court, the department shall provide emergency or transitional financial assistance to a receiver not to exceed thirty thousand dollars.

(b) The department shall recover any emergency or transitional expenditure from revenue generated by the facility which is not obligated to the operation of the facility.

(c) If the department has not fully recovered any emergency or transitional expenditure at the termination of receivership, the department may:

(i) File an action against the former licensee or owner to recover such expenditure; or

(ii) File a lien on the facility or on the proceeds of the sale of the facility.

(4) If recommendations on receiver's compensation are solicited from the department by the court, the department shall consider the following:

(a) The range of compensation for nonstate IMR facility managers;

(b) Experience and training of the receiver;

(c) The size, location, and current condition of the facility;

(d) Any additional factors deemed appropriate by the department.

(5) When the receivership terminates, the department may revise the facility's Medicaid reimbursement as follows:

(a) The Medicaid reimbursement rate for the former owner or licensee shall be what it was prior to receivership. Unless the former owner or licensee may request prospective rate revisions from the department as set forth in chapter 275-38 WAC;

(b) The Medicaid reimbursement rate for licensed replacement operators shall be determined consistent with rules governing prospective reimbursement rates for new contractors as set forth in chapter 275-38 WAC.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-903, filed 6/1/88.]

WAC 275-38-906 Adjustments to prospective rates.

(1) Prospective rates shall be maximum payment rates for contractors for the periods to which they apply, except as otherwise provided in WAC 275-38-906. The department shall not grant rate adjustments for cost increases which are or were subject to management control or negotiation including, but not limited to, all lease cost increases, or for cost increases not expressly authorized in subsections (2) and (3) of this section.

(2) The department shall adjust rates for any capitalized additions or replacements made as a condition for licensure or certification.

(3) The department shall adjust rates for increased costs that must be incurred and which cannot be otherwise met through the contractor's prospective rate, for the following:

(a) Program changes required by the department;

(b) Changes in staffing levels or consultants at a facility required by the department; and

(c) Changes required by survey; and

(d) Changes in assessments related to revenue as required by the state legislature.

(4) Contractors requesting an adjustment shall submit:

(a) A financial analysis showing the increased cost and an estimate of the rate increase, computed according to allowable methods, necessary to fund the cost;

(b) A written justification for granting the rate increase; and

(c) A certification and supporting documentation which shows the changes in staffing, or other improvements, have been commenced or completed.

(5) Contractors receiving prospective rate increases under WAC 275-38-906 shall submit quarterly reports, beginning the first day of the month following the date the increase is granted, showing how the additional rate funds were spent. If the funds were not spent for change or improvements approved by the department in granting the adjustment, they may be subject to immediate recovery by the department unless the department finds the facility gave written notice of its intent to close by a date certain and recovery jeopardizes the facility's ability to provide for resident health, safety, and welfare.

(6) A contractor requesting an adjustment under subsection (3)(c) of this section shall submit a written plan specifying additional staff to be added and the resident needs the facility has been unable to meet due to lack of sufficient staff.

(7) In reviewing a request made under subsection (3) of this section, the department shall consider:

(a) Whether additional staff requested by a contractor is appropriate in meeting resident needs;

(b) Comparisons of staffing levels of facilities having similar characteristics;

(c) The physical layout of the facility;

(d) Supervision and management of current staff;

(e) Historic trends in under-spending of a facility's resident care and habilitation;

(f) Numbers and positions of existing staff; and

(g) Other resources available to the contractor under subsection (3) of this section.

[Statutory Authority: RCW 74.09.120. 93-17-034 (Order 3616), § 275-38-906, filed 8/11/93, effective 9/11/93; 90-15-017 (Order 3037), § 275-38-906, filed 7/12/90, effective 8/12/90; 88-12-087 (Order 2629), § 275-38-906, filed 6/1/88.]

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 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. 88-12-087 (Order 2629), § 275-38-925, filed 6/1/88; 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 shall 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 shall be released as soon as such access or records are provided.

(c) A refund in connection with a settlement or rate adjustment is not paid by the contractor when due. The amount withheld shall be limited to the unpaid amount of the refund.

(d) Payments for the final service under a contract, pursuant to WAC 275-38-530, shall be held pending final settlement when the contract is terminated.

(2) No payment shall be withheld until written notification of the suspension is given to the contractor, stating the reason therefor.

[Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-940, filed 6/1/88; 82-16-080 (Order 1853), § 275-38-940, filed 8/3/82.]

WAC 275-38-945 Termination of payments. All Medicaid Title XIX payments to a contractor shall end no later than sixty 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. 88-12-087 (Order 2629), § 275-38-945, filed 6/1/88; 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 preliminary 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. 88-12-087 (Order 2629), § 275-38-955, filed 6/1/88; 82-16-080 (Order 1853), § 275-38-955, filed 8/3/82.]

WAC 275-38-960 Administrative review—Adjudicative proceeding. (1) A contractor has the right to an administrative review to challenge an audit finding (adjusting journal entries or AJEs) or other audit determination, or a rate, desk review, or other settlement determination. A contractor challenging an audit or settlement determination shall within twenty-eight days of receipt of the determination:

(i) File a written request for an administrative review with the:

(A) Office of vendor services when the challenge pertains to an audit finding (adjusting journal entries or AJEs) or other audit determination; or

(B) Director, division of developmental disabilities, for a rate, desk review, or other settlement determination.

(ii) Sign the request or have the facility administrator sign the request;

(iii) Identify the challenged determination and the date thereof;

(iv) State as specifically as practicable the issues and regulations involved and the grounds for contending the determination was erroneous;

(v) Attach to the request copies of any documentation the contractor intends to rely on to support the contractor's position.

(2) After receiving a timely request meeting the criteria of this section, the department shall:

(a) Contact the contractor to schedule a conference for the earliest mutually convenient time; and

(b) Schedule the conference for no earlier than fourteen days after the contractor was notified of the conference and no later than ninety days after a properly completed request is received, unless both parties agree, in writing, to a specific later date.

The department may conduct the conference by telephone unless either the department or the contractor requests, in writing, the conference be held in person.

(3) The contractor and appropriate representatives of the department shall participate in the conference. The contractor shall bring to the conference, or provide to the department in advance of the conference:

(a) Any documentation requested by the department which the contractor is required to maintain for audit purposes under WAC 275-38-555; and

(b) 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) Regardless of whether agreement is reached at the conference, the department shall furnish a written decision to the contractor within sixty days after the conclusion of the conference.

(5) A contractor shall have the right to an adjudicative proceeding to contest an administrative review decision.

(a) A contractor contesting an administrative review decision shall within twenty-eight days of receipt of the decision:

(i) File a written application for an adjudicative proceeding with the office of appeals;

(ii) Sign the application or have the administrator of the facility sign the application;

(iii) State as specifically as practicable the issues and regulations involved;

(iv) State the grounds for contesting the administrative review decision; and

(v) Attach to the application a copy of the administrative review decision being contested and copies of any documentation the contractor intends to rely on to support the contractor's position.

(b) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter 388-08 WAC. If any provision in this chapter conflicts with chapter 388-08 WAC, the provision in this chapter governs.

[Statutory Authority: RCW 34.05.220 (1)(a) and 71.12.030 [71A.12.030]. 90-04-074 (Order 2997), § 275-38-960, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 74.09.120. 88-12-087 (Order 2629), § 275-38-960, filed 6/1/88; 82-16-080 (Order 1853), § 275-38-960, filed 8/3/82.]

Chapter 275-41 WAC

WORK PROGRAMS FOR RESIDENTS OF RESIDENTIAL HABILITATION CENTERS IN THE DIVISION OF DEVELOPMENTAL DISABILITIES

WAC

275-41-005	Purpose.
275-41-010	Definition.
275-41-015	Establishment of new work programs.
275-41-020	Protection of residents.
275-41-025	Compensation for persons participating in work programs.

WAC 275-41-005 Purpose. The regulations provide guidelines for the operation of work programs at residential habilitation centers or for programs contracted on behalf of residents of residential habilitation centers within the division of developmental disabilities as required under RCW 43.20A.445.

[Statutory Authority: RCW 71A.20.060. 91-17-005 (Order 3230), § 275-41-005, filed 8/9/91, effective 9/9/91.]

WAC 275-41-010 Definition. (1) "Compensate" means the resident's receipt of money for work done at a work program.

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

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

(4) "Prevailing wage" means the amount paid to a nondisabled worker in a nearby industry or surrounding community for essentially the same type, quality, and quantity of work or work requiring comparable skills.

(5) "Residential habilitation center (RHC)" means a residential habilitation center operated by the developmental disabilities division.

(6) "Work program" means a directed vocational activity or series of related activities provided on a systematic, organized basis for developing and maintaining individual resident work skills, and providing remuneration to resident employees. Work programs must result in:

- Benefit to the economy of the facility; or
- A contribution to the facility's maintenance; or
- Produce articles or services for sale.

[Statutory Authority: RCW 71A.20.060. 91-17-005 (Order 3230), § 275-41-010, filed 8/9/91, effective 9/9/91.]

WAC 275-41-015 Establishment of new work programs. The requirements of RCW 43.20A.445 shall be followed before the department establishes new residential habilitation center work programs.

[Statutory Authority: RCW 71A.20.060. 91-17-005 (Order 3230), § 275-41-015, filed 8/9/91, effective 9/9/91.]

WAC 275-41-020 Protection of residents. (1) When a resident participates in a work program, the resident shall be employed in work and subjected to work conditions where reasonable precautions are taken to ensure the resident's health and safety.

(2) Resident work programs shall be consistent with the resident's individual habilitation plan objectives.

[Statutory Authority: RCW 71A.20.060. 91-17-005 (Order 3230), § 275-41-020, filed 8/9/91, effective 9/9/91.]

WAC 275-41-025 Compensation for persons participating in work programs. (1) The department shall compensate a person participating in a work program at the prevailing minimum wage except when an appropriate certificate has been obtained by the RHC or contract program in accordance with current regulations and guidelines issued under the Fair Labor Standards Act (29 CFR Ch. V, 525 and 529) as amended.

(2) The department shall not be required to compensate a person participating in the shared domiciliary activities of maintaining the person's own immediate household or residence.

[Statutory Authority: RCW 71A.20.060. 91-17-005 (Order 3230), § 275-41-025, filed 8/9/91, effective 9/9/91.]

Chapter 275-46 WAC SECURITY CLASSIFICATION

WAC

275-46-005	Purpose.
275-46-010	Definitions.
275-46-020	Security classifications.
275-46-030	Maximum security.
275-46-040	Medium security.
275-46-050	Institutional minimum.
275-46-060	Minimum security.
275-46-070	Disciplinary sanctions.

WAC 275-46-005 Purpose. This chapter establishes for juvenile offenders committed to the custody of the juvenile rehabilitation administration (JRA), department of social and health services (DSHS), rules pertaining to security level classifications and discipline for serious violations to:

- (1) Protect public safety;
- (2) Encourage youth to participate in treatment and follow facility rules;
- (3) Sanction negative behavior and failure to participate in treatment; and
- (4) Enhance the safe and orderly operation of institutions and community placements.

[Statutory Authority: RCW 13.40.460. 96-18-041, § 275-46-005, filed 8/29/96, effective 9/29/96.]

WAC 275-46-010 Definitions. As used in this chapter:

(1) "Community placement eligibility requirements" means requirements developed by JRA that must be met by a youth to demonstrate progress in treatment and low public safety risk, justifying an institutional minimum or minimum security classification for the youth.

(2) "Initial security classification assessment" means a written instrument, developed by JRA and administered by diagnostic staff, to determine to what extent a youth is a threat to public safety for the purpose of determining the youth's security classification when the youth initially is committed to JRA.

(3) "JRA" means juvenile rehabilitation administration, department of social and health services.

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(4) "Program administrator" means institution superintendent, regional administrator, or their designees.

[Statutory Authority: RCW 13.40.460. 96-18-041, § 275-46-010, filed 8/29/96, effective 9/29/96.]

WAC 275-46-020 Security classifications. (1) There are four JRA security classifications:

- (a) Maximum;
- (b) Medium;
- (c) Institutional minimum; and
- (d) Minimum.

(2) Prior to placement, a youth's initial security classification shall be determined utilizing the initial security classification assessment. A youth's security classification may be changed at any time, and shall be reviewed at least every ninety days.

[Statutory Authority: RCW 13.40.460. 96-18-041, § 275-46-020, filed 8/29/96, effective 9/29/96.]

WAC 275-46-030 Maximum security. (1) A maximum security classification may be assigned to a youth if:

- (a) Indicated by the initial security classification; or
- (b) Following the initial security classification, it is determined the youth:

(i) Does not meet the community placement eligibility requirements for minimum security; and

(ii) Requires maximum security restrictions to carry out the purpose of this chapter as set forth in WAC 275-46-005.

(2) A youth classified as maximum security shall:

(a) Reside in an institution with the capability of:

- (i) Security windows;
- (ii) Locked exterior doors;
- (iii) Lockable single-person rooms; and
- (iv) A security fence.

(b) Be permitted movement between secured buildings only if accompanied by a close staff escort;

(c) Be confined to facility grounds, except for court appearances or emergencies, in which case a staff escort, and transportation in restraints and in a security vehicle, are required; and

(d) Be allowed authorized leave only for emergency and medical purposes pursuant to RCW 13.40.205.

[Statutory Authority: RCW 13.40.460. 96-18-041, § 275-46-030, filed 8/29/96, effective 9/29/96.]

WAC 275-46-040 Medium security. (1) A medium security classification shall be assigned to a youth if:

- (a) Indicated by the initial security classification; or
- (b) Following the initial security classification, it is determined that the youth:

(i) Does not meet the community placement eligibility requirements for minimum security; and

(ii) Requires medium security restrictions to carry out the purpose of this chapter as set forth in WAC 275-46-005.

(2) A youth classified as medium security shall:

(a) Reside in an institution with the capability of at least:

(i) Locked exterior doors or fire exit doors fitted with alarms; and

(ii) A security fence or windows without egress.

(b) Receive during movement a staff escort, continuous visual surveillance, or telephone/radio staff verification of departures and arrivals, unless the program administrator determines such measures are unnecessary;

(c) Be confined to facility grounds, except for:

(i) Participation in work crews or other programs outside the facility that require a close staff escort; and

(ii) Court appearances or emergencies, in which case a staff escort, and transportation in a security vehicle and/or in restraints, are required.

(d) Be allowed authorized leave only for emergency or medical purposes pursuant to RCW 13.40.205.

[Statutory Authority: RCW 13.40.460. 96-18-041, § 275-46-040, filed 8/29/96, effective 9/29/96.]

WAC 275-46-050 Institutional minimum. (1) An institutional minimum classification shall be assigned to a youth if:

(a) Indicated by the initial security classification;

(b) Indicated by the community placement eligibility requirements unless a recent incident indicates the youth no longer meets these requirements; or

(c) The assistant secretary for JRA or designee approves an override of the medium security classification.

(2) Even if eligible under subsection (1) of this section, a youth shall not receive an institutional minimum security classification if:

(a) The assistant secretary for JRA, or designee, signs an administrative override disapproving institutional minimum classification and assigning the youth a higher security classification; or

(b) The youth is a sex offender who meets the requirements for civil commitment referral pursuant to chapter 71.09 RCW.

(3) A youth classified as institutional minimum security:

(a) Shall reside in an institution with the capability of at least:

(i) Locked exterior doors or fire exit doors fitted with alarms; and

(ii) A security fence or windows without egress.

(b) May be permitted:

(i) Unescorted movement on facility grounds;

(ii) Participation in work crews or other programs outside the facility with a close staff escort;

(iii) Unescorted participation in community work, educational and community service programs, and family treatment or other activities to strengthen family ties, for up to twelve hours per day; and

(iv) Authorized leave pursuant to RCW 13.40.205.

(4) A youth on institutional minimum security shall be transferred to minimum security upon the availability of an appropriate community placement.

[Statutory Authority: RCW 13.40.460. 96-18-041, § 275-46-050, filed 8/29/96, effective 9/29/96.]

WAC 275-46-060 Minimum security. The provisions of WAC 275-46-050 also apply to a youth classified as minimum security, except the youth shall:

(1) Reside in a community placement rather than in an institution; and

(2) In addition to the provisions of WAC 275-46-050 (3)(b)(iii), may be permitted unescorted participation in treatment programs in the community not involving the family for up to twelve hours per day.

[Statutory Authority: RCW 13.40.460. 96-18-041, § 275-46-060, filed 8/29/96, effective 9/29/96.]

WAC 275-46-070 Disciplinary sanctions. (1) The program administrator shall determine serious violations by a youth include:

(a) Escape or attempted escape;

(b) Staff assault or attempted staff assault;

(c) Peer assault or attempt peer assault;

(d) Extortion, blackmail, or demanding or receiving money or anything of value from other persons in return for protection or under threat of injury;

(e) Using physical force, intimidation, or coercion against any person;

(f) Setting or causing an unauthorized fire;

(g) Possession/manufacture of weapons/explosives/escape tools;

(h) Tampering with locks or other security hardware or equipment;

(i) Interfering with staff in performing duties relating to the security and/or safety of the facility;

(j) Property damage in excess of one thousand five hundred dollars;

(k) Possession/use/distribution of drugs or alcohol or paraphernalia;

(l) Rioting or inciting others to riot;

(m) Refusal of urinalysis or search; or

(n) Other behaviors which threaten the safety and security of the facility or its staff and residents.

(2) The program administrator shall document all serious violations in an incident report, including:

(a) Circumstances leading up to the violation;

(b) A description of the violation;

(c) Response by staff;

(d) Response by the youth; and

(e) Sanctions imposed or recommended for the violation.

(3) The program administrator shall determine sanctions for serious violations include one or more of the following:

(a) Loss of privileges for up to thirty days;

(b) Loss of program level; or

(c) Room confinement up to seventy-two hours.

(4) The program administrator shall determine sanctions for serious violations may also include, but are not limited to, one or more of the following:

(a) Change in release date;

(b) Referral for prosecution;

(c) Transfer to an intensive management unit;

(d) Increase in security classification;

(e) Reprimand and loss of points;

(f) Restitution; or

(g) Community service.

(5) When a sanction is imposed, the youth shall also receive a counseling intervention to address the violation.

(6) If the proposed sanctions for a serious violation includes extending the youth's established release date, the youth shall be entitled to:

(a) Notice of an administrative review to consider extension of the release date and a written statement of the incident;

(b) An opportunity to be heard before a neutral review chairperson;

(c) Present oral or written statements, and call witnesses unless testimony of a witness would be irrelevant, repetitive, unnecessary, or would disrupt the orderly administration of the institution;

(d) Imposition of the sanction only if the administrative review chairperson finds by a preponderance of the evidence that the serious violation did occur; and

(e) A written decision, stating the reasons for the decision, by the administrative review chairperson.

(7) The program administrator shall conspicuously post notice of what constitutes a serious violation, and of the possible sanctions in all living units.

(8) Each program administrator shall adopt procedures for implementing the requirements of this section.

[Statutory Authority: RCW 13.40.460. 96-18-041, § 275-46-070, filed 8/29/96, effective 9/29/96.]

Chapter 275-47 WAC

COLLECTION OF COSTS OF SUPPORT, TREATMENT, AND CONFINEMENT OF JUVENILES UNDER RCW 13.40.220

WAC

- 275-47-010 Definitions.
- 275-47-020 Cost reimbursement schedule.
- 275-47-030 Hearing.

- 275-47-040 Modifications.
- 275-47-050 Powers of the administrative law judge.

WAC 275-47-010 Definitions. (1) "Juvenile" means juvenile offender sentenced to confinement in the department, other than an offender for whom a parent is approved to receive adoption support under chapter 74.13 RCW.

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

(3) "Gross income" means the total income from all sources, received by the parent, the juvenile, or other children of the parent remaining in the household, other than a step-child, as determined by the department.

(4) "Parent" means the parent of the juvenile or other person legally-obligated to care for and support the juvenile, not including a stepparent.

(5) "Parents and dependents" means the juvenile's parent or parents, a stepparent living in the home who has no income, any child on whom the parent may claim a federal income tax deduction, not including the juvenile confined to the department, and any stepchild for whom the parent is the sole means of support.

[Statutory Authority: RCW 13.40.220. 94-15-009 (Order 3752), § 275-47-010, filed 7/8/94, effective 8/8/94.]

WAC 275-47-020 Cost reimbursement schedule. A parent shall pay a percentage of gross income to the department for the cost of support, treatment, and confinement of the juvenile in accordance with the reimbursement schedule below:

Monthly Gross Income	Percentage of Gross Income Ordered for Reimbursement of Costs							
	Number of Parents and Dependents Remaining in Household							
	1	2	3	4	5	6	7	8+
AFDC or \$0 - 600	0	0	0	0	0	0	0	0
\$601 - 1000	8%	6%	4%	2%	0	0	0	0
\$1001 - 2000	12%	10%	8%	6%	4%	2%	0	0
\$2001 - 3000	16%	14%	12%	10%	8%	6%	4%	2%
\$3001 - 4000+	18%	16%	14%	12%	10%	8%	6%	4%

(1) Within fifteen days of receipt, a parent shall mail to the department a certified financial statement on forms provided by the department. Based on the statement and on other information available to it, the department shall determine the parent's gross income, the number of parents and dependents, and the reimbursement obligation, and shall serve on the parent a notice and finding of financial responsibility.

(2) If a parent fails to timely provide a financial statement, the reimbursement obligation shall be twenty-three hundred dollars per month.

(3) If the juvenile's parents reside in separate households, each parent shall be liable for reimbursement.

(4) The gross income of a parent shall be reduced by the amount the parent pays in spousal maintenance to the juvenile's parent, which is gross income to the receiving parent. The gross income of a parent shall be reduced by the amount of current child support paid for any child,

including the juvenile offender. This credit shall be available when the support is paid to any section of the department or to any other person legally entitled to receive those support payments, pursuant to court order or administrative order for a child the parent did not claim as a dependent under the reimbursement schedule.

(5) Reimbursement may not exceed the cost of care as determined by the department.

(6) The reimbursement obligation commences the day the juvenile enters the custody of the department, regardless of when the notice and finding of financial responsibility is received by the parent. A monthly reimbursement obligation shall be reduced on a pro-rata basis for any days in which the juvenile was not in the custody of the department.

(7) The parent of the juvenile shall be exempt from the payment of the cost of the juvenile's care in the state facility if the parent receives adoption support or is eligible to receive adoption support for the juvenile offender; or if the

parent, or other legally obligated person, or such person's child, spouse, or spouse's child, was the victim of the offense for which the juvenile was committed to the department.

[Statutory Authority: RCW 13.40.220. 96-24-075, § 275-47-020, filed 12/2/96, effective 1/2/97; 94-15-009 (Order 3752), § 275-47-020, filed 7/8/94, effective 8/8/94.]

WAC 275-47-030 Hearing. A parent may request a hearing under RCW 13.40.220(5) to contest a notice and finding of financial responsibility issued by the department. The department shall ensure the hearing is governed by chapter 34.05 RCW and chapter 388-08 WAC. The sole issues at the hearing include whether the:

- (1) Person receiving the notice and finding of financial responsibility is a parent of the juvenile; and
- (2) Department correctly:
 - (a) Determined the parent's gross income and the number of parents and dependents; and
 - (b) Calculated the reimbursement obligation in accordance with the reimbursement schedule as described under WAC 275-47-020.

[Statutory Authority: RCW 13.40.220. 94-15-009 (Order 3752), § 275-47-030, filed 7/8/94, effective 8/8/94.]

WAC 275-47-040 Modifications. (1) A parent may modify the parent's financial statement upon a change in gross income or in the number of persons residing in the household only if the change decreases the reimbursement obligation by one hundred dollars per month or more. A decrease may be granted only from the date on which the request for modification is made, and may not be applied retroactively.

(2) A parent shall file a financial statement modification if a change in gross income or the number of persons residing in the household increases the reimbursement obligation by one hundred dollars per month or more. An increase may be applied retroactively.

(3) The department will issue a new notice and finding of financial responsibility upon receipt of a modified financial statement as defined in subsections (1) or (2) of this section. The department may also issue a new notice based upon its own review if the conditions of subsection (1) or (2) of this section are met.

[Statutory Authority: RCW 13.40.220. 94-15-009 (Order 3752), § 275-47-040, filed 7/8/94, effective 8/8/94.]

WAC 275-47-050 Powers of the administrative law judge. The administrative law judge in the initial decision rendered after the hearing conducted in accordance with WAC 275-47-030 shall include the name and age of the juvenile in that decision. The administrative law judge shall also indicate the parent's or other legally obligated person's monthly liability amount for the period of the juvenile's confinement beginning with the date the child enters the custody of the department. The administrative law judge shall not establish in the decision any amount constituting a repayment figure of any accrued obligation of the parent but shall indicate in the decision that any accrued obligation shall be paid by the parent to the department's office of financial recovery (OFR) and that OFR will be responsible

for determining the method of repayment of the parent's accrued obligation.

The administrative law judge shall also include a statement in the decision that the parent's financial obligation is collectible by OFR and that should the parent fail to comply with any payment plan entered into by OFR and the parent, or the parent fails to pay the amount set out in the decision, OFR shall be authorized to take legal collection action to recover the amounts due from the parent. Legal collection action can include, but is not limited to:

- (1) The filing of liens against the real and personal property of the parent; or
- (2) The issuance of a garnishment order against the wages, bank accounts, or other property of the responsible persons.

[Statutory Authority: RCW 13.40.220. 96-24-075, § 275-47-050, filed 12/2/96, effective 1/2/97.]

Chapter 275-48 WAC

PAYMENTS TO PERSONS RELEASED FROM CORRECTIONAL INSTITUTIONS

WAC

275-48-010	Purpose.
275-48-015	Definitions.
275-48-020	Release payment.
275-48-025	Weekly payment.
275-48-030	Eligibility.
275-48-035	Amount—Duration—Disbursement by institution and parole officer.
275-48-040	Termination.
275-48-045	Reinstatement—Reapplication.
275-48-050	Appeal.

WAC 275-48-010 Purpose. (1) The purpose in making temporary financial assistance available to persons released from correctional institutions is to support the parolees' chances for a successful return to responsible citizenship.

(2) The legal authority for making the payments authorized by this chapter is found in RCW 72.02.040, 72.02.100, and 72.02.110.

[Order 684, § 275-48-010, filed 5/25/72.]

WAC 275-48-015 Definitions. (1) Secretary - The secretary of department of social and health services or his designee.

(2) Institution - A state correctional institution or an approved work or training release facility.

(3) Releasee - Any person serving a sentence for a term of confinement in a state correctional facility for convicted felons who has been released from custody by discharge, parole, court order, or expiration of the term of confinement.

(4) Weekly payment - A cash benefit paid to a releasee in lieu of the release payment.

(5) Employment - Substantial gainful work which nets the releasee at least \$55 per week.

(6) Income - Cash available for maintenance including earnings from a work release or a manpower development and training program which includes a subsistence allowance, pension or support from the veterans' administration, social security administration, vocational rehabilitation or

other source, but excluding 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.

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(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 reapplied 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 275-54 WAC
JUVENILE INVOLUNTARY TREATMENT

WAC

275-54-010	Purpose.
275-54-020	Definitions.
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275-54-040	Emergency detention.
275-54-050	Investigation and involuntary detention.
275-54-060	Fourteen-day commitment petition.
275-54-070	Fourteen-day commitment—Hearing.
275-54-080	One hundred eighty-day petition, hearing, and commitment.
275-54-090	Detention and commitment after eighteenth birthday.
275-54-100	Transfer from juvenile correctional institutions.
275-54-110	Conditional release or early discharge.
275-54-120	Release of voluntary/involuntary minors to the custody of parents.
275-54-130	Elopement of minors.
275-54-140	Long-term placement—Designated placement committee.
275-54-150	Revocation of a less-restrictive alternative treatment or conditional release.
275-54-160	Requirements for certifying evaluation and treatment components for minors.
275-54-170	Certification standards for evaluation and treatment program for minors.
275-54-180	Outpatient component.
275-54-190	Emergency component.
275-54-200	Inpatient component.
275-54-210	Certification procedure—Waivers—Provisional certification—Renewal of certification.
275-54-220	Decertification.
275-54-230	Appeal procedure.
275-54-240	Involuntary evaluation and treatment costs—Seventy-two hour detentions/fourteen-day commitments.
275-54-250	Involuntary evaluation and treatment costs—One hundred eighty-day commitments.
275-54-260	Involuntary treatment program administrative costs—Seventy-two hour/fourteen-day commitment.
275-54-270	Involuntary treatment program transportation costs.
275-54-280	Involuntary treatment program—Legal costs.
275-54-290	Patient rights.
275-54-300	Confidentiality.
275-54-310	Confidentiality of court proceeding records.

WAC 275-54-010 Purpose. Adopted pursuant to and in accordance with chapter 354, Laws of 1985. These regulations are adopted to provide operational procedures to ensure minors in need of mental health care receive appropriate care and treatment, and to enable treatment decisions to be made in response to clinical needs and in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their minor children, and to protect minors against needless hospitalization and deprivations of liberty.

[Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-010, filed 12/23/85.]

WAC 275-54-020 Definitions. (1) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, having had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(2) "Children's mental health specialist" means a mental health professional who has 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 children and who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(3) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or the minor is in need of less restrictive alternative treatment.

(4) "County-designated mental health professional" means a mental health professional designated by one or more counties to perform the functions of a county-designated mental health professional described in this chapter.

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

(6) "Evaluation and treatment facility" means a public or private facility or unit certified by the department to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the department or federal agency does not require certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(7) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(8) "Gravely disabled minor" means a minor who, as a result of a mental disorder, 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 manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety.

(9) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, or residential treatment facility certified by the department as an evaluation and treatment facility for minors.

(10) "Involuntary patient" means a person presenting, as a result of a mental disorder, a likelihood of serious harm or is gravely disabled, and is initially detained and/or court-committed for evaluation and treatment.

(11) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor not residing in a facility providing inpatient treatment as defined in this chapter.

(12) "Likelihood of serious harm" means either:

(a) A substantial risk physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself;

(b) A substantial risk physical harm will be inflicted by an individual upon another, as evidenced by behavior having

caused such harm or placing another person or persons in reasonable fear of sustaining such harm; or

(c) A substantial risk physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior having caused substantial loss or damage to the property of others.

(13) "Mental disorder" means any organic, mental, or emotional impairment having substantial adverse effects on an individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, juvenile criminal history, antisocial behavior, or mental retardation alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(14) "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 (14)(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 (14)(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.

(15) "Minor" means any person under the age of eighteen years.

(16) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed services providers as identified by RCW 71.24.025(3).

(17) "Parent" means:

(a) A biological or adoptive parent having legal custody of the child, including either parent if custody is shared under a joint custody agreement; or

(b) A person or agency judicially appointed as legal guardian or custodian of the child.

(18) "Professional person in charge" means a physician or other mental health professional empowered by an

evaluation and treatment facility with authority to make admission and discharge decisions on behalf of that facility.

(19) "Psychiatric nurse" means a registered nurse having a bachelor's degree from an accredited college or university, and 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. "Psychiatric nurse" shall also mean any other registered nurse having three years of such experience.

(20) "Psychiatrist" means a person having a license as a physician in this state having completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(21) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(22) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

(23) "Secretary" means the secretary of the department or secretary's designee.

(24) "Social worker" means a person with a masters or further advanced degree from an accredited school of social work or a degree from a graduate school deemed equivalent under rules and regulations adopted by the secretary.

(25) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

(26) "State-funded facility" means those long-term inpatient hospital or residential facilities receiving state funds to pay part or all of the cost of care for juveniles under one hundred eighty-day commitment and placed in these facilities by the placement committee.

[Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-020, filed 12/23/85.]

WAC 275-54-030 Application for admission—

Voluntary minor. (1) **Outpatient** - Any minor thirteen years or older may request and receive outpatient treatment without the consent of the minor's parents. Parental authorization is required for outpatient treatment of a minor under the age of thirteen.

(2) **Inpatient** - When in the judgment of the professional person in charge of an evaluation and treatment facility it is not feasible to treat a minor in a less restrictive setting and the minor is in need of inpatient treatment because of a mental disorder, and the facility provides the type of evaluation and treatment services needed by the minor, the minor may be voluntarily admitted to an evaluation and treatment facility in accordance with the following requirements:

(a) A minor under thirteen years of age may only be admitted on the application of the minor's parents.

(b) A minor thirteen years or older may be voluntarily admitted by application of the parent. Such application must

be accompanied by the written consent, knowingly and voluntarily given, of the minor.

(c) A minor thirteen years or older may, with concurrence of the professional person in charge of the evaluation and treatment facility, admit himself or herself without parental consent to the evaluation and treatment facility. Notice must be given by the facility to the minor's parents in accordance with the following requirements:

(i) Notice shall be in the form most likely to reach the parent within twenty-four hours of the minor's voluntary admission for inpatient treatment.

(ii) The notice must contain the location and telephone number of the facility providing such treatment and the name of the professional person on the staff of the facility providing that treatment who is designated to discuss the minor's need for inpatient treatment with the parent.

(iii) The minor shall be released to the parent, at the parent's request, unless the facility files a petition with the court requesting authorization to provide voluntary treatment to the minor, and setting forth the basis for the facility's belief that the minor is in need of inpatient treatment and that release would constitute a threat to the minor's health or safety.

(iv) The petition shall be signed by the professional person in charge and shall contain the following:

(A) The name and address of the petitioner.

(B) The name of the minor whose release is alleged to constitute a threat to the minor's health or safety.

(C) The name, telephone number, and address if known of every person believed by the petitioner to be legally responsible for the minor.

(D) A statement and the supporting facts for this statement that the petitioner has examined the minor and finds the minor in need of inpatient treatment and that release would constitute a threat to the minor's health or safety.

(E) A statement that the minor has been advised of the need for inpatient treatment and knowingly and voluntarily consented to such treatment.

(F) A statement concerning whether a less-restrictive alternative is available or is in the best interest of the minor.

(v) A copy of the petition shall be personally delivered to the minor and a copy shall be sent to the minor's attorney and the minor's parents.

(vi) The hearing shall be heard within three judicial days from the filing of the petition, and shall be conducted by a judge, court commissioner, or licensed attorney designated by the superior court as a hearing officer for such hearing. The hearing may be held at the treatment facility. The petition shall be presented by the prosecuting attorney.

(vii) The facility must demonstrate at the hearing by a preponderance of the evidence presented that the minor is in need of inpatient treatment and that release would constitute a threat to the minor's health or safety, and that the minor has knowingly and voluntarily consented to treatment.

(viii) The hearing shall not be conducted using rules of evidence. The admission or exclusion of evidence sought to be presented shall be within the exercise of sound discretion by the judicial officer conducting the hearing.

(ix) The parent and child may apply to the court for separate counsel to represent the parent if the parent cannot afford counsel.

(x) If by the preponderance of evidence the minor is found to be in need of inpatient treatment and that release would constitute a threat to the minor's health or safety, and that the minor's parent refuses to give parental consent for such treatment, and that the minor has knowingly and voluntarily consented to treatment, the petition shall be approved. The parent, then, will not have the right to demand immediate release until the next renewal of voluntary admission.

(d) The minor's need for continued inpatient treatment shall be reviewed and documented at least each one hundred eighty days.

(e) Written renewal of voluntary consent must be obtained from the applicant and the minor thirteen years or older no less than once every twelve months.

(f) A notice by a voluntary minor of intent to leave shall result in the following:

(i) Any minor under the age of thirteen must be discharged immediately upon written request of the parent.

(ii) Any minor thirteen years or older may give notice of intent to leave at any time. The notice need not follow any specific form so long as it is written and the intent of the minor can be discerned.

(iii) The staff member receiving notice shall date it immediately, record its existence in the minor's clinical record, and send copies of it to the minor's attorney, if any, the county-designated mental health professional, and the parent.

(iv) In the case of a minor thirteen years or older, the professional person in charge of the evaluation and treatment facility shall discharge that minor from the facility within twenty-four hours upon receipt of the minor's notice of intent to leave, unless the county-designated mental health professional serves on the minor a copy of a petition for initial detention, a notice of initial detention, and a statement of rights. The county-designated mental health professional shall file the original petition for initial detention with the court on the next judicial day following the minor's notice of intent to leave.

[Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-030, filed 12/23/85.]

WAC 275-54-040 Emergency detention. (1) When a minor, thirteen years of age or older, is brought to an evaluation and treatment facility or emergency room for immediate mental health services, the professional person in charge of the facility shall:

(a) Evaluate the minor's mental condition to determine whether the minor suffers from a mental disorder and is in immediate need of inpatient treatment.

(b) Determine if the minor is willing to consent to voluntary admission.

(2) If the minor is unwilling to consent to voluntary admission and the professional person in charge believes the minor meets the criteria for initial detention, the facility may detain or arrange for the detention of the minor for up to twelve hours in order to enable the county-designated mental health professional to evaluate the minor and commence initial detention proceedings.

[Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-040, filed 12/23/85.]

WAC 275-54-050 Investigation and involuntary detention. (1) When a county-designated mental health professional receives information that a minor thirteen years or older, as a result of mental disorder, presents a likelihood of serious harm or is gravely disabled, and has investigated the specific facts and the credibility of the person or persons providing the information, and has determined voluntary admission for inpatient treatment is not possible, the county-designated mental health professional may take or cause the minor to be taken into custody and transported to an evaluation and treatment facility providing inpatient treatment.

(2) Within twelve hours of the minor's arrival at that facility, the minor shall be served with a copy of the petition for initial detention, notice of initial detention, and a statement of rights.

(3) On the next judicial day following the initial detention, the county-designated mental health professional shall file with the court the original petition for initial detention, the notice of initial detention, and the statement or rights along with an affidavit of service, and shall commence service of the petition for initial detention on the minor's parents and minor's attorney.

(4) At the time of initial detention, the county-designated mental health professional shall advise the minor both orally and in writing that a commitment hearing shall be held within seventy-two hours of the minor's provisional acceptance to the facility. Within twelve hours of the admission, the facility shall advise the minor of his or her rights, including the fact the minor has the right to communicate immediately with an attorney and the minor has a right to have an attorney appointed to represent him or her before and at the hearing if the minor is indigent.

(5) The evaluation and treatment facility must immediately accept on a provisional basis the petition and the minor and within twenty-four hours must conduct an initial evaluation of the minor's condition and either admit or release the minor. If the minor is not approved for admission, the facility shall make such recommendations and referrals for further care and treatment of the minor as necessary.

(6) If the minor is approved for inpatient admission, the minor shall be examined and evaluated by a children's mental health specialist or other mental health professional, identified in WAC 275-54-170 (2)(e), within twenty-four hours of admission to determine the child's mental condition and by a physician to determine the child's physical condition. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.

(7) The admitting facility shall take reasonable steps to notify immediately the minor's parents of the admission. The minor has the right to associate or receive communications from parents or others unless the professional person in charge determines such communication would be seriously detrimental to the minor's condition or treatment and so indicates in the minor's clinical records and notifies the minor's parents of this determination. In no event may the minor be denied the opportunity to consult an attorney.

(8) The minor's property shall be protected in accordance with the following:

(a) 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.

(b) 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.

(c) 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.

(9) The facility may detain the minor for evaluation and treatment for a period not to exceed seventy-two hours from the time of provisional acceptance. The seventy-two-hour period shall exclude Saturdays, Sundays, or holidays. At the expiration of this time period the minor must be released unless a fourteen-day petition has been filed or the minor's good-faith application for voluntary treatment is accepted.

[Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-050, filed 12/23/85.]

WAC 275-54-060 Fourteen-day commitment petition. (1) The professional person in charge of an evaluation and treatment facility may petition to have a minor committed for fourteen days of diagnosis, evaluation, and treatment. The petition must be filed within the seventy-two-hour initial detention period with the superior court in the county where the minor is residing or being detained.

(2) This petition shall be signed either by two physicians or by one physician and a mental health professional examining the minor, and it shall contain the following:

(a) The name and address of the petitioner.

(b) The name of the minor alleged to meet the criteria for fourteen-day commitment.

(c) The name, telephone number, and address if known of every person believed by the petitioner to be legally responsible for the minor.

(d) A statement and the supporting facts for this statement that the petitioner has examined the minor and finds the minor's condition meeting required criteria for fourteen-day commitment.

(e) A statement the minor has been advised of the need for but has been unwilling or unable to consent to voluntary treatment.

(f) A statement recommending the appropriate facility or facilities for this commitment.

(g) A statement concerning whether a less-restrictive alternative is available or is in the best interest of the minor.

(3) A copy of the petition shall be personally delivered to the minor and a copy shall be sent to the minor's attorney and the minor's parents.

[Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-060, filed 12/23/85.]

WAC 275-54-070 Fourteen-day commitment—Hearing. (1) A fourteen-day commitment hearing shall be held within seventy-two hours from the minor's provisional acceptance. Seventy-two hours does not include Saturdays, Sundays, or legal holidays. The hearing shall be conducted

at the superior court, or an appropriate place at the facility, in the county where the minor is being detained.

(a) At such hearing the court must find by preponderance of the evidence the minor has a mental disorder, presents a likelihood of serious harm or is gravely disabled, is in need of inpatient treatment of the type provided by the recommended facility, or is in need of less-restrictive alternative treatment found to be in the best interests of the minor, and the minor is unwilling or unable in good faith to consent to voluntary treatment.

(b) Rules of evidence shall not apply in fourteen-day commitment hearings.

(c) The judicial officer may exercise discretion regarding the admission or exclusion of evidence.

(d) This hearing shall be held within seventy-two hours unless a continuance is requested by the minor or the minor's attorney. The court may, for good cause, transfer the proceeding to the county of the minor's residence, or to the county in which the alleged conduct evidencing need for commitment occurred. If the county of detention is changed, subsequent petitions may be filed in the county in which the minor is detained without the necessity of a change of venue.

(e) Evidence in support of the petition shall be presented by the county prosecutor.

(f) The minor shall be present at the hearing unless the minor, with the assistance of the minor's attorney, waives the right to be present.

(g) If the parents are opposed to the petition, they may be represented at the hearing and shall be entitled to a court-appointed counsel if they are indigent.

(2) At the commitment hearing, the minor shall have the following rights:

(a) To be represented by an attorney.

(b) Present evidence on his or her behalf.

(c) To question persons testifying in support of the petition.

(d) If the minor has received medication within twenty-four hours of the hearing, the court shall be informed of that fact and the probable effects of the medication.

(3) If the court finds a less-restrictive alternative is in the best interests of the minor, the court shall order less-restrictive alternative treatment upon conditions as necessary.

(4) If the court determines the minor does not meet the criteria for a fourteen-day commitment, the minor shall be released.

(5) A minor having been committed for fourteen days shall be released at the end of that period unless a petition for a one hundred eighty-day commitment is pending before the court.

[Statutory Authority: 1985 c 354, 86-02-019 (Order 2323), § 275-54-070, filed 12/23/85.]

WAC 275-54-080 One hundred eighty-day petition, hearing, and commitment. (1) At any time during the minor's fourteen-day commitment, the professional person in charge may petition the court for an additional one hundred eighty-day period of treatment. If this professional person is in charge of a facility other than a state-operated facility, then the evidence in support of the petition shall be presented by the county prosecutor. If the professional person in

charge is employed by the state-operated facility, the evidence shall be presented by the attorney general.

(2) The petition for one hundred eighty-day commitment shall contain the following:

(a) The name and address of the petitioner or petitioners.

(b) The name of the minor alleged to meet the criteria for one hundred eighty-day commitment.

(c) A statement the petitioner is the professional person in charge of the facility responsible for the treatment of the minor.

(d) The date of the fourteen-day commitment order.

(e) A summary of the facts supporting the petition.

(f) Affidavits which describe in detail the behavior of the detained minor which supports the petition and shall state whether a less-restrictive alternative to inpatient treatment is in the best interest of the minor shall be signed by two examining physicians, one of whom shall be a child psychiatrist, or by one examining physician and one children's mental health specialist.

(3) The petition shall be filed with the clerk of the court at least three days before the expiration of the fourteen-day commitment period.

(4) The hearing shall be conducted at the superior court, or an appropriate place at the facility in the county where the minor is being detained. The court may, for good cause, transfer the proceeding to the county of the minor's residence or to the county where the alleged conduct evidencing need for commitment occurred. If the county of detention is changed, subsequent petition may be filed in the county where the minor is detained without the necessity of a change of venue.

(5) The petitioner shall serve a copy of the petition on the minor and notify the minor's attorney and the minor's parent within twenty-four hours of filing. A copy of the petition shall be provided to the minor's attorney and the minor's parent at least twenty-four hours prior to the hearing.

(6) At the time of the filing, the court shall set a hearing date which is to be within seven days of filing of the petition.

(7) The court may continue the hearing for not more than ten days upon the written request of the minor or the minor's attorney. The minor or the parents shall be afforded the same rights as in a fourteen-day commitment hearing. Treatment of the minor shall continue pending the proceeding.

(8) The court must find by clear, cogent, and convincing evidence the minor is suffering from a mental disorder and presents a likelihood of serious harm or is gravely disabled and is in need of further treatment that only can be provided in a one hundred eighty-day commitment.

(9) If the court finds the minor meets the criteria for continued commitment, and a less-restrictive alternative is not appropriate or available, the court may order the minor committed for further inpatient treatment to:

(a) A private evaluation and treatment facility if the minor's parents have assumed responsibility for payment of such treatment;

(b) The custody of the secretary if placement in a state-funded program is required.

(10) If the court finds a less-restrictive alternative is in the best interest of the minor, the court shall order less-restrictive alternative treatment upon conditions as necessary.

(11) If the minor does not meet the criteria for continued commitment, the minor shall be released.

(12) Successive one hundred eighty-day commitments are permissible on the same grounds under the same procedures as the original one hundred eighty-day commitment. Such petitions shall be filed at least five days prior to the expiration of the previous one hundred eighty-day commitment order.

[Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-080, filed 12/23/85.]

WAC 275-54-090 Detention and commitment after eighteenth birthday. No minor may be detained or committed under chapter 354, Laws of 1985 after his or her eighteenth birthday unless commitment procedures under chapter 71.05 RCW have been initiated: *Provided*, That a minor may be detained after his or her eighteenth birthday for the purpose of completing the fourteen-day diagnosis, evaluation, and treatment.

[Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-090, filed 12/23/85.]

WAC 275-54-100 Transfer from juvenile correctional institutions. (1) Any person committed to or confined in any juvenile correctional institution and determined to be in need of observation, diagnosis, or treatment in an inpatient evaluation and treatment facility may be transferred or moved to such facility by the secretary or the secretary's designee upon written authorization for a period of up to fourteen days, *Provided*, That:

(a) The secretary notifies the original committing court of the transfer.

(b) The inpatient evaluation and treatment facility is in agreement with the transfer.

(2) No minor transferred under the provisions of this section may be detained in an inpatient evaluation and treatment facility for more than fourteen days unless the minor is admitted as a voluntary patient or is committed for one hundred eighty-day treatment in accordance with provisions of WAC 275-54-030 and 275-54-080, or ninety-day treatment under chapter 71.05 RCW if eighteen years of age or older.

(3) Underlying jurisdiction of minors transferred, admitted, or committed under this section remains with the state correctional institutions.

(4) If a voluntarily admitted minor or minor committed under this section is no longer in need of the treatment provided by the facility or no longer meets the criteria for one hundred eighty-day commitment, the minor shall be returned to the state correctional institution to serve the remaining time of the underlying dispositional order or sentence.

(5) Time spent by the minor at the evaluation and treatment facility shall be credited toward the minor's juvenile court sentence.

[Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-100, filed 12/23/85.]

WAC 275-54-110 Conditional release or early discharge. (1) The professional person in charge of the inpatient facility may authorize the minor's release under such conditions as appropriate. Conditional release may be revoked pursuant to WAC 275-54-150 if release conditions are not met or the minor's functioning substantially deteriorates.

(2) Minors may be discharged prior to the expiration of the commitment period if the treating physician or the professional person in charge concludes the minor no longer meets commitment criteria.

(3) Whenever the minor is conditionally released or discharged prior to the expiration of the commitment, the professional person in charge shall within three days of the conditional release or discharge notify the court and the placement committee, in the case of one hundred eighty-day commitment, in writing of the release.

[Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-110, filed 12/23/85.]

WAC 275-54-120 Release of voluntary/involuntary minors to the custody of parents. (1) The facility shall release the minor to the custody of the minor's parent or other responsible person authorized by the parent to take custody of the minor. If the parent refuses to accept custody of the released minor, or to designate and authorize another responsible person to take custody of the minor on their behalf, the minor shall be referred and released to the appropriate juvenile authority for necessary dependency action. The facility shall furnish transportation for the minor to the minor's residence or other appropriate place.

(2) If the minor is released to someone other than the minor's parent, the facility shall make every effort to notify the minor's parents of the release as soon as possible.

(3) No indigent minor may be released to a less-restrictive alternative or discharged from inpatient treatment without suitable clothing. As funds are available from the department, these may be used to provide necessary funds for the immediate welfare of the indigent minor upon discharge. The superintendent of the state hospital in the releasing facility's catchment area should be contacted for prior approval of such funds for these needs.

[Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-120, filed 12/23/85.]

WAC 275-54-130 Elopement of minors. In the event of a minor's elopement from an evaluation and treatment facility, the professional person in charge shall immediately notify parents and appropriate law enforcement agencies.

[Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-130, filed 12/23/85.]

WAC 275-54-140 Long-term placement—Designated placement committee. (1) The secretary's placement authority shall be exercised through a designated placement committee composed of children's mental health specialists and established in accordance with chapter 354, Laws of 1985.

(2) The secretary shall appoint membership of the placement committee, at least one of whom shall be a child

psychiatrist representing one of the state-funded, long-term evaluation and treatment facilities for minors.

(3) The committee's responsibilities shall include:

(a) The committee shall accept immediately, authorize, and effect placement of any minor committed to the secretary for one hundred eighty-day inpatient treatment in the most appropriate state-funded, long-term evaluation and treatment facility. Placement criteria shall include:

(i) The treatment needs of the minor;

(ii) The most appropriate facility able to respond to the minor's treatment needs;

(iii) The geographic proximity of the facility to the minor's family and home community;

(iv) The immediate availability of bed space;

(v) The probable impact of the minor's placement on other residents.

(b) The committee shall approve or deny requests from the state-funded facilities for transfer of a minor between facilities.

(c) Develop, maintain, and update policies and procedures to carry out the provisions of this section. Such policies and procedures shall be reviewed and approved by the mental health division.

(d) Receive and monitor reports and make such appropriate recommendations to the mental health division as may be necessary concerning needed individual patient or program corrective action. Such reports shall include:

(i) Individual patient status reports, at a minimum providing information concerning the minor's individual treatment plan and progress, recommendations for future treatment, anticipated discharge date, and possible less-restrictive treatment.

(ii) Incident reports covering such events as will be required by the placement committee's policies and procedures.

(iii) Individual patient discharge summaries.

(iv) Program utilization information as identified in the placement committee's policies and procedures.

(4) The responsibilities of the professional person in charge of the long-term state-funded inpatient evaluation and treatment facilities shall include:

(a) Establish policies, procedures, and practices assuring compliance with the provisions of this WAC.

(b) Provide the array and quality of evaluation and treatment services needed to respond to the needs of the minor in accordance with the provisions of WAC 275-54-200.

(c) Notify the court, the placement committee, and all responsible others of any major change in the minor's status and make such notification within three days of the date of any change in legal status, conditional release, or discharge.

(d) Provide the placement committee within ninety days of admission and at least one hundred eighty days thereafter with a report setting forth such facts as the committee requires, including the minor's individual treatment plan and progress, recommendations for future treatment, recommendations regarding less-restrictive treatment, and anticipated discharge date.

(e) Provide the placement committee with incident reports, discharges, program utilization information, and such other reports and information as may be specified in the placement committee policies and procedures.

(5) The placement committee shall provide the facility at the time of the minor's placement with formal written notification of placement. Such notification shall include authorization of the professional person in charge of the facility to carry out the secretary's responsibility for the care and custody of the minor and authorization to request the assistance of law enforcement agencies to return the minor in case of elopement.

(6) Any minor committed to the secretary shall remain at the treatment facility where the minor was held at the time of the commitment hearing, in accordance with the provisions of applicable mental health division issuance. The department's placement committee will be notified within twenty-four hours of the commitment to the secretary by the facility holding the minor.

(7) The committee will advise the treating facility as to the committee's requirements for information about the minor that will allow the committee to make a decision concerning placement of that minor.

[Statutory Authority: 1985 c 354, 86-02-019 (Order 2323), § 275-54-140, filed 12/23/85.]

WAC 275-54-150 Revocation of a less-restrictive alternative treatment or conditional release. (1) If a minor is failing to adhere to the conditions of the court-ordered less-restrictive alternative treatment or the stipulations of a conditional release or if substantial deterioration of a minor's functioning has occurred, the county-designated mental health professional or the secretary may order the minor be taken into custody and transported to an inpatient evaluation and treatment facility.

(2) An order of apprehension and detention shall be filed by the county-designated mental health professional or the secretary, and it shall be served upon the minor who shall, at the time of the service, be informed of the right to a hearing and to representation by an attorney. The minor's parent and attorney shall be notified of the detention within two days of return.

(3) The county-designated mental health professional or secretary may modify or rescind the order of apprehension and detention at any time prior to the hearing.

(4) A petition for revocation of a less-restrictive alternative treatment shall be filed by the county-designated mental health professional or the secretary with the same court that ordered such placement. A petition for revocation of a conditional release may be filed in either the county originally ordering inpatient treatment or in the county where the minor is presently residing.

(5) In either case, as identified in subsection (4) of this section, upon motion for good cause, the hearing may be transferred to the county where the minor resides or where the alleged violations occurred. The minor may waive the hearing and be returned to inpatient treatment or to less-restrictive alternative placement or conditional release on the same or modified grounds.

(6) The petition for revocation of less-restrictive alternative treatment or conditional release shall describe the behavior of the minor indicating violation of the conditions or deterioration of routine functioning and dispositional recommendations.

(7) The hearing shall be held within seven days of the minor's return and shall determine the following:

(a) Whether the minor adhered to the conditions of the less-restrictive placement or conditional release.

(b) Whether the minor's routine functioning has substantially deteriorated.

(c) Whether the conditions of less-restrictive placement or conditional release should be modified or if the minor should be returned to inpatient treatment.

(8) If the court decides the minor is to be returned to inpatient treatment, the secretary's placement responsibility as set forth in WAC 275-54-140 shall apply.

[Statutory Authority: 1985 c 354, 86-02-019 (Order 2323), § 275-54-150, filed 12/23/85.]

WAC 275-54-160 Requirements for certifying evaluation and treatment components for minors. (1) Each county or Regional Support Network shall develop and coordinate an evaluation and treatment program consistent with chapter 354, Laws of 1985 and chapter 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 or Regional Support Network may provide one or more of these components directly. The county or Regional Support Network may also contract or have a written agreement with one or more agencies to provide each component in its entirety. Component or components obtained on this basis from an agency or agencies shall be subject to all applicable provisions of these rules and of chapter 354, Laws of 1985. The county or Regional Support Network will maintain coordination responsibility over the program.

Any contract or agreement between county or Regional Support Network and agencies, or between two or more agencies, shall be required to comply with the standards for evaluation and treatment components. In addition, each contract or agreement shall indicate the department will consider those standards in the department's site visit and certification procedure as directed by WAC 275-54-210.

(2) In addition to the responsibilities specified, the following shall be required of the county or Regional Support Network or of such individual designated by the county as administrator of the evaluation and treatment program to:

(a) Identify, recommend to the department for certification, and coordinate the various facilities and components of the evaluation and treatment program;

(b) Assist the department in ensuring facilities and components are in compliance with all applicable rules and regulations set forth in chapter 354, Laws of 1985 and this chapter; and

(c) Make periodic reviews of a certified component consistent with county procedures.

(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 or Regional Support Network 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 may:

(a) Inspect and evaluate the applicant agency's component or components for certification in accordance with the provisions of WAC 275-54-210.

(b) Conduct on-site visits for the purposes of certification including, where possible, the county or Regional Support Network administrator of the evaluation and treatment program as part of the site visit team.

(5) All facilities shall be recognized elements of the county or Regional Support Network mental health plan. The plan shall list the agencies for which certification is requested and the components to be provided by each. The plan shall also specify the method whereby components will be coordinated 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 mental health program.

[Statutory Authority: RCW 71.34.800, 91-16-060 (Order 3221), § 275-54-160, filed 8/1/91, effective 9/1/91. Statutory Authority: 1985 c 354, 86-02-019 (Order 2323), § 275-54-160, filed 12/23/85.]

WAC 275-54-170 Certification standards for evaluation and treatment program for minors. (1) The following general requirements shall apply to any agency desiring certification as a component or components of the evaluation and treatment program:

(a) The spectrum of evaluation and treatment services provided by the agency shall include at least one of the following:

(i) Outpatient.

(ii) Emergency.

(iii) 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 275-54-160.

(c) The agency shall maintain a written statement describing the organizational structure and objectives. The statement shall include contractual affiliates (if any).

(d) The agency shall document and otherwise ensure:

(i) Care for patients is provided in a therapeutic environment.

(ii) Patient rights as described in WAC 275-54-290 is incorporated into this environment.

(iii) The use of a less restrictive treatment alternative is considered for each patient at the time of detention, admission, discharge, and development of fourteen- and one hundred eighty-day petitions.

(iv) Continuity of care, coordination, and integration of services is provided.

(v) Referral services and assistance in obtaining supportive services appropriate to treatment are provided to each patient.

(e) The agency desiring certification of the agency's component or components shall make application for such certification pursuant to WAC 275-54-160.

(2) In addition to the requirements specified for each in WAC 275-54-180, 275-54-190, and 275-54-200, the following general requirements shall apply to all facilities:

(a) 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 inpatient services is permitted only if the minor's clinical record contains documentation that:

(i) The anticipated effects of such joint use on the minor have been considered by the professional staff, and

(ii) A professional judgment has been made that such joint use will not be deleterious to the minor. No minor shall be placed on an adult inpatient unit unless no other alternative is available, or an emergency exists, and documentation has been made pursuant to subsection (2) of this section.

(b) 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. The treatment plan shall address the needs identified in the admission evaluation of the minor. Such treatment and discharge plans shall be entered in the patient's clinical record 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.

(c) Evaluation and treatment services provided to minors shall be provided by:

(i) A child mental health specialist, as defined by WAC 275-54-020(2), or

(ii) A mental health professional, as defined by WAC 275-54-020(14) directly supervised by a child mental health specialist, or

(iii) A mental health professional 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.

(d) Treatment. The evaluation and treatment program shall:

(i) Provide family therapy as needed.

(ii) Have available, as needed, professional personnel including, but not limited to, a licensed physician and a mental health professional.

(iii) Ensure each patient has access to necessary medical treatment emergency life-sustaining treatment, and medication.

(iv) 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 notified within one hour and shall authorize the restraints or seclusion.

(ii) No patient shall be restrained or secluded for a period in excess of two hours without having been evaluated by a mental health professional. Such patient must be

directly observed every fifteen 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. Such evaluation shall occur at least weekly for fourteen-day commitments, at least monthly for one hundred eighty-day commitments, and documented in each involuntary patient's clinical record.

(g) Training. All components shall develop an inservice training plan and provide regular training to all clinical 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) Methods of patient care.

(iii) Managing assaultive and self-destructive behavior.

(iv) The provisions and requirements of this chapter and chapter 354, Laws of 1985 and standards and guidelines promulgated by the department.

(v) Other appropriate subject matter.

(h) Administration. All components shall:

(i) Maintain written procedures for managing assaultive and/or self-destructive patient behavior, and assure staff has access to and are familiar with these procedures.

(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.

(3) Whenever a component is also subject to licensure under other federal or state statutes or regulations, the more restrictive standard shall apply.

[Statutory Authority: RCW 34.04.020. 87-19-070 (Order 2535), § 275-54-170, filed 9/16/87. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-170, filed 12/23/85.]

WAC 275-54-180 Outpatient component. (1) The outpatient component is defined as a setting where evaluation and treatment services are provided on a regular basis to patients. These services are intended to stabilize, sustain, and facilitate recovery of the individual within his or her living setting. Services shall be provided directly by a licensed physician licensed pursuant to chapter 18.57 or 18.71 RCW, a psychologist licensed pursuant to chapter 18.83 RCW, a psychiatric nurse licensed pursuant to chapter 18.88 RCW, or by an agency licensed pursuant to chapter 71.24 RCW and chapter 275-54 WAC.

(2) In addition to the general requirements stated in WAC 275-54-170, the following requirements shall apply to all outpatient components:

(a) Such component shall provide a therapeutic program including, but not limited to, at least one of the following:

- (i) Individual therapy.
- (ii) Group therapy.
- (iii) Family/marital therapy.
- (iv) Medication management.
- (v) Case management.

(b) Such component shall provide treatment to each patient under the supervision of a mental health professional.

(c) Each patient should 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 monthly 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.

(d) 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.

(e) 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 one hundred 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.

[Statutory Authority: RCW 34.04.020, 87-19-070 (Order 2535), § 275-54-180, filed 9/16/87. Statutory Authority: 1985 c 354, 86-02-019 (Order 2323), § 275-54-180, filed 12/23/85.]

WAC 275-54-190 Emergency component. (1) The emergency component is defined as a public or private agency or hospital having the capacity to detain an individual posing an imminent threat to the safety and/or well-being of self, or others, or is gravely disabled.

(2) The department may upon the formal request of the county or Regional Support Network accept a hospital licensed under WAC 246-318-280 or 246-322 as a certified emergency component for an evaluation and treatment program, in lieu of requiring a hospital to meet the requirements set forth by WAC 275-54-170, 275-54-200, and 275-54-210.

(3) In addition to the general requirements stated in WAC 275-54-170, the following requirements shall apply to all emergency components. Such component shall:

- (a) Be available twenty-four-hours-per-day, seven-days-per-week;
- (b) Follow a written protocol for detaining an individual and contacting the county designated mental health professional;
- (c) Provide or have access to medical services;
- (d) Have a written agreement with a certified short-term inpatient component for admission on a seven-day-per-week, twenty-four-hour-per-day basis; and
- (e) Follow a written protocol for transporting individuals to short-term inpatient components.

[Statutory Authority: RCW 71.34.800, 91-16-060 (Order 3221), § 275-54-190, filed 8/1/91, effective 9/1/91. Statutory Authority: RCW 34.04.020, 87-19-070 (Order 2535), § 275-54-190, filed 9/16/87. Statutory Authority: 1985 c 354, 86-02-019 (Order 2323), § 275-54-190, filed 12/23/85.]

WAC 275-54-200 Inpatient component. (1) The inpatient component is a hospital or residential setting where treatment services are provided on a twenty-four-hour-per-day basis for individuals on seventy-two-hour detentions, or fourteen-day commitments, or one hundred eighty-day commitments.

(2) The department may accept a hospital licensed under WAC 246-318-280 or 246-322 as a certified short-term inpatient component for an evaluation and treatment program, in lieu of requiring a hospital to meet the requirements set forth by WAC 275-54-170, 275-54-200, and 275-54-210.

(3) In addition to the general requirements stated in WAC 275-54-170, the following requirements shall apply to all inpatient components:

(a) The inpatient component shall meet the standards required for state licensing as a skilled nursing facility, intermediate care facility, or residential treatment facility;

(b) Such component shall have the capability to admit the individual on a twenty-four-hour-per-day, seven-day-per-week basis;

(c) Such component shall not deny admission except under the following circumstances:

(i) After a psychosocial evaluation, there is a determination by a mental health professional that the individual does not present a likelihood of serious harm, or an imminent likelihood of serious harm, or the individual is not gravely disabled, and does not require inpatient care. Reference RCW 71.34.170 for necessary action in this case;

(ii) The individual 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) Treatment space is not available and is so documented;

(v) A less restrictive alternative provided by another facility is more appropriate and available; and

(vi) For situations arising under subsection (3)(c)(i) through (iv) of this section, the county or Regional Support Network-designated mental health professional shall make arrangements for the most appropriate placement available.

(d) Such component shall within twenty-four hours of initial detention, to include Saturday, Sunday, and holidays, conduct evaluations 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; and
- (ii) Psychosocial evaluation by a mental health professional.

(e) Such component shall have the capability to detain individuals dangerous to self, others, or gravely disabled, and shall provide or have access to at least one seclusion room meeting the requirements of WAC 248-18-001;

(f) Such component shall provide therapeutic services including generally accepted treatment modalities such as:

- (i) Individual therapy;
- (ii) Family therapy; and
- (iii) Medication management.

(g) Such component shall provide treatment to each individual under the supervision of the professional person in charge;

(h) 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; and

(i) Such component shall have access to a mental health professional and a licensed physician for consultation and communication with the individual and the component staff on a twenty-four-hour-per-day, seven-day-per-week basis.

[Statutory Authority: RCW 71.34.800, 91-16-060 (Order 3221), § 275-54-200, filed 8/1/91, effective 9/1/91. Statutory Authority: RCW 34.04.020, 87-19-070 (Order 2535), § 275-54-200, filed 9/16/87. Statutory Authority: 1985 c 354, 86-02-019 (Order 2323), § 275-54-200, filed 12/23/85.]

WAC 275-54-210 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 275-54-170, and the appropriate sections of WAC 275-54-180 through 275-54-220.

(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 a rule 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: 1985 c 354, 86-02-019 (Order 2323), § 275-54-210, filed 12/23/85.]

WAC 275-54-220 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: 1985 c 354, 86-02-019 (Order 2323), § 275-54-220, filed 12/23/85.]

WAC 275-54-230 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.

(2) Such appeal shall:

(a) Be made in writing;

(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 appeal on decisions should be made in accordance with the Administrative Procedure Act, chapter 34.04 RCW.

[Statutory Authority: 1985 c 354, 86-02-019 (Order 2323), § 275-54-230, filed 12/23/85.]

WAC 275-54-240 Involuntary evaluation and treatment costs—Seventy-two hour detentions/fourteen-day commitments. (1) Responsibility of involuntary patient.

(a) 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 354, Laws of 1985 shall be responsible for the cost of such evaluation and treatment. 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:

(i) 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.

(ii) 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.

(b) In instances where inability to pay or substantial hardship is determined for an involuntary patient pursuant to this section, 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 275-54-240 (2) and (3).

(2) Collection by agency.

(a) Definitions. For the purposes of this section:

(i) "Involuntary patient" is as defined by WAC 275-54-020.

(ii) "Title XIX" means Title XIX of the Social Security Act.

(iii) "CSO" means community services office of the department.

(b) 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.

(c) 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 or other state medical benefits in accordance with applicable mental health issuance benefits. If such patient is determined so eligible by the CSO, the agency shall bill according to the instructions set forth by the department.

(d) In the case of any involuntary patient not eligible for Title XIX benefits, the agency providing the inpatient

component shall be responsible for collecting the amount the patient should participate in the treatment costs. As required by subsection (2)(c) of this section and applicable mental health issuance, the amount to be collected shall be determined by the local CSO.

(e) The agency may bill the department for the balance of costs in excess of the amount of required patient participation determined by the local CSO. Such billing shall be subject to the following:

(i) Reimbursement is sought through the appropriate county as defined by WAC 275-54-240(3). All bills shall be verified by the county or the county's designee before forwarding by the county to the department for payment.

(ii) 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.

(f) 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.

(g) 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.

(3) Responsibility of the county.

(a) All requests for reimbursement shall be made through the county of detention which shall review and approve requests pursuant to the following:

(i) The person being billed for was in fact an involuntary patient for the period of evaluation and treatment specified.

(ii) The date of initial detention is indicated.

(iii) Date of the seventy-two-hour (probable cause) hearing is indicated.

(iv) Date of conversion to voluntary patient status is shown (if appropriate).

(v) Date of release, transfer, or discharge is shown.

(vi) Days allowed by an approved extension request are shown (if appropriate).

(vii) The "patient participation" calculation is shown on inpatient facility invoices or the patient is shown to be eligible for Medicaid or LCP-MI.

(viii) If insurance coverage is indicated, such coverage collections have been deducted.

(b) All reimbursement payments for evaluation and treatment costs for involuntary patients shall be made directly to the service-providing agency.

(c) No payments will be made to agencies not certified pursuant to WAC 275-54-170, and not a part of a county's evaluation and treatment program pursuant to WAC 275-54-160, except in the case of licensed physicians.

(d) 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.

(4) Responsibility of the department.

(a) 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 275-54-240(1), 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.

(b) The department shall reimburse the counties for increased administrative costs, if any, resulting from implementation of the provisions of the Juvenile 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.

(c) 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 1984, resulting from implementation of the provisions of the Involuntary Treatment Act, and subsequent amendments.

(d) 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.

(e) 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, 1985.

(f) 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:

(i) Emergency component services for individuals where a petition for initial detention is filed under WAC 275-54-050 within twelve hours of admission to that component.

(ii) Initial detention period including Saturdays, Sundays, holidays, and up to three judicial days.

(iii) 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.

(iv) Conditional release effected pursuant to the applicable provisions of this chapter and chapter 354, Laws of 1985. Reimbursement shall be restricted to the initial seventeen-day period.

(v) 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.

(g) 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: 1985 c 354. 86-02-019 (Order 2323), § 275-54-240, filed 12/23/85.]

WAC 275-54-250 Involuntary evaluation and treatment costs—One hundred eighty-day commitments.

(1) Responsibility of involuntary patient.

(a) Payment for costs of care for an involuntary patient on a one hundred eighty-day commitment awaiting placement in a state-funded long-term inpatient facility shall be in accordance with the provisions of WAC 275-54-240.

(b) Any minor becoming an involuntary patient on a one hundred eighty-day commitment and placed in a state-funded long-term inpatient facility by the placement committee pursuant to chapter 354, Laws of 1985, or his or her estate, or his or her parents shall be responsible for the cost of such evaluation and treatment based upon a determination by the inpatient facility of ability to pay.

(c) 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:

(i) 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.

(ii) The local agency in instances where evaluation and treatment is provided by the agency and the agency is supported by, but not operated by the department.

(2) Collection by agency.

(a) Definitions.

(i) "Involuntary patient" is as defined by WAC 275-54-020(10).

(ii) "Title XIX" means Title XIX of the Social Security Act.

(iii) "CSO" means community services office of the department.

(b) 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 agencies shall make reasonable efforts to make such collection pursuant to the agency's own regulations and policies. Such efforts shall also include, but

are not limited to, billing all appropriate resources of the involuntary patient, the patient's family, third-party payors, and other legally responsible persons and entities.

(c) Any involuntary patient who is a minor 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 their 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.

(d) The agency providing the long-term inpatient care shall determine the amount, if any, the patient, or his or her parents, or any responsible others should contribute to the cost of treatment. Such contributions shall be determined in accordance with the following:

(i) The agency shall have established financial screening criteria, policy, procedures, and format, and a sliding fee schedule or formula used to determine ability to contribute to the cost of inpatient care.

(ii) The financial screening criteria and the sliding fee schedule or formula shall take into consideration available income, family size, and allowable deductions.

(iii) Allowable deductions shall include unusual and exceptional circumstances and other pertinent factors as defined in WAC 275-16-075 and 275-16-085.

(iv) The agency shall establish a formal appeal policy and process allowing responsible others to appeal any financial contribution decision to the individual and agency administrative entity responsible for such decisions.

(3) Responsibility of department.

(a) The agency may bill the department for the balance of costs not collectible by actions taken in accordance with this subsection, for the care and treatment of minors on a one hundred eighty-day commitment and placed in the state-supported inpatient facility by the admissions committee.

(b) Such billing and reimbursement shall be in accordance with the instructions set forth in the department's contract for the provision of these services with the state-funded inpatient facility.

[Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-250, filed 12/23/85.]

WAC 275-54-260 Involuntary treatment program administrative costs—Seventy-two hour/fourteen-day commitment. The mental health division will establish a maintenance of effort level for each county by January 1, 1986.

[Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-260, filed 12/23/85.]

WAC 275-54-270 Involuntary treatment program transportation costs. (1) The minor or his or her parents shall be responsible for any transportation costs incurred in transporting a minor to an evaluation and treatment facility for seventy-two-hour detention, fourteen-day commitment, or initial one hundred eighty-day commitment to the custody of the secretary. Such responsibility shall be based upon a determination of ability to pay as prescribed in WAC 275-54-240.

(2) Where inability to pay has been determined by the local CSO in accordance with the provisions of WAC 275-54-240, and eligibility for federal or state medical assistance has been established in compliance with applicable mental health division issuance, the department shall be responsible for payment of transportation costs incurred in transporting the eligible minor to an evaluation and treatment facility for seventy-two-hour detention, fourteen-day commitment, or one hundred eighty-day commitment. Such payments shall be made in accordance with instructions set forth in mental health division issuance.

(3) Transportation shall be provided to involuntarily committed minors under chapter 354, Laws of 1985 by the most appropriate, safest, and most cost-effective means available. Transporting by ambulance shall be used only in those circumstances dictated by medical necessity.

(4) If a minor is released from a long-term evaluation and treatment facility and no other transportation is available, that facility shall furnish transportation to the minor's residence or other appropriate place.

[Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-270, filed 12/23/85.]

WAC 275-54-280 Involuntary treatment program—Legal costs. (1) Responsible others shall bear the costs of attorneys appointed for the minor or his or her parent if financially able according to standards set by the court of the county in which the proceeding is held.

(2) If all responsible others are indigent as determined by these standards, the costs of the legal services shall be borne by the county in which the proceeding is held.

[Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-280, filed 12/23/85.]

WAC 275-54-290 Patient rights. Absent a risk to self or others, minors treated under this chapter have the following rights, which shall be prominently posted in the evaluation and treatment facility:

(1) To wear their own clothes and to keep and use personal possessions;

(2) To keep and be allowed to spend a reasonable sum of their own money for canteen expenses and small purchases;

(3) To have individual storage space for private use;

(4) To have visitors at reasonable times;

(5) To have reasonable access to a telephone, both to make and receive confidential calls;

(6) To have ready access to letter-writing materials, including stamps, and to send and receive uncensored correspondence through the mail;

(7) To discuss treatment plans and decisions with mental health professionals;

(8) To have the right to adequate care and individualized treatment;

(9) Not to consent to the administration of antipsychotic medications or the performance of electroconvulsive treatment or surgery, unless the procedures below are followed:

(a) Emergency life-saving surgery may be performed; however, nonemergency surgery may only be provided involuntarily upon an order of the court or upon the approval of the parent;

(b) Antipsychotic medications may be administered when an emergency exists, provided there is a review of this decision by a nonattending physician within twenty-four hours. An emergency exists if:

(i) The patient presents an imminent likelihood of serious harm to self or others; and

(ii) Medically acceptable alternatives to administration or antipsychotic medications are not available or are unlikely to be successful; and

(iii) In the opinion of the physician, the patient's condition constitutes an emergency requiring that treatment be instituted before obtaining a second opinion by a nonattending physician.

(c) Antipsychotic medications may be administered involuntarily for up to thirty days if a nonattending physician concurs with the treating physician's decision to medicate. Thereafter, antipsychotic medications may be administered involuntarily only upon an order of the court;

(d) Electronconvulsive [Electroconvulsive] treatment may be administered involuntarily upon an order of the court;

(e) In any court proceeding the minor must be present and represented by counsel, and the court shall appoint a psychiatrist, psychologist, or physician designated by the minor or the minor's counsel to testify on behalf of the minor. The minor's parent may exercise this right on the minor's behalf, and must be informed of any impending treatment;

(10) Not to have psychosurgery performed on the minor under any circumstances.

[Statutory Authority: 1991 c 105. 91-21-025 (Order 3265), § 275-54-290, filed 10/8/91, effective 11/8/91. Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-290, filed 12/23/85.]

WAC 275-54-300 Confidentiality. The fact of admission and all information obtained through treatment under this chapter is confidential. Confidential information may be disclosed only:

(1) In communications between mental health professionals to meet the requirements of this chapter, in the provision of services to the minor, or in making appropriate referrals;

(2) In the course of guardianship or dependency proceedings;

(3) To persons with medical responsibility for the minor's care;

(4) To the minor, the minor's parent, and the minor's attorney, subject to RCW 13.50.100;

(5) When the minor or the minor's parent designates in writing the persons to whom information or records may be released;

(6) To the extent necessary to make a claim for financial aid, insurance, or medical assistance to which the minor may be entitled or for the collection of fees or costs due to providers for services rendered under this chapter;

(7) To the courts as necessary to the administration of this chapter;

(8) To law enforcement officers or public health officers as necessary to carry out the responsibilities of their office. However, only the fact and date of admission, and the date of discharge, the name and address of the treatment provider,

if any, and the last known address shall be disclosed upon request;

(9) To law enforcement officers, public health officers, appropriate relatives, and other governmental law enforcement agencies, if a minor has escaped from custody, disappeared from an evaluation and treatment facility, violated conditions of a less-restrictive treatment order, or failed to return from an authorized leave, and then only such information as may be necessary to provide for public safety or to assist in the apprehension of the minor. The officers are obligated to keep the information confidential in accordance with this chapter;

(10) To the secretary for assistance in data collection and program evaluation or research, provided the secretary adopts rules for the conduct of such evaluation and research. The rules shall include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding minors who have received services in a manner such that the minor is identifiable.

I recognize unauthorized release of confidential information may subject me to civil liability under state law.

/s/"

(11) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of admission, discharge, authorized or unauthorized absence from the agency's facility, and only such other information pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or the agency's employees so long as the decision was reached in good faith and without gross negligence;

(12) To a minor's next-of-kin, attorney, guardian, or conservator, if any, the information that the minor is presently in the facility or that the minor is seriously physically ill and a statement evaluating the mental and physical condition of the minor as well as a statement of the probable duration of the minor's confinement;

(13) Upon the death of a minor, to the minor's next-of-kin;

(14) To a facility where the minor resides or will reside. This section shall not be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary. The fact of admission and all information obtained pursuant to this chapter are not admissible as evidence in any legal proceeding outside this chapter, except guardianship or

dependency, without the written consent of the minor or the minor's parent;

(15) When disclosure of information on records is made, the date and circumstances, the name or names of the person or agencies to whom such disclosure was made, the relationship to the minor, if any, and the information disclosed shall be entered in the minor's clinical record.

[Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-300, filed 12/23/85.]

WAC 275-54-310 Confidentiality of court proceeding records. The records and files maintained in any court proceeding are confidential and available only to the minor, the minor's parents, and the minor's attorney. The court may order release or use of these records if the court finds appropriate safeguards for strict confidentiality will be maintained.

[Statutory Authority: 1985 c 354. 86-02-019 (Order 2323), § 275-54-310, filed 12/23/85.]

**Chapter 275-55 WAC
VOLUNTARY ADMISSION—INVOLUNTARY
COMMITMENT, TREATMENT AND/OR
EVALUATION OF MENTALLY ILL PERSONS**

WAC

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275-55-367	Involuntary evaluation and treatment costs—Responsibility of department.	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.
275-55-371	Exceptions to rules—Waivers.	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.
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275-55-021	Application of rules to minors. [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-021, filed 3/11/82.] Repealed by 87-19-071 (Order 2536), filed 9/16/87. Statutory Authority: RCW 34.04.020.	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 87-19-071 (Order 2536), filed 9/16/87. Statutory Authority: RCW 34.04.020.
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.	275-55-220	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.
275-55-050	Application for admission—Voluntary minor. [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.] Repealed by 87-19-071 (Order 2536), filed 9/16/87. Statutory Authority: RCW 34.04.020.	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.
275-55-060	Admission to public agency—Voluntary minor. [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.] Repealed by 87-19-071 (Order 2536), filed 9/16/87. Statutory Authority: RCW 34.04.020.	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.
275-55-061	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.	275-55-250	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.
275-55-070	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.	275-55-260	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.
275-55-071	Discharge—Voluntary minor. [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-071, filed 3/11/82.] Repealed by 87-19-071 (Order 2536), filed 9/16/87. Statutory Authority: RCW 34.04.020.	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.
275-55-080	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.	275-55-280	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, § 275-55-280, 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.	275-55-282	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.
275-55-120	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.	275-55-284	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.
275-55-121	Involuntary detention and commitment—Minor. [Statutory Authority: RCW 71.05.560. 82-07-024 (Order 1775), § 275-55-121, filed 3/11/82.] Repealed by 87-19-071 (Order 2536), filed 9/16/87. Statutory Authority: RCW 34.04.020.	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.
275-55-130	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.	275-55-288	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.
- 275-55-331 Requirements for evaluation and treatment facilities serving minors. [Statutory Authority: RCW 71.05.560. 84-03-035 (Order 2065), § 275-55-331, filed 1/13/84; 82-07-024 (Order 1775), § 275-55-331, filed 3/11/82.] Repealed by 87-19-071 (Order 2536), filed 9/16/87. Statutory Authority: RCW 34.04.020.

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 chapters 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 RCW

71.05.020(16) and 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 RCW 71.05.020(16) and 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 combination 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, 84-03-035 (Order 2065), § 275-55-020, filed 1/13/84; 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.]

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 275-55-081 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 275-55-115 Transfer of a patient between state-operated facilities for persons with mental illness. In some instances, it is appropriate for the department to transfer a patient currently residing in a state facility to another state facility for ongoing treatment. The department shall accomplish the transfer with the utmost care given to the therapeutic needs of the patient. This section describes

the procedures for handling a patient transfer between state facilities in a manner consistent with the best interest of the patient.

(1) The department may use the following criteria when determining the appropriateness of a patient transfer:

(a) The patient's family resides within the receiving facility's catchment area; or

(b) The patient's primary home of residence is in the receiving facility's catchment area; or

(c) A particular service or need of the patient is better met at the receiving facility; or

(d) Transfer to the receiving facility may facilitate community discharge due to the availability of community service in the receiving facility's catchment area; or

(e) The county, regional support network, or patient requests a transfer.

(2) Prior to any proposed transfer of a patient, the state facility shall comply with the following:

(a) The sending facility, at the request of the superintendent, shall in writing forward information necessary to make a decision on whether transfer is appropriate to the receiving facility's liaison and the regional support network liaison;

(b) The receiving facility's and regional support network designated liaisons shall recommend appropriate action to the superintendent of the sending facility in writing within five calendar days of receipt of the transfer request;

(c) If the receiving facility accepts the proposed patient transfer, the sending facility shall notify the patient, guardian, regional support network liaison, and attorney, if known, at least five days before the proposed patient transfer;

(d) The sending facility is responsible for all patient transfer arrangements, e.g., transportation, staff escort, etc., and shall coordinate the day and time of arrival with the receiving facility's liaison; and

(e) The sending facility shall arrange for the transfer of patient's medical record to the receiving facility.

(3) The sending state facility shall document the following in the patient's record:

(a) Physician documentation of the medical suitability of the patient for transfer; and

(b) Social worker documentation regarding:

(i) Justification as to why the transfer is considered in the patient's best interests; and

(ii) The patient's wishes regarding transfer.

(4) If a transfer is proposed for a court-ordered patient, the sending facility shall contact the prosecuting attorney's office for persons committed for up to fourteen days or the attorney general's office for persons committed for ninety or hundred eighty days to determine if legal action is necessary prior to the transfer.

[Statutory Authority: RCW 74.05.560 [71.05.560]. 91-22-044 (Order 3275), § 275-55-115, filed 10/31/91, effective 12/1/91. Statutory Authority: RCW 71.05.560. 88-23-021 (Order 2724), § 275-55-115, filed 11/7/88.]

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 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. 84-03-035 (Order 2065), § 275-55-161, filed 1/13/84; 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 modifica-

tions 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 275-55-221 Restoration procedure for a former involuntarily committed person's right to firearm possession. (1) The department and mental health professionals implementing chapter 71.05 RCW shall recognize and affirm that a person is entitled to the immediate restoration of the right to firearm possession, as described under RCW 9.41.040 (6)(c), when the person no longer requires treatment or medication for a condition related to the commitment.

(2) Mental health professionals implementing the provisions of chapter 71.05 RCW shall provide to the court of competent jurisdiction such relevant information concerning the commitment and release from commitment as the court may request in the course of reaching a decision on the restoration of the person's right to firearm possession. (See RCW 9.41.097.)

(3) A person who has been barred from firearm possession under RCW 9.41.040(6) and 71.05.240 and who wishes to exercise this right, may petition the court which ordered involuntary treatment or, the superior court of the county in which the person resides for restoration of the right to possess firearms. At a minimum, such petition shall include:

- (a) The fact, date, and place of involuntary treatment;
- (b) The fact, date, and release from involuntary treatment;
- (c) A certified copy of the most recent order of commitment with the findings of fact and conclusions of law.

(4) A petitioner shall show that the petitioner no longer requires treatment or medication for a condition related to the commitment.

[Statutory Authority: RCW 9.41.040(6). 94-06-025 (Order 3709), § 275-55-221, filed 2/23/94, effective 3/26/94.]

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. The facility shall prominently post a list of such rights within the department or ward where such person is housed if the person is 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 and such list shall be posted within the reception area. The agency, facility, or component shall ensure, unless an imminent danger to the person or others would result, each patient shall have the rights listed in subsection (1)(a), (j), (l), (p), (2)(a), (b), (3)(a), (c), (d), (f), and (g) of this section.

(1) Rights of all patients. All patients shall have the right:

(a) Not to be restrained from sending written communications of the fact of the patient's detention, commitment, or admission. The facility, director, or the facility's designee shall mail such written communication to the person to whom addressed;

(b) To adequate care and individualized treatment;

(c) To make an informed decision regarding the use of antipsychotic medication. Documentation shall be entered in the medical record of the physician's attempt to obtain informed consent and the reasons why antipsychotic medication is being administered over the patient's objection or lack of consent. The physician may administer antipsychotic medications over the patient's objection or lack of consent:

(i) When an emergency exists, provided there is a review of this decision by a nonattending physician within twenty-four hours. An emergency exists if:

(A) The patient presents an imminent likelihood of serious harm to self or others; and

(B) Medically acceptable alternatives to administration of antipsychotic medications are not available or are unlikely to be successful; and

(C) In the opinion of the physician, the patient's condition constitutes an emergency requiring that treatment be instituted before obtaining a second opinion by a nonattending physician.

(ii) For up to thirty days, provided there is an additional concurring opinion by a nonattending physician;

(iii) For continued treatment beyond thirty days through the hearing on any one hundred eighty-day petition filed under RCW 71.05.370(7), provided the facility medical director or director's medical designee reviews the decision to medicate a patient. The review shall occur at least every sixty days:

(A) The examining physician shall sign all one hundred eighty-day petitions for antipsychotic medications filed under the authority of RCW 71.05.370(7);

(B) Persons committed for one hundred eighty days who refuse or lack the capacity to consent to antipsychotic medications have the right to a court hearing under RCW 71.05.370(7) prior to the involuntary administration of antipsychotic medications. In an emergency, antipsychotic medications may be administered prior to the court hearing provided that an examining physician must file a petition for an antipsychotic medication order the next judicial day.

(iv) All involuntary medication orders shall be consistent with the provisions of RCW 71.05.370 (7)(a) and (b), whether ordered by a physician or the court;

(d) To wear the patient's own clothes and to keep and use the patient's own personal possessions, except when deprivation of same is essential to the protection and safety of the patient or other persons;

(e) [Of] [To] keep and be allowed to spend a reasonable sum of the patient's own money;

(f) To access to individual storage space for the patient's own private use;

(g) To have visitors at reasonable times;

(h) To have reasonable access to a telephone, both to make and receive confidential calls;

(i) To have ready access to letter writing material, including stamps, and to send and receive uncensored correspondence through the mails;

(j) Not to consent to the performance of electroconvulsive therapy or surgery, except emergency life-saving surgery, upon the patient, and not to have electroconvulsive therapy or nonemergency surgery in such circumstances unless ordered by a court under a judicial hearing where:

(i) The patient is present and represented by counsel; and

(ii) The court appoints a psychiatrist, psychologist, or physician designated by such patient or the patient's counsel to testify on behalf of the patient as described under RCW 71.05.210, 71.05.370, and 71.05.380.

(k) To dispose of property and sign contracts unless the patient has been adjudicated as incompetent in a court proceeding directed to the particular issue;

(l) Not to have psychosurgery performed under any circumstances;

(m) To object to detention or request release through writ of habeas corpus;

(n) To maintain the right to be presumed competent and not lose any civil rights as a consequence of receiving evaluation or treatment for a mental disorder;

(o) Of access to attorneys, courts, and other legal redress;

(p) To have all information and records compiled, obtained, or maintained in the course of receiving services kept confidential, under the provisions of RCW 71.05.390 through 71.05.420.

(2) All voluntary patients shall have the right to:

(a) 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) Consenting adult admitted who has a 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 the minor's parent(s), conservator, guardian, or other person entitled to custody. If requested by minor only, release on next judicial day.

(b) A review of condition and status at least each one hundred and eighty days as required under RCW 71.05.050, 71.05.380, and 72.23.070.

(3) All involuntary patients shall:

(a) Unless released within seventy-two hours as defined under WAC 275-55-020(21), have a right to a judicial hearing, 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) Have the right to:

(i) 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

(ii) Be told the name and address of the attorney appointed.

(c) Have the right to remain silent;

(d) Have the right to be told statements the patient makes may be used in the involuntary proceedings;

(e) Have the right to present evidence and to cross-examine witnesses testifying against the patient at the probable cause hearing;

(f) Have the right to refuse medication beginning twenty-four hours before 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:

(i) Examined by a mental health professional within three hours of the patient's arrival; and

(ii) 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 as described under RCW 71.05.150(5).

[Statutory Authority: 1991 c 105, 91-21-025 (Order 3265), § 275-55-241, filed 10/8/91, effective 11/8/91. Statutory Authority: RCW 71.05.560, 82-07-024 (Order 1775), § 275-55-241, filed 3/11/82.]

Reviser's note: RCW 34.05.395 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 275-55-261 Requirements for certifying evaluation and treatment components. (1) Each county or Regional Support Network shall develop and coordinate an evaluation and treatment program consistent with chapters 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 or Regional Support Network may provide one or more of these components directly. The county or Regional Support Network may also contract or have a written agreement with one or more agencies to provide each component in its entirety. Component(s) obtained on this basis from an agency or agencies shall be subject to all applicable provisions of this chapter and chapter 71.05 RCW. The county or Regional Support Network shall maintain coordination responsibility over the program.

Any contract or agreement between county or Regional Support Network 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. In addition, each contract or agreement 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 Regional Support Network or of such individual designated by the county as administrator of the evaluation and treatment program to:

(a) Identify, recommend to the department for certification, and coordinate the various facilities and components of the evaluation and treatment program;

(b) 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;

(c) Make periodic reviews of a certified component consistent with county procedures.

(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 or Regional Support Network 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 or Regional Support Network administrator of the evaluation and treatment program, the department may:

(a) Inspect and evaluate the applicant agency's component or components for certification in accordance with the provisions of WAC 275-55-293.

(b) Conduct on-site visits for the purposes of certification including, where possible, the county or Regional Support Network administrator of the evaluation and treatment program as part of the site visit team.

(5) All facilities shall be recognized elements of the county or Regional Support Network mental health plan. The plan shall list the agencies for which certification is requested, and the components to be provided by each. The plan shall also specify the method whereby components will be coordinated 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 or Regional Support Network mental health program. (Reference RCW 71.24.130)

[Statutory Authority: RCW 74.05.560, 91-16-061 (Order 3222), § 275-55-261, filed 8/1/91, effective 9/1/91. 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 program. (1) The following general requirements shall apply to any agency desiring certification as a component or components of the evaluation and treatment program:

(a) The spectrum of evaluation and treatment services provided by the agency shall include at least one of the following:

- (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) The agency shall maintain a written statement describing the organizational structure and objectives. The statement shall include contractual affiliates (if any).

(d) The agency shall document and otherwise ensure:

(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 a less restrictive treatment alternative is considered for each patient at the time of detention, admission, discharge, and development of fourteen, ninety, and one hundred eighty-day petitions.

(iv) Continuity of care, coordination, and integration of services is provided.

(v) Referral services and assistance in obtaining supportive services appropriate to treatment are provided to each patient.

(e) 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) 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, 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.

(b) Treatment. The evaluation and treatment program shall:

(i) Have available, as needed, professional personnel including, but not limited to, a licensed physician and a mental health professional.

(ii) Ensure each patient has access to necessary medical treatment, 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.

(c) 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 notified within one hour and shall authorize the restraints or seclusion.

(ii) No patient shall be restrained or secluded for a period in excess of two hours without having been evaluated by a mental health professional. Such patient must be directly observed every fifteen minutes and the observation recorded in the patient's clinical record.

(iii) If restraint or seclusion exceeds twenty-four hours, the 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.

(d) Periodic evaluation. Each involuntary patient shall be evaluated periodically for release from commitment.

Such evaluation shall occur at least weekly for fourteen-day commitments, at least monthly for ninety and one hundred eighty-day commitments, and documented in each involuntary patient's clinical record.

(e) Training. All components shall develop an inservice training plan and provide regular training to all clinical 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) Methods of patient care.

(iii) Managing assaultive and self-destructive behavior.

(iv) The provisions and requirements of this chapter and chapter 71.05 RCW, and standards and guidelines promulgated by the department.

(v) Other appropriate subject matter.

(f) Administration. All components shall:

(i) Maintain written procedures for managing assaultive and/or self-destructive patient behavior, and assure staff has access to and are familiar with these procedures.

(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.

(3) Whenever a component is also subject to licensure under other federal or state statutes or regulations, the more restrictive standard shall apply.

[Statutory Authority: RCW 34.04.020. 87-19-071 (Order 2536), § 275-55-263, filed 9/16/87. Statutory Authority: RCW 71.05.560. 84-03-035 (Order 2065), § 275-55-263, filed 1/13/84; 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 evaluation and treatment services are provided on a regular basis to patients. These services are intended to stabilize, sustain, and facilitate recovery of the individual within his or her living setting. Services shall be provided directly by a licensed physician licensed pursuant to chapter 18.57 or 18.71 RCW, a psychologist licensed pursuant to chapter 18.83 RCW, a psychiatric nurse licensed pursuant to chapter 18.88 RCW, or by an agency licensed pursuant to chapter 71.24 RCW and chapter 275-56 WAC.

(2) In addition to the general requirements stated in WAC 275-55-263(2), the following requirements shall apply to all outpatient components:

(a) Such component shall provide a therapeutic program which may include, but is not limited to, at least one of the following:

(i) Individual therapy.

(ii) Group therapy.

(iii) Family/marital therapy.

(iv) Medication management.

(v) Case management.

(b) Such component shall provide treatment to each patient under the supervision of a mental health professional.

(c) Each patient should 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 monthly 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.

(d) 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.

(e) 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 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.

[Statutory Authority: RCW 34.04.020. 87-19-071 (Order 2536), § 275-55-271, filed 9/16/87. Statutory Authority: RCW 71.05.560. 84-03-035 (Order 2065), § 275-55-271, filed 1/13/84; 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 public or private agency or hospital having the capacity to detain an individual posing an imminent threat to the safety and/or well-being of self or others, or is gravely disabled.

(2) The department may upon the formal request of the county or Regional Support Network, accept a hospital licensed under WAC 246-318-280 or 246-322 as a certified emergency component for an evaluation and treatment program, in lieu of requiring a hospital to meet the requirements set forth by WAC 275-55-263, 275-55-281, and 275-55-293.

(3) In addition to the general requirements stated in WAC 275-55-263(2), the following requirements shall apply to all emergency components. Such components shall:

(a) Be available seven-days-per-week, twenty-four-hours-per-day;

(b) Follow a written protocol for detaining an individual and contacting the county or Regional Support Network designated mental health professional;

(c) Provide or have access to medical services;

(d) Have a written agreement with a certified short-term inpatient component for admission on a seven-day-per-week, twenty-four-hour-per-day basis; and

(e) Follow a written protocol for transporting individuals to short-term inpatient components or state hospitals.

[Statutory Authority: RCW 74.05.560. 91-16-061 (Order 3222), § 275-55-281, filed 8/1/91, effective 9/1/91. Statutory Authority: RCW 34.04.020. 87-19-071 (Order 2536), § 275-55-281, filed 9/16/87. Statutory Authority: RCW 71.05.560. 84-03-035 (Order 2065), § 275-55-281, filed 1/13/84; 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 treatment services are provided on a twenty-four-hour-per-day basis for individuals on seventy-two hour detentions or fourteen-day commitments.

(2) The department may accept a hospital licensed under WAC 246-318-280 or 246-322 as a certified short-term inpatient component for an evaluation and treatment program, in lieu of requiring a hospital to meet the requirements set forth by WAC 275-55-263, 275-55-291, and 275-55-293.

(3) 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 standards required for state licensing as a skilled nursing facility, intermediate care facility, or residential treatment facility;

(b) Such component shall have the capability to admit the individual on a twenty-four-hour-per-day, seven-day-per-week basis;

(c) Such component shall not deny admission except under the following circumstances:

(i) After a psychosocial evaluation, there is a determination by a mental health professional that the individual does not present a likelihood of serious harm, or an imminent likelihood of serious harm, or the individual is not gravely disabled, and does not require inpatient care. Reference RCW 71.05.190 for necessary action in this case;

(ii) The individual 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) Treatment space is not available and is so documented;

(v) A less restrictive alternative provided by another facility is more appropriate and available; and

(vi) For situations arising under subsection (3)(c)(i) through (iv) of this section, the county or Regional Support Network-designated mental health professional shall make arrangements for the most appropriate placement available.

(d) Such component shall within twenty-four hours of initial detention, to include Saturday, Sunday, and holidays, conduct evaluations 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; and

(ii) Psychosocial evaluation by a mental health professional.

(e) 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 248-18-001(65);

(f) Such component shall provide therapeutic services including generally accepted treatment modalities such as:

(i) Individual therapy; and

(ii) Medication management.

(g) Such component shall provide treatment to each individual under the supervision of the professional person in charge;

(h) 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; and

(i) Such component shall have access to a mental health professional and a licensed physician for consultation and communication with the individual and the component staff on a twenty-four-hour-per-day, seven-day-per-week basis.

[Statutory Authority: RCW 74.05.560, 91-16-061 (Order 3222), § 275-55-291, filed 8/1/91, effective 9/1/91. Statutory Authority: RCW 34.04.020.

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87-19-071 (Order 2536), § 275-55-291, filed 9/16/87. Statutory Authority: RCW 71.05.560, 84-03-035 (Order 2065), § 275-55-291, filed 1/13/84; 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 275-55-331.

(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 a rule 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, 84-03-035 (Order 2065), § 275-55-293, filed 1/13/84; 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.

(2) Such appeal shall:

(a) Be made in writing;

(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 appeal on decisions should be made in accordance with the Administrative Procedure Act, chapter 34.04 RCW.

[Statutory Authority: RCW 71.05.560, 84-03-035 (Order 2065), § 275-55-297, filed 1/13/84; 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 or residential treatment, and shall consider possible better, or equal treatment elsewhere, preferably within the patient's home community.

[Statutory Authority: RCW 71.05.560. 84-03-035 (Order 2065), § 275-55-301, filed 1/13/84; 82-07-024 (Order 1775), § 275-55-301, 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.]

(1997 Ed.)

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 seventeen-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 variance 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 county-designated administrator of the evaluation and treatment program indicating the proposed waiver has been reviewed and what degree of support has been extended.

(3) The director shall grant or deny the waiver in writing, and shall so notify the applicant. This notice shall be given the applicant within sixty 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.

(4) Appeal of the denial of a waiver request shall be made in accordance with the Administrative Procedure Act, chapter 34.04 RCW.

(5) Requirements prescribed by chapter 71.05 RCW and other legislation are not subject to waiver by the director.

(6) A waiver granted by the director shall be attached to and become part of the county plan.

[Statutory Authority: RCW 71.05.560, 84-03-035 (Order 2065), § 275-55-371, filed 1/13/84; 82-07-024 (Order 1775), § 275-55-371, filed 3/11/82.]

Chapter 275-57 WAC

COMMUNITY MENTAL HEALTH PROGRAMS (Formerly chapter 275-56 WAC)

WAC

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WAC 275-57-010 Purpose and authority. The purpose of chapter 275-57 WAC is to implement a locally-managed community mental health program to help people experiencing mental disorders retain or gain respected and productive positions in their community or, when appropriate, to achieve and maintain their optimal level of functioning. This chapter replaces chapter 275-56 WAC and establishes rules and regulations for regional support networks (RSNs), prepaid health plans (PHPs), licensed service providers, information, accountability, contracts, and services. The department's legal authority for adopting this chapter is chapter 71.24 RCW.

(1) Compliance with the rules and regulations for RSN duties shall be phased in according to the contract with the department. The department shall apply all rules and regulations in this chapter pertaining to RSNs to non-RSN counties, unless noted otherwise. Rules and regulations for RSNs are specified in sections 050 through 170 of this chapter.

(2) Compliance with the rules and regulations for PHP duties shall be phased in according to the contract with the department. PHPs shall also be certified as an RSN or licensed as a provider. Rules and regulations for PHPs are specified in sections 150 through 260 of this chapter. If the PHP is not an RSN, sections 070 through 120 shall also apply to the PHP.

(3) Rules and regulations for licensed service providers which provide services under contract to a PHP or RSN are specified in sections 030 and 270 through 450 of this chapter.

(4) Rules and regulations for licensed providers which do not contract with either an RSN or PHP are specified in sections 030, 270 through 380, and applicable services as described in sections 400 through 450.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-010, filed 9/27/94, effective 10/28/94.]

WAC 275-57-020 Definitions. (1) "**Acutely mentally ill**" means a condition limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020 (2) or in the case of a child, as defined in RCW 71.34.020 (12);

(b) Being gravely disabled as defined in RCW 71.05.020 (1) or, in the case of a child, as defined in RCW 71.34.020 (8); or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020 (3) or, in the case of a child, as defined in RCW 71.34.020 (11).

(2) "**Allied service providers**" means providers of social services not licensed under this chapter, but serving RSN consumers. These include, but are not limited to, child and family services, alcohol and substance abuse services, vocational rehabilitation services, developmental disability services, and schools.

(3) "**Certified marriage and family therapist**" means a person certified to practice marriage and family therapy under RCW 18.19.130.

(4) "**Certified mental health counselor**" means a person certified to practice mental health counseling under RCW 18.19.120.

(5) "**Certified social worker**" means a person certified to practice social work under RCW 18.19.110.

(6) "**Child**" means a person seventeen years of age or younger.

(7) "**Chronically mentally ill adult**" means an adult who has a mental disorder and meets 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; or

(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.

(8) "**Clinical services**" means those direct age and culturally appropriate consumer services which either:

(a) Assess a consumer's condition, abilities, or problems; or

(b) Provide therapeutic interventions which are designed to ameliorate psychiatric symptoms and improve a consumer's functioning.

(9) "**Consumers**" means persons, couples, or families who are eligible to or are receiving clinical, coordinative, or support services.

(10) "**Consultation**" means review and recommendations regarding the job responsibilities, activities, or decisions of administrative, clinical or clerical staff, contracted employees, volunteers, or students by persons with appropriate knowledge and experience to make recommendations.

(11) "**Crisis**" means a situation where a person is acutely mentally ill or experiencing serious disruption in cognitive, volitional, psychosocial, or neurophysiological functioning.

(12) "**Cultural competence**" means a set of congruent behaviors, attitudes, and policies that come together in a system or agency and enable that system or agency to work effectively in cross-cultural situations. A culturally competent system of care acknowledges and incorporates at all levels the importance of language and culture, assessment of cross-cultural relations, knowledge and acceptance of dynamics of cultural differences, expansion of cultural knowledge and adaptation of services to meet culturally unique needs.

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

(14) "**Disabled**," for the purposes of this chapter only, means an individual with a developmental disability, serious physical impairment, or sensory impairment.

(15) "**Elderly**" means a person sixty years of age or older.

(16) "**Employment services**" means supported employment, transitional work, placement in competitive employment, and other work-related services that result in persons with a mental illness becoming engaged in meaningful and gainful full-time or part-time work.

(17) "**Enrolled recipient**" means, for purposes of a prepaid health plan (PHP), a person eligible for Medicaid services, and eligible to receive community mental health rehabilitation services.

(18) "**Fair hearing**" means an adjudicative proceeding as defined under chapter 34.05 RCW.

(19) "**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 such person's essential human needs of health or safety; or

(b) Manifests severe deterioration in routine functioning; (i) Evidenced by repeated and escalating loss of cognition or volitional control over such person's actions; and (ii) Is not receiving such care as is essential for such person's health or safety.

(20) "**Individualized plan**" means a plan developed by the provider in collaboration with the consumer and others

providing supports to the consumer. The individualized plan:

(a) Is developed with the consumer and people who know the consumer best;

(b) Focuses on and enhances consumer strengths as defined by the consumer;

(c) Is flexible and responsive to the consumer's changing needs; and

(d) Focuses on meeting those basic needs that persons of similar age, gender, and culture have.

(21) "**Integrated work setting**" means a setting which offers regular contact with nondisabled coworkers and includes social interaction and integration at the work site.

(22) "**Licensed provider**" means an agency licensed by the department under this chapter.

(23) "**Limited-English proficient**" means persons applying for or receiving services from the department or its contractors who have difficulty understanding what an English speaking staff person says or who have trouble being understood by the English speaking staff person.

(24) "**Mental disorder**" means organic, mental, or emotional impairment having substantial adverse effect on a person's cognitive or volitional functions.

(25) "**Mental health professional**" means:

(a) A physician or osteopath licensed under chapter 18.57 or 18.71 RCW, who is board eligible in psychiatry;

(b) A psychologist licensed under chapter 18.83 RCW;

(c) A psychiatric nurse, which means a registered nurse licensed under chapter 18.88 RCW and having at least two years' experience in the direct treatment of mentally ill persons;

(d) A person having at least a masters degree in behavioral sciences, social work, 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 persons;

(e) A mental health counselor, social worker, or marriage and family therapist certified under chapter 18.19 RCW and having at least two years' experience in the direct treatment of mentally ill persons; or

(f) A person otherwise qualified to perform the duties of a mental health professional but does not meet the requirements listed in (a) through (e) of this subsection, where the department has granted an exception to such requirements upon review of a written request by the RSN or PHP involved.

(26) "**Minority**" or "**ethnic minority**" or "**racial/ethnic groups**" means any of the following general population groups:

(a) African American; or

(b) An American Indian or Alaskan native, which includes:

(i) An enrolled Indian:

(A) A person enrolled or eligible for enrollment in a recognized tribe;

(B) A person determined eligible to be found Indian by the secretary of the interior; and

(C) An Eskimo, Aleut, or other Alaskan native.

(ii) A Canadian Indian: A person being a member of a treaty tribe, Metis community, or nonstatus Indian community from Canada.

(iii) An unenrolled Indian: A person considered Indian by a federally or nonfederally recognized Indian tribe or off reservation Indian/Alaskan native community organization;

(c) Asian or Pacific Islander; or

(d) Hispanic.

(27) "**Nonclinical services**" means those services designed to support the consumer and facilitate community living and do not require licensing under this chapter. Nonclinical services include, but are not limited to:

(a) Peer support and advocacy;

(b) Assistance accessing or locating services;

(c) Help with daily living; and

(d) Provision of transportation.

(28) "**Prepaid health plan (PHP)**" means an organization that provides and/or pays for Medicaid mental health services provided to an eligible enrolled consumer for a prepaid capitated rate under the terms of a department contract.

(29) "**Priority populations**" means:

(a) Acutely mentally ill adults and children;

(b) Chronically mentally ill adults;

(c) Severely emotionally disturbed children; or

(d) Seriously disturbed adults and children at risk of becoming acutely or chronically mentally ill, or seriously emotionally disturbed, as determined by the RSN at their sole discretion.

(30) "**Primary care provider (PCP)**" means a person with primary responsibility for implementing the individualized plan for community mental health rehabilitation services with the enrolled recipient.

(31) "**Provider**" means licensed provider as defined under this chapter.

(32) "**Regional support network**" (RSN) means a county authority or group of county authorities recognized by the secretary that enter into joint operating agreements to contract with the secretary under this chapter.

(33) "**Research**" means a planned and systematic sociological, psychological, epidemiological, biomedical, or other scientific investigation carried out by a state agency, by scientific research organization, or by a graduate student currently enrolled in an advanced academic degree curriculum, with an objective to contribute to scientific knowledge, the solution of social and health problems, or the evaluation of public benefit and service programs. This shall not include program evaluation conducted for internal monitoring or review purposes.

(34) "**Seriously disturbed person**" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to oneself 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 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) "**Severely emotionally disturbed child**" means a child who has been determined by the regional support network to be experiencing a mental disorder as defined in chapter 71.34 RCW, including those mental disorders that result in a behavioral or conduct disorder, that is clearly interfering with the child's functioning in family or school or with peers and who meets at least one of the following criteria:

(a) Has undergone inpatient treatment or placement outside of the home related to a mental disorder within the last two years;

(b) Has undergone involuntary treatment under chapter 71.34 RCW within the last two years;

(c) Is currently served by at least one of the following child-serving systems: Juvenile justice, child-protection/welfare, special education, or developmental disabilities;

(d) Is at risk of escalating maladjustment due to:

(i) Chronic family dysfunction involving a mentally ill or inadequate caretaker;

(ii) Changes in custodial adult;

(iii) Going to, residing in, or returning from any placement outside of the home, for example, psychiatric hospital, short-term inpatient, residential treatment, group or foster home, or a correctional facility;

(iv) Subject to repeated physical abuse or neglect;

(v) Drug or alcohol abuse; or

(vi) Homelessness.

(36) "**Substantial gainful activity**" means work involving significant physical or mental activities done for pay or profit. For the purposes of this chapter only, substantial gainful activity also means:

(a) For children, the ability to productively participate in educational activities;

(b) For elderly, retired persons, the ability to manage retirement income and activities of daily living; and

(c) For persons disabled due to physical impairment, the ability to manage disability income and activities of daily living.

(37) "**Supervision**" means regular monitoring of the administrative, clinical, or clerical work performance of staff, students, volunteers, or contracted employees by persons with the authority to give direction and require change.

(38) "**Supported employment**" means competitive employment in an integrated work setting with ongoing support services and reasonable accommodations for persons with mental illness, for whom competitive employment has not traditionally occurred or which has been interrupted.

(39) "**Transitional employment**" means competitive work in an integrated setting for persons with mental illness who may need support services (but not necessarily job skill training services) and reasonable accommodations, provided either at the work site or away from the work site. The job placement may not necessarily be a permanent employment outcome for the person.

(40) "**Tribal authorities**," for the purposes of this chapter and RCW 71.24.300, means: The federally recognized Indian tribes and the major Indian organizations recognized by the secretary of the department insofar as these organizations do not have a financial relationship with

any regional support network that would present a conflict of interest.

(41) "**Underserved**" means persons who are:

(a) Minorities;

(b) Children;

(c) Elderly;

(d) Disabled; and

(e) Low-income persons.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547, 94-20-033 (Order 3783), § 275-57-020, filed 9/27/94, effective 10/28/94.]

WAC 275-57-030 Waiver of rules. (1) An RSN, PHP, licensed provider or applicant subject to the provisions of this chapter may seek a waiver of any requirement of this chapter by completing and submitting forms furnished by the department. The RSN, PHP, licensed provider, or applicant shall ensure the waiver request includes:

(a) The specific section for which the waiver is being requested;

(b) A description of the hardship or opportunity for service improvement to be addressed by the waiver;

(c) A description of the plan to achieve compliance, or to implement, test, and report results of a possible service improvement;

(d) Duration requested for the waiver;

(e) For agencies contracting with an RSN or PHP, a statement by the RSN or PHP recommending approval for the request;

(f) Recommendations, if any, from the quality review team or ombuds staff, as defined in sections 150 and 160 of this chapter; and

(g) A description of how consumers shall be notified of changes made as a result of the waiver.

(2) Upon receipt of a request for waiver, the department shall consider:

(a) Impact on accountability, accessibility, efficiency, consumer satisfaction, and quality of care;

(b) Degree of noncompliance sought; and

(c) Whether the requirement is also in statute and therefore may not be waived.

(3) The department shall respond to the waiver request in writing within thirty days of receipt of the request.

(a) If the waiver is granted, the department shall issue a notice which includes:

(i) Section or subsection waived;

(ii) Conditions;

(iii) Duration of the waiver which shall in no case extend past the date of renewal of the agency license or RSN certification;

(iv) Notification that the waiver shall be subject to review and possible renewal, if requested.

(b) If the department denies the waiver, the department shall ensure the notice includes reasons for the decision.

(4) The RSN, PHP, licensed provider, or applicant may appeal the denial of a waiver request to the secretary in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547, 94-20-033 (Order 3783), § 275-57-030, filed 9/27/94, effective 10/28/94.]

WAC 275-57-040 Department responsibilities and duties. The department shall:

(1) Comply with duties as specified under chapter 71.24 RCW;

(2) Coordinate state mental health policy and advocate to promote age and culturally competent services for consumers;

(3) Maintain minimum service delivery standards. Under such standards, the department shall license and certify providers and certify RSNs. In licensing and certification reviews, the department shall:

(a) Coordinate reviews with other audits and inspections of the state and RSNs to minimize overlap and duplication of effort;

(b) Evaluate the effectiveness of local processes which address consumer satisfaction, enable consumer needs to be met, and provide for prudent expenditure of public funds; and

(c) Have reasonable access at reasonable times to the records of RSNs, PHPs, and licensed providers.

(4) Establish and implement outcome-based contracts with RSNs and PHPs;

(5) Develop and implement an outcome-based plan in collaboration with consumers, families, RSNs, providers, and diverse communities. The department shall ensure the plan is periodically reviewed and resources applied toward its implementation;

(6) Be designated as the county authority if a county or RSN fails to significantly meet contractual requirements or minimum standards or chooses not to exercise responsibilities under RCW 71.24.045;

(7) Be designated as the PHP if:

(a) An RSN or provider is not available to serve as the PHP; or

(b) The department can administer community mental health rehabilitation services more efficiently and cost effectively than other available RSNs or providers without loss of quality of care. Evidence that it would be more efficient and cost effective than other available RSNs or providers includes, but is not limited to, lower administrative costs, lower unit cost for comparable services, higher productivity, and increased service quality.

(8) Implement policies to maximize system efficiency and resources which go to services. The department shall assess new policies in terms of intended results and cost-effectiveness;

(9) Advocate for cross-system collaboration and sharing of resources for consumers served by multiple systems;

(10) Support and promote technical assistance, community education, stigma reduction, training and research; and

(11) Maintain an effective, internal quality improvement process to assess and improve the above requirements of this section.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-040, filed 9/27/94, effective 10/28/94.]

WAC 275-57-050 Regional support networks—Recognition and certification. The RSN shall:

(1) Comply with duties as specified under chapter 71.24 RCW.

(2) Identify the single point of responsibility to administer and provide community mental health services to priority populations;

(3) Provide resource management services, as described in section 110 of this chapter;

(4) Provide, or ensure the provision of, crisis response services as described in section 390 of this chapter;

(5) Provide, or ensure the provision of, a full array of brief intervention and community support services, including residential services, as described in sections 400 through 450, and 470 of this chapter;

(6) Meet the terms of the state department contract;

(7) Require its contractors and their subcontractors to comply with applicable requirements of the contract with the department;

(8) Contract for clinical services only with licensed service providers or providers licensed under chapters 18.57, 18.71, 18.83 or 18.88 RCW. If the department notifies the RSN of a provider's failure to attain or maintain licensure, the RSN shall terminate its contract with that provider;

(9) Operate as a licensed provider only when:

(a) Another provider is not available to provide the mental health services; or

(b) The RSN demonstrates to the department that it can provide the mental health services more efficiently and cost effectively than other available providers without loss of quality of care. Evidence that it would be more efficient and cost effective than other available providers includes, but is not limited to:

(i) Lower administrative costs;

(ii) Lower unit cost for comparable services;

(iii) Higher productivity; and/or

(iv) Increased service quality.

(10) Notify the department of observations indicating that providers may not be in compliance with licensing requirements. The RSN shall maintain written report of its evaluations and audits of providers for department inspection;

(11) Allow the department reasonable access at reasonable times to RSN records;

(12) Collaborate with and make reasonable efforts to obtain and use nonclinical resources in the community to maximize services to consumers; and

(13) Educate the community regarding mental illness to diminish stigma.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-050, filed 9/27/94, effective 10/28/94.]

WAC 275-57-060 Regional support networks—Recognition and certification. (1) A county or group of counties desiring recognition as a regional support network (RSN) shall submit to the department:

(a) A statement of intent for recognition as an RSN;

(b) Documentation showing a total RSN population greater than forty thousand;

(c) For RSNs of more than one county, or RSNs encompassing tribal authority or authorities, documentation of interlocal agreements, including:

(i) Identification of a single authority;

(ii) Assignment of all responsibilities to specified parties; and

(iii) Participation by tribal authorities in the agreement, where applicable; and

(d) A preliminary plan completed according to departmental guidelines;

(2) Within thirty days of application, the department shall provide written response either:

(a) Recognizing the RSN; or

(b) Denying recognition and stating the reasons for denial under subsection (1) of this section.

(3) The department's recognition and initial certification of an RSN shall depend on the RSN meeting the standards for planning and provision of services specified in this chapter.

(4) The department shall conduct a survey to renew RSN certification before each biennial contract between the department and the RSN.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-060, filed 9/27/94, effective 10/28/94.]

WAC 275-57-070 Regional support networks—Penalties for noncompliance. The department may impose penalties on RSNs for noncompliance.

(1) An RSN's failure to provide the department with requested data, statistics, schedules, or information; filing of fraudulent reports; or failure to meet contractual terms may result in the following actions, under the RSN's contract with the department:

(a) Withholding payment;

(b) Financial penalties;

(c) Suspension, revocation, limitation, or restriction of certification;

(d) Refusal to grant certification; or

(e) Other departmental action under chapter 71.24 RCW.

(2) The department shall deny partial or full funding to RSNs based solely on findings of substantial noncompliance with the terms of the RSN's contract.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-070, filed 9/27/94, effective 10/28/94.]

WAC 275-57-080 Regional support networks—Governance and community accountability. The RSN shall ensure services are responsive in an age and culturally appropriate manner to the mental health needs of its community, within available resources. The RSN shall:

(1) Establish a governance structure which includes, where applicable, representation from tribal authorities, consistent with chapter 71.24 RCW.

(2) Appoint an RSN advisory board which shall:

(a) Be broadly representative of the demographic character of the region and the mentally ill persons served. By December 31, 1995, fifty-one percent of the members of the advisory board will include:

(i) Consumers or past consumers of public mental health services; and

(ii) Family or foster family members of consumers, including parents of emotionally disturbed children.

(b) Review and comment on plans, budgets, and policies developed by the RSN to implement the requirements of chapter 71.24 RCW and this chapter. The RSN advisory board shall forward its comments to the RSN governance body and elected officials responsible for the mental health program;

(3) Develop and implement an outcome-based biennial plan in accordance with department guidelines. In developing the plan, the RSN shall:

(a) Seek and incorporate input concerning service needs and priorities from community stakeholders, including:

(i) Consumers;

(ii) Family members;

(iii) Culturally diverse communities and tribal authorities;

(iv) Social service agencies;

(v) Organizations representing persons with a disability; and

(b) Identify trends and address service gaps, including specialized services for underserved groups.

(4) Periodically review the biennial plan and ensure resources are applied in support of its goals and outcomes.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-080, filed 9/27/94, effective 10/28/94.]

WAC 275-57-090 Regional support networks—Financial management. (1) The RSN shall prudently manage public resources and shall employ accounting procedures that:

(a) Are consistent with applicable state and federal requirements and generally accepted accounting principles (GAAP); and

(b) Enable accurate reporting of revenues and expenditures in a form as issued by the department.

(2) The RSN shall require specific accounting and auditing procedures from agencies contracting with the RSN to ensure the RSN shall meet its reporting requirements to the department. The RSN may choose not to apply these accounting and auditing requirements to agencies when:

(a) The contractor is a small contractor, as defined by the RSN, and the RSN is able to account for the expenditure of such funds;

(b) RSN payments to a contractor are below a specified proportion of the contractor's total receipts, as determined by the RSN; or

(c) The contract reimbursement mechanisms are specifically tied to units of service or episodes of care, and pricing has been competitively determined or is comparable to prices paid by other purchasers of comparable services.

(3) The RSN shall expend funds received by the department in accordance with its contract with the department. The RSN shall not expend funds received by the department for any purpose other than those purposes that are intended to achieve:

(a) The performance and outcome terms of its contract with the department; and

(b) Compliance with the requirements of this chapter and chapters 275-54 and 275-55 WAC, chapters 71.05, 71.24, and 71.34 RCW, and the intentions of the State Appropriations Act.

(4) The RSN shall deliver and/or purchase goods and services prudently: The RSN shall comply with this requirement by:

(a) Purchasing all services consistent with state or county procurement procedures;

(b) Employing contract reimbursement mechanisms which ensure payments are tied to outcome and performance requirements in the RSN's contract with the department;

(c) Employing reimbursement pricing strategies which result in the highest level of desired performance, outcome and quality for the least cost. Examples of reimbursement pricing strategies which meet this requirement include:

(i) Competitive pricing, in which proposed prices for a specific package of services are compared among many providers;

(ii) Actuarial analysis, in which capitated payment levels are determined through analysis of comparative service and payment databases; and

(iii) Zero-based cost analysis, in which the price of a package of services is developed by determining the reasonable cost of the components required to deliver that package of services.

(5) The RSN shall manage assets of the RSN under applicable state and federal requirements and generally accepted accounting principles (GAAP) and under the following additional specific requirements:

(a) Assets of the RSN include all property, equipment, vehicles, buildings, capital reserve funds, operating reserve funds, risk reserve funds, or self insurance funds.

(b) Interest accrued on funds stated in this section shall be accounted for and retained for use by the RSN for purposes in subsection (3) of this section;

(c) Property, equipment, vehicles, and buildings shall be properly inventoried with a physical inventory conducted at least every two years. Proceeds from the disposal of any assets shall be retained by the RSN for purposes in subsection (3) of this section.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-090, filed 9/27/94, effective 10/28/94.]

WAC 275-57-100 Regional support network—Awareness of services. The RSN, or its designee, shall:

(1) Maintain listings of services in telephone and other public directories of the service area. The RSN, or its designee shall prominently display listings for crisis services in telephone directories;

(2) Publish and disseminate brochures and other materials or methods for describing services and hours of operation that are appropriate for all individuals, including those who may be visually impaired, limited-English proficient, or unable to read.

(3) Post and make information available to consumers regarding the ombuds service, under section 160 of this chapter, and local advocacy organizations that may assist consumers in understanding their rights.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-100, filed 9/27/94, effective 10/28/94.]

WAC 275-57-110 Regional support networks—Resource management. The RSN shall establish mechanisms which maximize access to and use of mental health services, and ensure people receive appropriate levels of care. The RSN shall:

(1) Develop, implement, and enforce culturally competent written criteria for admissions, placements, transfers, and discharges to and from:

(a) Brief intervention services;

(b) Community support services, including residential services; and

(c) Inpatient services funded by the department or RSN, including:

(i) State hospitals;

(ii) Community psychiatric hospital services; and

(iii) Free standing evaluation and treatment facilities.

(2) Regularly manage utilization through a process independent of direct service providers. The RSN shall collect and analyze data regarding which consumers receive brief intervention and community support services. The RSN shall take measures to ensure:

(a) Providers implement the criteria described in subsection (1) of this section.

(b) Consumers in need of brief intervention and community support services receive medically necessary services;

(c) Consumers in brief intervention and community support services receive sufficient but not excessive services;

(d) Services are appropriate to the needs of the person and address:

(i) Age;

(ii) Culture; and

(iii) Disability.

(e) Consumers whose needs are not met through routinely available services receive flexible, individualized services, including consumer-operated services, if appropriate.

(3) Provide resource management services for children eligible under the federal Title XIX early and periodic screening, diagnosis, and treatment (EPSDT) program as specified in contract with the department.

(4) Develop and implement formal agreements with inpatient services funded by the department or RSN (i.e., state psychiatric hospitals, local evaluation and treatment facilities, and other local inpatient psychiatric facilities) regarding:

(a) Referrals;

(b) Admissions; and

(c) Discharges, including RSN responsibility for discharge planning for consumers residing at the state hospitals.

(5) Identify a single person with primary responsibility for implementation of each consumer's individualized plan. The consumer shall have the right to choose a primary care provider from the primary care providers available.

(6) Ensure access to seven-day-a-week, twenty-four-hour-a-day availability of information regarding mentally ill adults and children receiving services and their individualized plans to county-designated mental health professionals, evaluation and treatment facilities, and others as determined by the RSN and consistent with section 360 of this chapter, confidentiality of consumer information.

(7) Specify in contract the delegation of the duties described in this section when such duties are assigned to a subcontractor.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-110, filed 9/27/94, effective 10/28/94.]

WAC 275-57-120 Regional support networks—Management information. RSNs and their subcontractors shall report required management information to the department. To this end, the RSN shall operate an information system and ensure information for persons receiving mental health services funded by public dollars is reported to the state mental health information system, according to departmental guidelines.

(1) The department and the RSN shall use the mental health information system for state-wide and/or RSN management reports and for locating case managers.

(2) The department, RSN, and provider shall maintain confidentiality of information contained in the mental health information system according to this chapter and chapters 70.02, 71.05 and 71.34 RCW.

(a) The RSN shall ensure all RSN, county, or provider staff having access to the mental health information systems are instructed in the confidentiality requirements.

(b) The RSN, county, or provider shall maintain on file a statement signed by the staff acknowledging understanding and agreement to abide by these requirements.

(c) The department shall ensure violation of confidentiality of information shall result in appropriate disciplinary or civil action, as described in chapter 71.05 RCW.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-120, filed 9/27/94, effective 10/28/94.]

WAC 275-57-130 Regional support networks—Staff qualifications. The RSN shall employ and retain respectful, effective staff. To this end, the RSN shall:

(1) Maintain job descriptions with qualifications for each position. Staff shall have education, experience, or skills relevant to job requirements; and

(2) Provide orientation and ongoing training in the skills pertinent to the position and the treatment population, including age and culturally competent consultation with consumers, families, and community members.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-130, filed 9/27/94, effective 10/28/94.]

WAC 275-57-140 Regional support networks—Housing. The RSN shall actively promote consumer access to, and choice in, safe, decent, and affordable housing, which is integrated into the community and appropriate to the age, culture, and residential needs of the person. The RSN shall:

(1) Designate staff knowledgeable in and responsible for housing-development activities;

(2) Maintain an inventory of housing stock for consumers;

(3) In cooperation or partnership with interested parties and financial institutions, promote access to and use of community housing available to consumers, including:

(a) Ownership or leases by the RSN or its providers;

(b) Agreements between landlords and the RSN or its providers;

(c) Securing HUD Section 8 or other rental subsidies, including rental subsidies provided directly by the RSN;

(d) Loans or grants for low-income or special need housing by federal, state or local funding sources; or

(e) Other means.

(4) Emphasize housing:

(a) With less than nine units;

(b) Which provides for maximum integration of consumers into the community and avoids concentration of individuals with severe and persistent mental illness in a single location.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-140, filed 9/27/94, effective 10/28/94.]

WAC 275-57-150 Regional support networks and prepaid health plans—Quality improvement. The RSN or PHP shall establish a process responsive to the demographic character of the RSN or PHP to improve service quality and promote customer satisfaction.

(1) **Quality improvement process.** The RSN or PHP shall develop and implement a quality improvement process as approved by the department and set forth in the terms of the contract between the department and the RSN or PHP.

(2) **Quality review team.** The RSN or PHP shall:

(a) Establish and maintain a quality review team responsive to the demographic character of the RSN and as set forth in the terms of the contract between the department and the RSN or PHP. The department and RSN or PHP shall include representatives of consumer and family advocate organizations when revising contract terms regarding the requirements of this section; and

(b) Take measures to assure the quality review team can fairly and independently execute the team's duties.

(3) The quality review team shall:

(a) Regularly review provider and RSN or PHP performance; and

(b) Meet with interested consumers and family members, allied service providers, and persons reflecting the age and ethnic diversity of the RSN to:

(i) Determine whether services are accessible and address the needs of consumers; and

(ii) Work with interested consumers, service providers, the RSN or PHP, and the department to resolve identified problems.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-150, filed 9/27/94, effective 10/28/94.]

WAC 275-57-160 Regional support networks and prepaid health plans—Ombuds service. The RSN or PHP shall establish a service responsive to the age and demographic character of the region to assist and advocate for consumers with complaints and grievances concerning services.

(1) The RSN or PHP shall establish an independent ombuds service, as set forth in this section and contract between the department and the RSN or PHP. The department and RSN or PHP shall include representatives of consumer and family advocate organizations when revising contract terms regarding the requirements of this section.

- (2) The RSN or PHP shall ensure the ombuds service:
- (a) Is independent of service provision;
 - (b) Receives consumer, family member, and other interested party complaints and assists in the complaint's resolution with the consumer's consent, at the lowest possible level;
 - (c) For the purposes of outreach and resolving complaints, has access to consumers, service sites, and records relating to the consumer. The RSN or PHP shall ensure access to records is contingent upon written consent as described under this chapter; and
 - (d) Intercedes on behalf of consumers and family members and, at the consumer's request, in the complaint and grievance process.
- (3) The ombuds service staff shall:
- (a) Be accessible to all persons;
 - (b) Involve other persons, at the consumer's request;
 - (c) Assist consumers in the pursuit of informal resolution of complaints;
 - (d) If necessary, continue to assist the consumer through the grievance and, if applicable, fair hearing processes; and
 - (e) Maintain confidentiality consistent with this chapter.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-160, filed 9/27/94, effective 10/28/94.]

WAC 275-57-170 Regional support networks and prepaid health plans—Consumer grievances. The RSN or PHP shall establish an age and culturally appropriate process for consumers to pursue grievances. To this end, a consumer or enrolled recipient aggrieved by a decision of an RSN, PHP or the department shall have the right to a fair hearing, as required under chapter 388-08 WAC. The RSN or PHP shall establish a grievance process which:

- (1) Is published and made known to consumers who are current or potential users of community mental health rehabilitation services in a readily understandable language and manner;
- (2) Give consumers the opportunity to report grievances, and have the grievances investigated, and resolved promptly;
- (3) Ensures retaliation, formal or informal, against a grievant does not occur;
- (4) Ensures the retention of full records of all grievances in confidential files, separate from the grievant's case records, for five years from completion of the grievance process;
- (5) Ensures the availability of ombuds service staff to assist grievants at all levels of the grievance and fair hearing processes;
- (6) May progress through levels as established by the RSN or PHP, beginning at the provider level and ending at the RSN or PHP governance board or the board's designee. The RSN or PHP shall:

- (a) Ensure the entire process, from the written request for grievance up to the request for fair hearing, shall not exceed thirty days. If the consumer orally reports a grievance, the RSN or PHP shall promptly refer the consumer to the ombuds service for assistance in writing the request; and
- (b) Notify the grievant in writing of the reason for the decision and the right to request a fair hearing;

(7) Allows the participation of other persons, at the grievant's choice; and

(8) Allows the grievant to request a fair hearing when the grievance concerns eligibility, enrollment or disenrollment, or the medical necessity for services, and when the:

- (a) Grievance decision is adverse to the grievant;
- (b) RSN or PHP does not respond, in writing, within thirty days from the date the grievant submitted the grievance in writing; or
- (c) RSN or PHP denies an enrolled recipient urgently needed community mental health rehabilitation services and the enrolled recipient files a grievance in writing.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-170, filed 9/27/94, effective 10/28/94.]

WAC 275-57-180 Prepaid health plans—Purpose. For contracts effective on or after October 1, 1993, the department may contract with prepaid health plans (PHPs) to:

- (1) Provide community mental health rehabilitation services directly to an enrolled recipient; or
- (2) Arrange for an enrolled recipient to receive community mental health rehabilitation services according to the contract between the department and a PHP.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-180, filed 9/27/94, effective 10/28/94.]

WAC 275-57-190 Prepaid health plans—Eligible consumers. (1) The department shall enroll a Medicaid recipient in a PHP when the person resides in the PHP's contracted service area. The community services office (CSO) shall designate a person's residence in the Title XIX eligibility record.

(2) An enrolled recipient requesting or receiving medically necessary nonemergency community mental health rehabilitation services shall request and receive such services from the assigned PHP.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-190, filed 9/27/94, effective 10/28/94.]

WAC 275-57-200 Prepaid health plans—Exemptions. (1) The department shall not require a person to enroll or continue enrollment in a PHP when the person has good cause for exemption.

(2) A person requesting an exemption from enrolling in the designated PHP shall file a request with the department. The department shall, in writing, timely notify the person of the exemption decision and the reasons for the decision.

(3) The person may request a fair hearing when the person is not satisfied with the department's decision regarding exemption.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-200, filed 9/27/94, effective 10/28/94.]

WAC 275-57-210 Prepaid health plans—Enrolled recipient's choice of primary care provider. (1) Each enrolled recipient receiving nonemergency community

mental health rehabilitation services shall have a primary care provider (PCP). For an enrolled recipient with an assigned case manager, the PCP shall be the case manager.

(2) An enrolled recipient requesting or receiving community mental health rehabilitation services shall have the right to choose a PCP from the available PCP staff in the PHP.

(3) A PHP shall assign an enrolled recipient to a PCP when the enrolled recipient requests community mental health rehabilitation services and does not choose a PCP in the PHP.

(4) A person enrolled in a PHP shall have the right to change the person's PCP:

- (a) One time during a calendar year for any reason;
- (b) For subsequent changes during the calendar year, only for documented good cause; and
- (c) By notifying the PHP of the:
 - (i) Desired change, including the name of the new PCP; and
 - (ii) Reason for a desired change.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-210, filed 9/27/94, effective 10/28/94.]

WAC 275-57-220 Prepaid health plans—Other services. (1) The department shall pay for mental health or other services covered under the department's medical care programs that are excluded from the community mental health rehabilitation services managed care contract.

(2) The department's mental health or ancillary services may include, but are not limited to:

- (a) Transportation as described under WAC 388-86-085; and
- (b) Inpatient services.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-220, filed 9/27/94, effective 10/28/94.]

WAC 275-57-230 Prepaid health plans—Emergency services. The department shall exempt emergencies and transportation for emergencies required by the enrolled recipient within the PHP from any routine preservice authorization procedures employed by the PHP.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-230, filed 9/27/94, effective 10/28/94.]

WAC 275-57-240 Prepaid health plans—Consumer request for a second opinion. An enrolled recipient in a PHP shall have the right to a second opinion by another participating staff in the enrolled recipient's assigned PHP:

- (1) When the enrolled recipient needs more information as to the medical necessity of treatment recommended by the PCP; or
- (2) If the enrolled recipient believes the PCP is not authorizing medically necessary community mental health rehabilitation services.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-240, filed 9/27/94, effective 10/28/94.]

WAC 275-57-250 Prepaid health plans—Enrollment termination. (1) The department may terminate enrollment of a enrolled recipient in a PHP when:

- (a) An enrolled recipient loses eligibility for Title XIX categorically needy and medically needy services;
- (b) An enrolled recipient requests disenrollment from the PHP, and the department approves the request; or
- (c) A PHP requests, in writing, to the department the disenrollment of the enrolled recipient from the PHP and the PHP's requested disenrollment is approved by the department.

(2) The department shall:

- (a) Disenroll only when the enrolled recipient:
 - (i) Is no longer eligible for Title XIX categorically and medically needy services;
 - (ii) Is deceased; or
 - (iii) Requests disenrollment from the PHP and meets the requirements of WAC 275-57-200.
- (b) Make a decision on the requested disenrollment within fifteen days of the receipt of the request; and
- (c) Notify the enrolled recipient ten days in advance of the effective date of the proposed disenrollment for any approved disenrollment.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-250, filed 9/27/94, effective 10/28/94.]

WAC 275-57-260 Prepaid health plans—Audit. (1) At least once a year, the department shall conduct a PHP audit to promote the quality and accessibility of community mental health rehabilitation services a PHP provides or arranges for enrolled recipients. When reasonable, the audit shall coincide with the certification and licensure reviews of RSNs and providers.

(2) The PHP shall permit the department to conduct an audit.

(3) The department may conduct or contract independently for such an audit.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-260, filed 9/27/94, effective 10/28/94.]

WAC 275-57-270 Licensing procedures for service providers—Application and approval. The department shall protect persons using licensed community mental health services by ensuring that the minimum standards under this chapter are uniformly applied and maintained statewide.

(1) Upon receipt of an inquiry concerning licensure of service under this chapter, the department shall provide written information to an interested party.

(2) A prospective applicant shall complete and return an application provided by the department and send a copy of the application to the RSN authority.

(3) The application shall identify the service components for which the applicant is requesting licensure. Licensed service components include:

- (a) Crisis response services (section 390);
- (b) Brief intervention services (section 400);
- (c) Case management services (section 420);
- (d) Residential services (section 430);
- (e) Employment services (section 440); and

(f) Psychiatric and medical services (section 450).

(4) The RSN shall review the application and send written comments either recommending or not recommending licensure to the department with a copy to the applicant. If the RSN does not approve the application, the department shall not process the application. If the department does not receive a response from the RSN or designee within thirty days, the department shall proceed with the application. This subsection does not apply to agencies not contracting or intending to contract with an RSN or PHP.

(5) The department shall acknowledge receipt from the applicant of the application, the fee, and all required materials, including waiver requests.

(6) After required materials have been received, the department shall conduct an on-site review to collect information to determine if a provider is in compliance with the minimum standards of this chapter, as described in the application packet.

(7) At the exit interview, the department shall define a plan of corrective action, if necessary.

(8) The department shall provide written notification to the provider and the RSN within sixty days of the exit interview of one of the following:

(a) Provisional licensure for one year if the provider has:

(i) An acceptable detailed plan for the development and operation of the services;

(ii) The availability of administrative and clinical expertise required to develop and provide the planned services;

(iii) The fiscal management and existence or projection of resources to reasonably ensure stability and solvency; and

(iv) Signed a corrective action plan, if applicable, for any deficiencies.

(b) Denial of the application if there is not substantial compliance with the above.

(i) The department shall specify the reasons for denial in writing.

(ii) The department's notice of denial, revocation, suspension, or modification of a licensing decision is governed by chapter 43.20A.205 RCW as existing or hereafter amended. The provider's right to a fair hearing is described in same law.

(iii) A provider wanting to contest a department licensing decision shall, within twenty-eight days of receipt of the decision:

(A) File a written application for a fair hearing by a method showing proof of receipt with the Office of Appeals, P.O. Box 2465, Olympia, WA 98504; and

(B) Include in the application a specific statement of the issue or issues and law involved, the grounds for contesting the department decision, and a copy of the department decision being contested.

(iv) If licensure is denied, the applicant may reapply for licensure not earlier than six months following the date of notification of denial.

(9) Within one year of a provider's provisional licensure, the department may conduct another on-site visit to verify the correction of previously noted deficiencies, and review other requirements for licensure, as necessary.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547, 94-20-033 (Order 3783), § 275-57-270, filed 9/27/94, effective 10/28/94.]

WAC 275-57-280 Licensing procedures for providers—Licensure status. The department shall define the conditions under which a provider may receive and maintain a license. The department shall, based on findings of a licensure review, assign the provider, or specific services of the provider, one of the following licensure statuses:

(1) Full licensure.

(a) Under this status, the RSN or PHP may contract with the provider to provide those mental health services for which the provider is licensed.

(b) The department shall require the provider to submit and implement a plan of correction to resolve deficiencies, if present. The department may revoke the license if the provider does not implement the plan of correction.

(c) At any time the department receives information indicating the provider is not in compliance with minimum standards for community mental health programs, the department may conduct a licensure review and revoke the license if the review shows the provider is not in substantial compliance.

(d) If evidence indicates that the health and safety of the consumer is in danger, the department may suspend the license immediately.

(2) Probationary licensure.

(a) Under this status, the provider may be eligible to contract with the RSN or PHP 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 that the department review its corrective actions within six months of notification of probationary status or the department shall revoke its licensure.

(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) The department shall only assign probationary status to a provider as an outcome of the department's first licensure review of a provider or a new provider service.

(3) Provisional licensure.

Under this status, the provider may be eligible to contract with the RSN or PHP. The department may give a new provider or a provider planning to offer a new service a provisional license for up to one year as described under section 270 of this chapter.

(4) Suspended license.

(a) Under this status, the department may find the provider substantially out of compliance with minimum standards, or is jeopardizing consumer health and safety.

(b) The RSN or PHP shall not contract with a provider with a suspended license.

(c) To reach full licensure, the provider shall demonstrate to the department that the provider has completed all required corrective actions and complies with relevant WAC.

(d) The provider may request that the department review its corrective actions within six months of notification of suspended status. In the absence of such request, the department shall revoke the provider's license.

(5) **Revoked license.**

(a) Under this status, the department removes the provider's license.

(b) The RSN or PHP shall not contract with a provider with a revoked license.

(c) To achieve full licensure, the provider shall make a new application as described under subsection (1) of this section.

(6) **Deemed status.**

A provider may request the department deem licensure, accreditation, or certification from another regulatory agency or accrediting organization equivalent to licensure by the department. "Deemed status" will be contingent on continued licensure, accreditation, or certification. Upon receipt of the request, the department shall consider:

(a) The extent to which requirements of the other regulatory agency or accrediting organization are pertinent to the services provided under this chapter;

(b) The extent to which the requirements of the other agency maintain, meet, or exceed the standards described under this chapter; and

(c) Whether the requirement is in statute and, therefore, may not be waived.

(7) A provider failing to attain licensure or whose licensure is revoked may reapply for licensure not earlier than six months following the date of the department's notification.

(a) The provider shall ensure the application documents the actions the provider has taken to correct deficiencies found in the prior licensure review.

(b) If the application demonstrates the provider has substantially corrected deficiencies, the department shall schedule a licensure review to evaluate compliance with those standards previously unmet.

(8) The department shall determine a provider's license in effect for at least one year or until the department conducts a review for relicensure or accreditation.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-280, filed 9/27/94, effective 10/28/94.]

WAC 275-57-290 Licensed service providers—Written schedule of fees. The provider shall ensure consumers receive necessary mental health services, regardless of ability to pay the full rate.

(1) The provider, excepting services also licensed under chapters 248-14, 246-316 or 246-325 WAC, shall establish and use a sliding fee schedule approved by the department and based on the resources available to the consumer to pay for mental health services and the provider's actual cost of care.

(2) The department shall only approve sliding scale fee schedules not requiring payment from consumers with income levels equal to or below the grant standards for the general assistance program, as required under WAC 388-29-100.

(3) A provider shall ensure the fee schedule is posted and accessible to the provider's staff and consumers.

(4) A provider not contracting with an RSN or PHP shall maintain a sliding fee schedule in accordance with subsections (1) and (3) of this section.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-290, filed 9/27/94, effective 10/28/94.]

WAC 275-57-300 Licensed service providers—Quality assurance. A provider shall maintain an internal process to improve quality of care.

(1) A provider shall develop and implement a quality assurance process which:

(a) Provides for at least an annual review of each staff member providing direct services, considering any complaints or grievances against the person;

(b) Reviews all serious incidents;

(c) Assesses the quality of intake evaluations; and

(d) Assesses the extent to which medications are effectively prescribed.

(2) A person providing mental health services shall not review their own work.

(3) A provider shall use collected data to correct deficiencies and improve services.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-300, filed 9/27/94, effective 10/28/94.]

WAC 275-57-310 Licensed service providers—Staff qualifications. A provider shall employ and retain respectful, competent staff. The provider shall:

(1) Require that all clinical services be provided by a mental health professional or under the clinical supervision of a mental health professional as defined under section 020 of this chapter. The supervisor shall have two years' experience working with priority populations;

(2) Maintain job descriptions with qualifications for each position. Staff shall have education, experience, or skills relevant to the job requirements;

(3) Assure staff providing clinical services be, at a minimum, registered as counselors under chapter 18.19 RCW.

(4) Conduct a Washington State Patrol background check and reference check on all staff providing direct services;

(5) Orient direct service staff with less than one year's experience in providing community support services in skills pertinent to the position and the population served.

(a) The provider shall include training in:

(i) Characteristics of severe and persistent mental illness;

(ii) Effective age and culturally competent community support interventions relevant to the population served;

(iii) Psychopharmacology;

(iv) Advocacy and linking consumers to community resources;

(v) Working with and supporting families;

(vi) For staff providing crisis response services under section 390 of this chapter: crisis intervention and managing assaultive/suicidal behavior; and

(vii) For staff providing vocational services under section 440 of this chapter: Training in vocational assessment and concepts of supported employment.

(b) Persons providing direct services to consumers shall complete this orientation within three months of employment. However, the RSN may waive the requirement for orientation in specific topics when the staff person can provide documentation to the RSN demonstrating training, knowledge, or experience in the waived topics.

(6) Provide annual training and staff development under an individualized training plan with time frames for each direct service staff person in the skills pertinent to the position and the population served. Such training includes consumers, families and community members as trainers. At minimum, the provider shall make training available in the following topics:

(a) Effective community support interventions;

(b) Providing individualized, needs-driven planning and services;

(c) Providing services responsive to the unique needs of underserved populations and other special populations. Examples of special populations are persons with mental illness who:

(i) Use high amounts of hospital services;

(ii) Receive services from multiple systems;

(iii) Are sexual minorities;

(iv) Abuse substances;

(v) Have a developmental disability;

(vi) Are homeless; and

(vii) Have AIDS or who are HIV positive.

(d) Psychopharmacology;

(e) Ethical behavior, including professional conduct and confidentiality.

(7) Provide regular supervision. Supervision may include routine team case reviews; and

(8) Conduct staff evaluations, at least annually.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547, 94-20-033 (Order 3783), § 275-57-310, filed 9/27/94, effective 10/28/94.]

WAC 275-57-320 Licensed service providers—Qualifications appropriate to the needs of the consumer population. The clinical qualifications of persons providing and/or supervising clinical services shall reflect the diverse needs of the consumer population.

(1) **Child mental health specialist.** The provider shall ensure services directed to children are provided by, under the supervision of, or with consultation from a child mental health specialist defined as:

(a) A mental health professional having completed a minimum of one hundred actual hours (not quarter or semester hours) of specialized training devoted to:

(i) The study of child development; and

(ii) The treatment of seriously disturbed children and their families.

(b) Having the equivalent of one year of full-time experience in the treatment of seriously emotionally disturbed children and their families under the supervision of a child mental health specialist.

(2) **Geriatric mental health specialist.** The provider shall ensure services directed to the elderly are provided by,

under the supervision of, or with consultation from a geriatric mental health specialist defined as:

(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.

(3) **Ethnic minority mental health specialist.** The provider shall ensure services directed to ethnic minority consumers are provided by, under the supervision of, or with consultation from an ethnic minority mental health specialist defined as:

(a) A mental health professional having the equivalent of one year of full-time experience in the treatment of consumers in the ethnic minority group served; and

(b) Demonstrating cultural competence attained through major commitment, ongoing training, experience or specialization in serving ethnic minorities. In assessing such commitment, the department shall consider whether the individual meets two or more of the following:

(i) Evidence of one year of service specializing in serving the ethnic minority group under the supervision of an ethnic minority mental health specialist;

(ii) Evidence of support from the ethnic minority community attesting to the person's commitment to service to that community;

(iii) Citations of specific examples of the person's competence; or

(iv) Having completed a minimum of one hundred actual hours (not quarter or semester hours) of specialized training devoted to ethnic minority issues and treatment of ethnic minority consumers.

(4) **Disability mental health specialist.** The provider shall ensure services directed to consumers with a disability 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 consumer is deaf, the specialist shall be a mental health professional knowledgeable of deaf culture and psychosocial problems, and able to communicate fluently in the preferred language system of the consumer.

(b) The specialist for consumers with developmental disabilities shall be a mental health professional who:

(i) Has at least one year's experience with people with developmental disabilities; or

(ii) Is a developmental disabilities professional.

(5) Where the mental health specialists required under this section are unavailable within the RSN, the RSN 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 service providers to acquire necessary skills and experience to serve the needs of the consumer population. If a significant ethnic minority population, as defined by department guidelines, exists in the RSN, the RSN shall develop the training program to assist provider staff members to acquire the specialized training and supervision to become qualified specialists; or

(c) Contract or otherwise establish a working relationship with the required specialists to:

(i) Provide all or part of the clinical services for these populations; or

(ii) Supervise or provide consultation to staff members providing clinical services to these populations.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-320, filed 9/27/94, effective 10/28/94.]

WAC 275-57-330 Personnel management—Affirmative action. The provider shall have an affirmative action program complying with:

- (1) The Equal Pay Act of 1963;
- (2) Title VII of the Civil Rights Act of 1964;
- (3) Section 504 of the 1974 Rehabilitation Act;
- (4) The Americans with Disabilities Act;
- (5) The department's affirmative action guidelines; and
- (6) Other applicable federal, state, and local laws and regulations.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-330, filed 9/27/94, effective 10/28/94.]

WAC 275-57-340 Consumer rights. The provider shall ensure consumers are knowledgeable of and protected by certain rights.

(1) The provider shall ensure consumers, prospective consumers, and/or legally responsible others are verbally informed, in their primary language, of consumer rights at admission to brief intervention and community support services.

(2) The provider shall post a written statement of consumer rights in public areas, with a copy available to consumers on request. Providers of only telephone services (e.g., crisis lines) shall post the statement of consumer rights in a location visible to staff and volunteers during working hours.

(3) The provider shall ensure the statement of consumer rights incorporates the following statement or a variation approved by the department: "You have the right to:

- (a) Be treated with respect and dignity;
- (b) Develop a plan of care and services which meets your unique needs;
- (c) Refuse any proposed treatment, consistent with the requirements in the Involuntary Treatment Acts, chapters 71.05 and 71.34 RCW;
- (d) Receive care which does not discriminate against you, and is sensitive to your gender, race, national origin, language, age, disability, and sexual orientation;
- (e) Be free of any sexual exploitation or harassment;
- (f) Review your case record;
- (g) Receive an explanation of all medications prescribed, including expected effect and possible side effects;
- (h) Confidentiality, as described in relevant statutes (chapters 70.02, 71.05 and 71.34 RCW) and regulations (chapters 275-54 and 275-55 WAC and this chapter); and

(i) Lodge a complaint with the ombuds person, RSN or provider if you believe your rights have been violated. If you lodge a complaint or grievance, you shall be free of any act of retaliation. The ombuds person may, at your request, assist you in filing a grievance. The ombuds person's phone number is: _____."

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-340, filed 9/27/94, effective 10/28/94.]

WAC 275-57-350 Consent to treatment and access to records. This section defines the conditions for informed consent to treatment and enables a consumer to access a consumer's own records. To this end, the RSN and licensed providers shall protect and ensure the rights of all consumers and former consumers.

(1) Any minor over twelve years of age may request and receive treatment without consent of the minor's parents. Parental consent for evaluation and 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) The department, RSN, PHP, or provider shall presume an adult is competent to consent to treatment unless otherwise established.

(3) When the consumer, or the consumer's legally responsible other, requests review of case records, the provider shall:

(a) Grant the request within seven days, unless 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) Allow the consumer sufficient time and privacy to review the record. At the request of the consumer, a clinical staff member shall be available to answer questions;

(d) Permit persons requested by the consumer to also be present; and

(e) Assess a reasonable and uniform charge for reproduction, if so desired.

(4) The department, RSN, PHP or provider shall obtain written, informed consent of the consumer or legally responsible other before:

- (a) Use of medication;
- (b) Use of unusual diagnostic or treatment procedures;
- (c) Use of audio and/or visual device to record the consumer's behavior; and

(d) The consumer serves as a subject for research.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-350, filed 9/27/94, effective 10/28/94.]

WAC 275-57-360 Services administration—Confidentiality of consumer information. The RSN, PHP, and provider shall ensure information about person consumers not be shared or released except as specified under statute and rule.

The RSN and the provider shall protect the confidentiality of all information relating to consumers or former consumers under all confidentiality requirements as defined in chapters 70.02, 71.05, and 71.34 RCW.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-360, filed 9/27/94, effective 10/28/94.]

WAC 275-57-370 Research—Requirements. (1) The RSN, PHP, or provider shall conduct research involving human subjects in accordance with 45 CFR, Part 46, Protection of Human Subjects.

(2) An institutional review board (IRB), as defined in chapter 70.02.010 RCW, shall review and approve research prior to contact with subjects.

(3) The RSN, PHP, or provider shall ensure disclosure of patient records without written consent adheres to requirements in chapters 42.48, 70.02, 71.05.390, 71.05.630, and 71.34 RCW.

(4) The RSN, PHP, or provider shall require certification that proposed research has IRB approval before allowing research activities to commence.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-370, filed 9/27/94, effective 10/28/94.]

WAC 275-57-380 Licensed service providers—Accessibility. The provider shall ensure services are easily accessible to consumers. The provider shall make services readily accessible to consumers when and where they are needed and shall reduce or eliminate barriers to service. The provider shall ensure:

(1) Facilities in which services are provided comply with the Americans with Disabilities Act;

(2) Services are compatible with the culture and in the language of ethnic minority consumers where a significant ethnic minority population, as defined by department guidelines, exists in the RSN;

(3) Alternative service delivery models are provided, where possible, to enhance utilization by underserved groups;

(4) Access to TDD or other telecommunication device or service, and certified interpreters for deaf or hearing impaired consumers; and

(5) Services are brought to the consumer or located at sites where transportation is available to consumers.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-380, filed 9/27/94, effective 10/28/94.]

WAC 275-57-390 Crisis response services. The RSN, or its designee, shall provide an integrated crisis response system (CRS) twenty-four-hours-a-day and seven-days-a-week, serving persons of all ages and cultures in crisis. When direct intervention is necessary, the RSN shall, when possible, bring services directly to the person in crisis, stabilizing and supporting the person until the crisis is resolved or a referral made. The RSN shall:

(1) Provide telephone screening which:

(a) Includes a prominently displayed phone number in the emergency and white page sections of the local phone directory;

(b) Ensures all phone calls are answered by people and not recordings; and

(c) Limits busy signals.

(2) Ensure the least restrictive resolution of the crisis by providing the following services twenty-four-hours-a-day and seven-days-a-week:

(a) Initial screening and assessment to determine:

(i) Whether the crisis has a mental disorder basis; and

(ii) Course of action to resolve the crisis.

(b) Mobile outreach to:

(i) Conduct face-to-face evaluations; and

(ii) Provide in-home or in-community stabilization services, including flexible supports to the person where the person lives. The CRS shall continuously provide stabilization services until the crisis is resolved or a referral made.

(c) Access to:

(i) Medical services, including:

(A) Emergency medical services;

(B) Preliminary screening for organic disorders;

(C) Prescription services; and

(D) Medication administration.

(ii) Interpretative services enabling staff to communicate with persons who are limited English proficient;

(iii) Voluntary and involuntary psychiatric inpatient care (chapters 71.05 and 71.34 RCW); and

(iv) Other needed resources.

(d) Investigation and detention services (chapters 71.05 and 71.34 RCW).

(3) Engage family, significant others, and other relevant treatment providers as necessary to provide support to the person in crisis.

(4) Document all telephone and face-to-face contacts to include:

(a) Source of referral;

(b) Nature of crisis;

(c) Time elapsed from initial contact to response; and

(d) Outcomes, including:

(i) Decision not to respond in person, if applicable;

(ii) Follow-up; and

(iii) Referrals made.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-390, filed 9/27/94, effective 10/28/94.]

WAC 275-57-400 Brief intervention services. The provider shall implement a streamlined process to provide planned, brief therapeutic interventions to persons within the priority populations and eligible recipients in the Medicaid program who require time-limited medically necessary services.

(1) The RSN shall define the number of allowable brief intervention services.

(2) A person receiving more than fifteen hours of service in a twelve-month period shall receive a full intake evaluation as described in section 410(2) of this chapter.

(3) The provider of brief intervention services shall gather the following information in the intake to brief interventions:

(a) Mental status examination;

(b) Functioning in daily life domains, showing strengths as well as needs;

(c) Substance use and abuse;

(d) The name of the consumer's most recent physician and prescribed medications, if known;

(e) A brief plan of action to achieve mutually agreed upon outcomes; and

(f) The intake evaluation shall not present a barrier to service. When seeking information from the consumer might pose a barrier to service, any of the above items may

be left incomplete, providing that noncompletion and reasons are documented in the record.

(4) Licensed providers not contracting with an RSN or PHP are exempt from the requirements of subsection (1) of this section.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-400, filed 9/27/94, effective 10/28/94.]

WAC 275-57-410 Community support services—General requirements. The RSN, or its designee, shall provide community support services to persons requiring ongoing supports to live in the community. Each community support service, as defined in sections 420 through 450 of this chapter, shall meet the requirements of this section.

(1) **Admission.** Resource management services shall approve consumer admission to community support services.

(2) **Intake evaluation.** The provider and consumer, or legally responsible other, shall collaboratively identify consumer strengths and needs through a full intake evaluation completed within thirty days of initiating community support services. Staff conducting an intake evaluation shall have training in this activity.

(a) The provider shall address in an intake evaluation:

(i) Psycho-social and cultural history;

(ii) Functioning in daily life domains, showing strengths as well as needs;

(iii) Substance use and abuse;

(iv) Medical history, including medications used. For persons receiving care from a health care professional, the provider shall seek permission to receive pertinent medical information. For persons not under the care of a health care professional, the provider shall offer to make a referral for a physical examination; and

(v) For children, a developmental history.

(b) The provider shall, when possible, include input from family members and/or other natural support systems, when acceptable to the person.

(c) The provider may reference or include historical information from other providers as part of the intake evaluation.

(d) When seeking information from the consumer might pose a barrier to service, the provider may leave incomplete requirements of subsection (2) of this section, providing that the provider documents noncompletion and reasons in the record.

(3) **Individualized plan.** The provider shall implement an individualized plan in collaboration with the consumer within thirty days of initiating community support services. The provider shall:

(a) For adults, develop the plan with the consumer and include people who provide active support to the consumer (e.g., family members, teachers, etc.), at the consumer's request;

(b) For children, develop the plan with the child, family and others who provide active support to the child. For children under three, the plan shall be integrated with the individualized family service plan (IFSP), when applicable;

(c) Focus on normalization and address needs identified by the consumer, which may include:

(i) Least-restrictive housing;

(ii) Income;

(iii) Work or school;

(iv) Social life;

(v) Treatment including psychotherapy; and

(vi) Services to address the specialized needs of underserved populations.

(d) Link outcomes to specific goals and time frames for achieving the outcomes;

(e) Define services to achieve the identified outcomes. The provider shall flexibly develop or purchase services to meet the unique needs of the person;

(f) Be responsive to the consumer's age, culture, and disability; and

(g) Assure the plan is mutually reviewed every six months, or more often at the request of the consumer.

(4) **Documentation.**

(a) The provider shall periodically document consumer progress in achieving treatment goals in the case record.

(b) The provider shall include in the case record specific progress toward established goals, changes in individualized plans, and extraordinary events.

(c) A mental health professional shall review and sign off on the intake evaluation, the individualized plan, and revisions to the individualized plan.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-410, filed 9/27/94, effective 10/28/94.]

WAC 275-57-420 Community support services—Case management services. The RSN, or its designee, shall provide case management services including outreach and support to achieve the individualized plan's outcomes. Case management services shall:

(1) Maximize the consumer's desired level of independence and appropriate interdependence. To this end, case management staff shall help the consumer:

(a) Access basic needs in an age and culturally competent manner, including:

(i) Housing;

(ii) Food;

(iii) Income;

(iv) Health and dental care; and

(v) Transportation.

(b) Work or participate in other daily activities appropriate to the consumer's age and culture;

(c) Link with the regular social life of the community;

(d) Access other needed services, such as substance abuse treatment, and health care;

(e) Resolve crises in least-restrictive settings; and

(f) Manage symptoms by providing information and education about the consumer's illness and treatment;

(2) Assist family members and other care givers in their efforts to support and care for the consumer;

(3) Include, as necessary, flexible application of funds, such as rent subsidies, rental deposits, and in-home care to enable stable community living; and

(4) Provide services where and when needed.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-420, filed 9/27/94, effective 10/28/94.]

WAC 275-57-430 Community support services—Residential services. The RSN, or its designee, shall provide residential services emphasizing least-restrictive, stable living situations appropriate to the age, culture, and residential needs of each consumer.

(1) The RSN's array of residential services shall emphasize supporting consumers in their own homes in the community. When supervised group living is necessary, the RSN shall emphasize supervised settings which:

- (a) Maximize personal privacy and independence; and
- (b) Have eight or fewer beds.

(2) Where the RSN provides supervised residential services in an adult family home, the adult family home shall comply with chapter 388-76 WAC.

(3) Where the RSN provides supervised residential services in a children's foster home, the children's foster home shall comply with chapter 388-73 WAC.

(4) Where the RSN provides residential services in a boarding home facility, the boarding home facility shall comply with chapter 246-316 WAC.

(5) Where the RSN provides residential services in an adult residential rehabilitative center facility, the adult residential rehabilitative facility shall comply with chapter 246-325 WAC.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547, 94-20-033 (Order 3783), § 275-57-430, filed 9/27/94, effective 10/28/94.]

WAC 275-57-440 Community support services—Employment services. The RSN, or its designee, shall provide age and culturally appropriate employment services as a treatment option to consumers wanting to work.

(1) Employment services shall include:

- (a) A vocational assessment of work history, skills, training, education, and personal career goals;
- (b) Public assistance information;
- (c) Active involvement with consumers served in establishing individualized job and career development plans and revision of the individualized plan accordingly;
- (d) Assistance in locating employment opportunities consistent with consumer skills, goals, and interests;
- (e) Integrated supported employment, including outreach and support services in the place of employment, if required, as well as the use of other interventions such as job coaching; and
- (f) Interaction with the consumers' employer to maintain stability of employment and advise on reasonable accommodation in accordance with the Americans with Disabilities Act (ADA) of 1990.

(2) Any RSN, or RSN subcontractor, employing consumers as part of the pre-vocational or vocational program shall:

- (a) Pay consumers in accordance with the Fair Labor Standards Act; and
- (b) Ensure safety standards are in place in full compliance with local and state regulations.

(3) The RSN shall coordinate efforts with rehabilitation and employment services, such as the division of vocational rehabilitation, the state employment services and the business community and job placement services within the community.

(4) Agencies accredited by commission on accreditation of rehabilitation facilities (CARF), or rehabilitation services accreditation system (RSAS) shall be considered the same as licensed by the state for employment services. Other organizations with equivalent standards may be considered for state licensure for employment services.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547, 94-20-033 (Order 3783), § 275-57-440, filed 9/27/94, effective 10/28/94.]

WAC 275-57-450 Community support services—Psychiatric and medical services. The RSN, or its designee, shall provide psychiatric and medical services to ensure consumers are prescribed medications, when necessary, to treat symptoms, become knowledgeable about any prescribed medications and side effects, and are referred to treatment for nonpsychiatric medical problems.

(1) The provider shall vest overall medical responsibility in a physician licensed to practice under chapter 18.57 or 18.71 RCW, and board eligible in psychiatry. Providers unable to recruit a psychiatrist may employ a physician without board eligibility in psychiatry provided:

(a) Psychiatric consultation is provided to the physician at least monthly; and

(b) A psychiatrist is accessible in person, by telephone, or by radio communication to the physician for emergency consultation.

(2) Only staff licensed to do so may prescribe medications. Prescribing staff shall review medications at least every three months.

(3) Only staff licensed to do so may administer medications.

(4) When a consumer receives only medication services from a provider, the provider may develop and implement a brief intake and plan, as defined in section 400 of this chapter in place of the intake evaluation, as defined in section 410 of this chapter.

(5) The provider shall maintain medication information in the consumer record documenting at least the following for each prescribed medication:

- (a) Name and purpose of medication;
- (b) Dosage and method of administration;
- (c) Dates prescribed, reviewed, and/or renewed;
- (d) Observed and reported effects, interactions, and side effects. Staff shall query consumers concerning such information;
- (e) Any laboratory findings;
- (f) Reasons for change or termination of medication; and

(g) Name and signature of prescribing person.

(6) When physical health problems are suspected or identified, the provider shall consult with and/or offer to make a referral to a physician or alternative health care provider. The provider shall include current medical concerns, as necessary, in the individualized plan.

(7) Provider staff shall inspect and inventory medication storage areas at least quarterly:

(a) Medications shall be kept in locked, well-illuminated storage;

(b) Medications kept in a refrigerator containing other items shall be kept in a separate container with proper security;

(c) No outdated medications shall be retained, and medications shall be disposed of in accordance with regulations of the state board of pharmacy;

(d) Medications for external use shall be stored separately from oral and injectable medications;

(e) Poisonous external chemicals and caustic materials shall be stored separately.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-450, filed 9/27/94, effective 10/28/94.]

WAC 275-57-460 Community support services—In-home services. The RSN, or its designee, may provide, when needed, in-home services to assist consumers with daily living and/or adaptive skills to enable continued living in the consumer's own home.

(1) The consumer's case manager or other designee of the RSN shall periodically make home visits to assess:

- (a) The consumer's satisfaction with in-home services;
- (b) Quality of services provided; and
- (c) Need for continued services.

(2) Persons providing in-home services shall either be immediate family members, or shall have:

(a) A Washington state patrol background check to ensure against a history of theft, abuse, or assault, except if such conduct was associated with a mental disorder that is currently stabilized; and

(b) Three reference checks.

(3) The in-home service worker shall have an age and culturally competent orientation and training based on the worker's experience, but ensuring basic knowledge in:

- (a) Nutrition;
- (b) Hygiene;
- (c) Symptoms of decompensation; and
- (d) Symptoms of medication reaction.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-460, filed 9/27/94, effective 10/28/94.]

WAC 275-57-470 Community support services—Consumer or advocate run services. The RSN, or its designee, shall provide services operated or staffed by consumers, former consumers, family members of consumers, or other advocates.

(1) The department shall not require a consumer or advocate run service to maintain licensure under this chapter if the service is nonclinical. If a service is clinical, the service shall comply with the requirements for licensed services in this chapter.

(2) Consumer or advocate run services may include, but are not limited to:

- (a) Consumer and/or advocate operated businesses;
- (b) Consumer and/or advocate operated and managed clubhouses, such as the Fountain House model;
- (c) Consumer and/or advocate operated crisis respite services;
- (d) Advocacy and referral services;

(e) Consumer and/or advocate operated household assistance programs;

(f) Self-help and peer support groups;

(g) Ombuds service; or

(h) Other services.

[Statutory Authority: Chapter 71.24 RCW, Title XIX Waiver and SSB 6547. 94-20-033 (Order 3783), § 275-57-470, filed 9/27/94, effective 10/28/94.]

Chapter 275-59 WAC

CRIMINALLY INSANE PERSON COMMITTED TO THE CARE OF THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—EVALUATION, PLACEMENT, CARE AND DISCHARGE

WAC

275-59-010	Purpose.
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.
275-59-071	Transfer of a patient between state-operated facilities for persons with mental illness.
275-59-072	Restoration procedure for a former involuntarily committed person's right to firearm possession.
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 for department services an indigent person receives shall not exceed:

(1) One hundred dollars an hour for services; or

(2) Eight hundred dollars total payment for services.

The department shall only approve an exception to this section ruling when the exception is approved, in writing, by the division director. The department shall only approve payment for one mental health examination per indigent person in each six month period.

[Statutory Authority: RCW 72.01.090, 91-24-045 (Order 3298), § 275-59-041, filed 11/27/91, effective 1/1/92; 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 275-59-071 Transfer of a patient between state-operated facilities for persons with mental illness. In some instances, it is appropriate for the department to transfer a patient currently residing in a state facility to another state facility for ongoing treatment. The department shall accomplish the transfer with the utmost care given to the therapeutic needs of the patient. This section describes the procedures for handling a patient transfer between state facilities in a manner consistent with the best interest of the patient.

(1) The department may use the following criteria when determining the appropriateness of a patient transfer:

(a) The patient's family resides within the receiving facility's catchment area; or

(b) The patient's primary home of residence is in the receiving facility's catchment area; or

(c) A particular service or need of the patient is better met at the receiving facility; or

(d) Transfer to the receiving facility may facilitate community discharge due to the availability of community service in the receiving facility's catchment area; or

(e) The county, regional support network, or patient requests a transfer.

(2) Prior to any proposed transfer of a patient, the state facility shall comply with the following:

(a) The sending facility, at the request of the superintendent, shall in writing forward information necessary to make a decision on whether transfer is appropriate to the receiving facility's liaison and the regional support network liaison;

(b) The receiving facility's liaison and the regional support network liaison shall recommend appropriate action to the superintendent of the sending facility in writing within five calendar days of receipt of the request;

(c) If the receiving facility accepts the proposed patient transfer, the sending facility shall notify the patient, guardian, regional support network liaison, and attorney, if known, at least five days before the proposed patient transfer;

(d) The sending facility is responsible for all patient transfer arrangements, e.g., transportation, staff escort, etc., and shall coordinate the day and time of arrival with the receiving facility's liaison; and

(e) The sending facility shall arrange for the transfer of patient's medical record to the receiving facility.

(3) The sending state facility shall document the following in the patient's record:

(a) Physician documentation of the medical suitability of the patient for transfer; and

(b) Social worker documentation regarding:

(i) Justification as to why the transfer is considered in the patient's best interests; and

(ii) The patient's wishes regarding transfer.

(4) The sending facility shall contact the prosecuting attorney's office of the committing county prior to the transfer.

[Statutory Authority: RCW 74.05.560 [71.05.560], 91-22-044 (Order 3275), § 275-59-071, filed 10/31/91, effective 12/1/91. Statutory Authority: RCW 71.05.560, 88-23-021 (Order 2724), § 275-59-071, filed 11/7/88.]

WAC 275-59-072 Restoration procedure for a former involuntarily committed person's right to firearm possession. (1) The department and mental health professionals implementing chapter 10.77 RCW shall recognize and affirm that a person is entitled to the immediate restoration of the right to firearm possession, as described under RCW 9.41.040 (6)(c), when the person no longer requires treatment or medication for a condition related to the commitment.

(2) Mental health professionals implementing the provisions of chapter 71.05 RCW shall provide to the court of competent jurisdiction such relevant information concerning the commitment and release from commitment as the court may request in the course of reaching a decision on the restoration of the person's right to firearm possession. (See RCW 9.41.097.)

(3) A person who has been barred from firearm possession under RCW 9.41.040(6) and who wishes to exercise this right, may petition the court which ordered involuntary treatment or, the superior court of the county in which the person resides for restoration of the right to possess firearms. At a minimum, such petition shall include:

(a) The fact, date, and place of involuntary treatment;

(b) The fact, date, and release from involuntary treatment;

(c) A certified copy of the order of final discharge entered by the committing court.

(4) A petitioner shall show that the petitioner no longer requires treatment or medication for a condition related to the commitment.

[Statutory Authority: RCW 9.41.040(6), 94-06-025 (Order 3709), § 275-59-072, filed 2/23/94, effective 3/26/94.]

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 275-60 WAC WORKSHOPS IN INSTITUTIONS OF THE MENTAL HEALTH DIVISION

WAC

275-60-010	Purpose.
275-60-020	Definitions.
275-60-030	Establishment of new workshops.
275-60-040	Protection of patients/clients.
275-60-050	Organization and staffing of workshops.
275-60-060	Licensing of workshops.
275-60-070	Safety and health standards for workshops.
275-60-200	Selection and assignment of patients/clients.
275-60-300	Incentive payments for patients or clients participating in workshop programs.
275-60-400	Workshop clinical records.
275-60-500	Workshop financial records.
275-60-510	Purchases of workshop equipment and materials.
275-60-520	Pricing of items for sale by workshops.

WAC 275-60-010 Purpose. These regulations are adopted pursuant to and in accordance with RCW 43.20A.445. They are adopted to provide guidelines for the operation of workshops in institutions of the mental health division.

[Statutory Authority: RCW 74.05.560 [71.05.560]. 84-13-029 (Order 2112), § 275-60-010, filed 6/13/84.]

WAC 275-60-020 Definitions. (1) "Department" means the department of social and health services of the state of Washington.

(2) "Division" means the mental health division of the department of social and health services.

(3) "Director" means the director of the mental health division or his or her designee.

(4) "Institution" means an institution operated by the mental health division.

(5) "Superintendent" means the superintendent of a mental health division institution or his or her designee.

(6) "Workshop" means a transitional, time-limited work program provided by the institution on a systematic, organized basis for the purpose of developing and maintaining individual patient's or client's capacities, which provides monetary incentives to the patients or clients and produces articles for sale.

(7) "Fair value" means the sale price of articles produced by the workshop, taking into account the cost of production as determined by the institution, and the market price of similar articles offered for sale by other sellers.

(8) "Revolving fund" means a separately maintained institutional fund allowing for accounting of workshop receipts and expenditures, apart from other institutional financial transactions.

[Statutory Authority: RCW 74.05.560 [71.05.560]. 84-13-029 (Order 2112), § 275-60-020, filed 6/13/84.]

WAC 275-60-030 Establishment of new workshops. Workshops established in institutions subsequent to the enactment of RCW 43.20A.445 will be subject to the following requirements:

(1) Prior to the establishment of a new workshop, the director shall consider the availability, appropriateness, and relative cost of contracting and giving first preference to private nonprofit sheltered workshops, as defined in RCW 82.04.385, to provide workshop activities for residents of the institution.

(2) Such consideration shall include a request-for-proposal procedure to be undertaken by the director, to assess the interest and ability of private workshops to provide the service.

[Statutory Authority: RCW 74.05.560 [71.05.560]. 84-13-029 (Order 2112), § 275-60-030, filed 6/13/84.]

WAC 275-60-040 Protection of patients/clients. (1) Workshops may engage in the production of a variety of goods and services for sale, so long as the primary goal of patient/client rehabilitation is kept uppermost.

(2) Patients or clients will not be employed in any work which is unusually dangerous.

(3) Patients or clients will not be engaged in any work which is unduly physically strenuous without prior medical clearance.

(4) Patients or clients will not be employed off the institutional grounds unless prior arrangements have been made for adequate supervision.

(5) Workshops will not employ patients or clients in any activity which could reasonably be viewed as undignified or demeaning to the patients or clients.

(6) Institutions which include workshops will adopt written policies to ensure the provisions of this section are carried out.

[Statutory Authority: RCW 74.05.560 [71.05.560]. 84-13-029 (Order 2112), § 275-60-040, filed 6/13/84.]

WAC 275-60-050 Organization and staffing of workshops. (1) The workshop will be organized as a separate unit of the institution, with its own full-time director.

(2) Supervisory and other staff will be assigned to the workshop in such numbers as are determined by the superintendent to be necessary to accomplish the rehabilitative purposes of the workshop program.

(3) All workshop staff will be determined to meet minimum qualifications for their specific job assignments, in accordance with department of personnel regulations and departmental regulations and policies.

(4) A regular program of in-service training shall be provided to workshop staff, in accordance with the institutional training plan.

(5) Workshops may contract with educational institutions, nonprofit organizations, or individual craftsmen for the provision of technical assistance to aid patients or clients in developing needed work skills, in accordance with procedures established by the state.

[Statutory Authority: RCW 74.05.560 [71.05.560]. 84-13-029 (Order 2112), § 275-60-050, filed 6/13/84.]

WAC 275-60-060 Licensing of workshops. Workshops will comply with applicable state and local laws in respect to the securing of business licenses.

[Statutory Authority: RCW 74.05.560 [71.05.560]. 84-13-029 (Order 2112), § 275-60-060, filed 6/13/84.]

WAC 275-60-070 Safety and health standards for workshops. Workshops will be operated in accordance with all state and local health, safety, fire safety, and building regulations and standards.

[Statutory Authority: RCW 74.05.560 [71.05.560]. 84-13-029 (Order 2112), § 275-60-070, filed 6/13/84.]

WAC 275-60-200 Selection and assignment of patients/clients. (1) Clients to be included in workshop programs shall be selected in accordance with established institutional policies, and in conjunction with the institution's general treatment plan for the individual patient/client.

(2) Individual workshop duty assignments shall be made in consideration of the best interests of the patient or client.

(3) Patient's or client's workshop progress shall be reviewed by staff at regular intervals of no more than thirty days.

[Statutory Authority: RCW 74.05.560 [71.05.560]. 84-13-029 (Order 2112), § 275-60-200, filed 6/13/84.]

WAC 275-60-300 Incentive payments for patients or clients participating in workshop programs. (1) Incentive payments for patients or clients participating in workshops shall be individually determined by the workshop director or his or her designee.

(2) Such incentive payments shall be based on a formula which takes into account the patient's or client's level of productivity, as measured by periodic comparison with staff performance on similar individual tasks, as well as measured

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adherence to basic work habits and compliance with the individual's institutional treatment plan and institutional regulations.

(3) The formula developed by the workshop for ascribing weights to the several factors enumerated in subsection (2) of this section shall be submitted for the approval of the director.

[Statutory Authority: RCW 74.05.560 [71.05.560]. 84-13-029 (Order 2112), § 275-60-300, filed 6/13/84.]

WAC 275-60-400 Workshop clinical records. Workshops shall maintain individual records of all patient or client workshop participation, to include at least the following:

- (1) Individual treatment plan;
- (2) Records of attendance;
- (3) Records of measurement of productivity;
- (4) Periodic progress reviews;
- (5) Records of progress in attaining basic work habits;
- (6) Records of progress in adhering to standards of personal behavior;
- (7) Reports of unusual occurrences;
- (8) Discharge summaries, to include staff recommendations regarding post-institution vocational or training plans.

[Statutory Authority: RCW 74.05.560 [71.05.560]. 84-13-029 (Order 2112), § 275-60-400, filed 6/13/84.]

WAC 275-60-500 Workshop financial records. Workshops shall maintain adequate financial records in the form approved for state agencies. Such records will include, at a minimum, the following:

- (1) Records of all purchases of materials and supplies to include documentation that such materials and supplies were purchased at fair market value or the best available price;
- (2) Records of all purchases of workshop equipment and equipment maintenance;
- (3) Records of all contractual agreements for instructional or other services;
- (4) Inventory records of unused materials and finished products awaiting sale;
- (5) Records of items sold and cash received for sales;
- (6) Records of sales tax collected for items sold;
- (7) Records of incentive payments received by individual patients or clients.

[Statutory Authority: RCW 74.05.560 [71.05.560]. 84-13-029 (Order 2112), § 275-60-500, filed 6/13/84.]

WAC 275-60-510 Purchases of workshop equipment and materials. Purchases of materials and equipment for workshops shall be made in accordance with procedures established for such purchases by state agencies, and shall be subject to the procedural control of the institution's business manager.

[Statutory Authority: RCW 74.05.560 [71.05.560]. 84-13-029 (Order 2112), § 275-60-510, filed 6/13/84.]

WAC 275-60-520 Pricing of items for sale by workshops. (1) Prices for workshop items shall be established by the workshop director.

(2) Prices of products to be sold on the open market shall be set at fair value, as defined within these regulations.

[Statutory Authority: RCW 74.05.560 [71.05.560]. 84-13-029 (Order 2112), § 275-60-520, filed 6/13/84.]

Chapter 275-76 WAC
ADULT CORRECTIONAL INSTITUTIONS—
DETAINER

WAC

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WAC 275-76-005 Definitions. For purposes of this chapter:

(1) "Detainee" shall mean a formal written request by a requesting authority to the superintendent of a custodial institution subject to the jurisdiction and control of the department asking that the superintendent

(a) Notify the requesting authority when the release of a particular resident is imminent, and/or

(b) Hold the resident pending transfer of the resident to the custody of the requesting authority.

(2) "Superintendent" shall refer to the chief administrator of a custodial institution subject to the jurisdiction and control of the department, or his authorized agents.

(3) "Department" shall mean the department of social and health services of the state of Washington.

(4) "Requesting authority" shall mean any criminal justice agency which files a detainee with the department or with the superintendent of a custodial institution subject to the jurisdiction and control of the department.

(5) "State administrator" shall refer to the state officer designated, in accordance with the provisions of chapter 9.100 RCW, to administer the interstate agreement on detainees within the state of Washington.

(6) "Resident" shall refer to an inmate of a correctional facility subject to the jurisdiction and control of the department.

[Order 797, § 275-76-005, filed 5/10/73.]

WAC 275-76-010 Purposes of detainees. Detainees may be filed with the department or with the superintendent of a custodial institution subject to the jurisdiction and control of the department in order to accomplish any of the following purposes:

(1) "Trial or pretrial detainees" — to secure the return of a resident to the jurisdiction and custody of the requesting authority for trial on pending criminal charges or for pretrial proceedings on potential but not yet pending criminal charges;

(2) "Commitment detainees" — to secure the return of a resident to the jurisdiction and custody of the requesting authority for service of an unexpired portion of the resident's sentence on a previous conviction;

(3) "Probation or parole revocation detainees" — to secure the return of a resident to the jurisdiction and custody of the requesting authority for a hearing on whether the resident's probation or parole, previously granted in connection with a prior conviction and sentence, should be revoked;

(4) "Miscellaneous detainees" — to secure the return of a resident to the jurisdiction and custody of the requesting authority for such miscellaneous purposes as are necessary and valid in the context of the criminal justice system.

[Order 797, § 275-76-010, filed 5/10/73.]

WAC 275-76-020 Form of detainees. A detainee filed with the department or with the superintendent of a custodial institution subject to the jurisdiction and control of the department shall contain, and describe in detail, the following information:

(1) The identity of the requesting authority;

(2) The purpose of the detainee;

(3) The legal basis for the detainee, including, in all cases, a description of the factual circumstances which provide the basis for the issuance of the detainee;

(4) The sentence or possible penalties which the resident will face if delivered to the custody of the requesting authority;

(5) A statement as to whether it is the intention of the requesting authority to execute the detainee and subject the resident to trial, hearing, or incarceration.

[Order 1009, § 275-76-020, filed 2/13/75; Order 797, § 275-76-020, filed 5/10/73.]

WAC 275-76-030 Evaluation of detainee request. Whenever a superintendent receives a detainee request he shall evaluate the request to determine if it complies in form and content with the provisions of this chapter.

(1) If the superintendent determines that a detainee request is valid, he shall acknowledge in writing to the requesting authority that the detainee has been received and will be honored by the department in accordance with the provisions of the interstate agreement on detainees.

(2) If the superintendent determines that a detainee fails to comply with the provisions of this chapter and is therefore invalid, he shall forward the detainee request to the state administrator who shall then make a final determination as to the validity of the detainee.

(a) If the state administrator determines that the detainee is invalid he shall immediately

(i) Notify the requesting authority that the detainee will not be honored by the department;

(ii) Inform the requesting authority in detail of the manner in which the detainee fails to comply in form and/or content with the provisions of this chapter;

(iii) Inform the requesting authority that the 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 detainers. (1) Who may file. The authority to issue or file trial or pretrial detainers shall generally be limited to the chief prosecuting authority of the jurisdiction making the detainer request.

(a) Nonprosecutorial officials, such as state or county sheriffs or police, shall not have authority to file detainers.

(b) In federal matters a United States marshal may formally file a detainer when acting on behalf of a United States district attorney or attorney general.

(2) Supportive materials necessary. Trial or pretrial detainers shall be accompanied by a certified copy of the complaint, indictment, information, or court order which is the jurisdictional basis for the detainer.

(3) Underlying charge. The underlying charge upon which a trial or pretrial detainer is based shall be either a felony or gross misdemeanor under the laws of the state of Washington.

(4) Notice to resident. Upon receipt of a valid trial or pretrial detainer a superintendent shall immediately notify the resident against whom the detainer has been filed of the existence, nature, and content of the detainer. In addition, the superintendent shall immediately notify the resident of his right to demand final disposition of the criminal charges underlying the detainer.

(5) Final disposition. A resident against whom a trial or pretrial detainer has been filed may demand of the requesting authority that a final disposition be made of the criminal charges underlying the detainer.

(a) A requesting authority shall be required to bring a resident to trial on the charges underlying a trial or pretrial detainer within one hundred and eighty days after receiving notice from the resident of the resident's place of incarceration and of his desire for final disposition of the underlying charges; provided that, a court having jurisdiction of the underlying charge may grant any necessary or reasonable continuance.

(b) A resident's demand for final disposition of the criminal charge underlying a particular detainer shall operate as a request for final disposition of the charges underlying

any and all detainers filed against the resident by requesting authorities within the state to which the request for final disposition is directed.

(c) A resident's demand for final disposition shall be deemed a waiver of extradition with respect to any and all proceedings necessary to said final disposition.

(d) A resident's demand for final disposition shall be deemed a future waiver of extradition to the requesting state for service of any sentence imposed upon the resident in connection with said final disposition.

(e) A resident's demand for final disposition shall constitute consent to be returned to the institution where presently confined upon completion of the trial or pretrial proceedings in the requesting state.

(6) Request for temporary custody. A requesting authority which has filed a valid trial or pretrial detainer may request temporary custody of the resident for the purpose of resolving the criminal charges underlying the detainer.

(a) Upon receipt of a request for temporary custody from a requesting authority which has filed a valid trial or pretrial detainer, the superintendent shall immediately give the following notice to the resident who is the subject of the detainer:

(i) Notice of the source and content of the request for temporary custody,

(ii) Notice of the resident's right to retain counsel at his own expense to assist in opposing the request for temporary custody,

(iii) Notice of the resident's right to oppose the request for temporary custody by filing with the governor, within thirty days of receipt of the request for temporary custody, a statement setting forth the reasons why the request for temporary custody should not be granted, and

(iv) Notice of the resident's right to contest, either before or after transfer, the legality of his transfer to the requesting authority pursuant to the request for temporary custody.

(b) In accordance with the provisions of chapter 9.100 RCW a request for temporary custody shall not be honored for a period of thirty days after receipt of the request, during which time the governor of the state of Washington may either approve or disapprove the transfer. If the governor either approves or fails within the thirty day time limit to disapprove the transfer, the request for transfer shall be honored at the end of said thirty day period.

(7) Resident in custody on appeal. A resident who is in custody pending disposition of his appeal from a state criminal conviction, and against whom a valid trial or pretrial detainer has been filed, may be transferred to the custody of a requesting authority pursuant to a request for final disposition or temporary custody.

(a) Whenever a request for final disposition or temporary custody is made with regard to a resident in custody pending appeal, the superintendent shall

(i) Give appropriate notice to the prosecuting attorney of the county in which the conviction was obtained and from which the appeal has been taken,

(ii) Notify and acknowledge to the resident and the requesting authority that the request for transfer has been received, and

(iii) Make a recommendation to the state administrator regarding the request for transfer.

(b) The state administrator shall determine, in the exercise of his discretion, whether the resident should be transferred pursuant to the request for final disposition or temporary custody or should be held in the custody of the department pending disposition of the appeal. The state administrator's determination shall be based upon the following factors:

- (i) The recommendation of the superintendent,
- (ii) The recommendation, if any, of the prosecuting attorney involved in the pending appeal,
- (iii) The anticipated time for resolution of the pending appeal,
- (iv) The desire of the resident, and
- (v) Such other factors as may be relevant and material in the context of the individual case.

(8) Procedure for transfer, handling and return of resident. The transfer, handling, and return of a resident pursuant to a request for final disposition or a request for temporary custody shall be governed by the provisions of article V of the interstate agreement on detainers, 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 detainers. (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 detainers 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 detainers. (1) Who may file. The authority to issue or file parole or probation revocation detainers shall be limited to the parole or probation authority which has initiated the revocation proceedings.

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(2) Supportive materials necessary. In addition to the material required by WAC 275-76-020, parole or probation revocation detainers 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, § 275-76-110, 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 detainees. The provision of this chapter shall be fully applicable to detainees filed with the department by a state which is not a signator to the interstate

agreement on detainers, except that the procedure for transfer of a resident under such circumstances shall be governed by the provisions of chapter 10.88 RCW, the Uniform Criminal Extradition Act.

[Order 797, § 275-76-150, filed 5/10/73.]

Chapter 275-80 WAC

ADULT CORRECTIONAL INSTITUTIONS—VISITS

WAC

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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 secre-

tary, 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 discov-

ered, 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 275-110 WAC
IMPACT ACCOUNT—CRIMINAL JUSTICE COST REIMBURSEMENT

Table with 2 columns: WAC and Purpose. Rows include 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.

Table with 2 columns: Institution and Cities/County. Rows include Washington state penitentiary (Walla Walla/Walla Walla), Washington state reformatory (Monroe/Snohomish), McNeil Island corrections center (Steilacoom/Pierce), 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's 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/King |
| (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) Western state hospital | Steilacoom/Pierce |
| (27) Eastern state hospital | Medical Lake/
Spokane/Spokane |
| (28) Child study and
treatment center | Steilacoom/Pierce |

(29) For any institution not listed in this section, reimbursement shall be limited to the political subdivisions where 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 13.06.030, 13.40.210 and 72.72.040. 85-09-003 (Order 2221), § 275-110-040, filed 4/4/85. 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. The department shall limit reimbursement to the specific political subdivisions listed in WAC 275-110-040. The maximum reimbursement rates shall be twenty dollars and sixty-six cents per hour for the period August 1, 1990, through June 30, 1992. 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 74.72.040 [72.72.040]. 90-16-086 (Order 3047), § 275-110-050, filed 8/1/90, effective 9/1/90. Statutory Authority: RCW 72.72.040. 88-15-012 (Order 2651), § 275-110-050, filed 7/8/88; 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. The department shall reimburse, at the rate set forth in WAC 275-110-050, for pretrial investigations of crimes committed inside or outside institutions, impacting the political subdivision courts as set forth in WAC 275-110-040. If, after investigation, criminal charges are filed, the department may reimburse fully documented prosecutorial and defense attorney fees. Reimbursement shall not exceed the following rates for each attorney, said reimbursement to include costs for paralegals: Forty-nine dollars and forty-one cents per hour for the period

August 1, 1990, through June 30, 1992. 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 74.72.040 [72.72.040]. 90-16-086 (Order 3047), § 275-110-060, filed 8/1/90, effective 9/1/90. Statutory Authority: RCW 72.72.040. 88-15-012 (Order 2651), § 275-110-060, filed 7/8/88; 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) The department shall limit judicial costs strictly 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 shall be limited to judges, court reporters, transcript typing, and witness and jury fees.

(2) The department shall reimburse judges hearing cases including services provided by court clerks and bailiffs at forty-six dollars and five cents per hour for the period August 1, 1990, through June 30, 1992. Reimburse court reporters at the rate of twenty dollars and seventy-one cents per hour for the period August 1, 1990, through June 30, 1992. Reimburse required typing of transcripts at four dollars and thirteen cents per page for the period August 1, 1990, through June 30, 1992. If required, reimburse expert witnesses at sixty-nine dollars and thirty-four cents per hour for the period August 1, 1990, through June 30, 1992.

(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 thirty-one dollars and thirteen cents per day. The department shall limit reimbursement of costs of witness (other than expert) and jury fees 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 74.72.040 [72.72.040]. 90-16-086 (Order 3047), § 275-110-070, filed 8/1/90, effective 9/1/90. Statutory Authority: RCW 72.72.040. 88-15-012 (Order 2651), § 275-110-070, filed 7/8/88; 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. The department shall limit jail facility cost reimbursement strictly to incremental costs as defined in WAC 275-110-020 and to political subdivisions listed in WAC 275-110-040. Requests for reimbursement shall be fully documented and shall include the inmate's name and all appropriate admission and release dates. Limit reimbursement to thirty dollars per inmate day for the period August 1, 1990, through June 30, 1992. The department shall not reimburse for costs incurred for holding persons regarding parole revocations or for holding persons involved in civil litigation. The department shall reimburse costs of providing security when inmates require hospitalization at the rate of twelve dollars and twenty-three cents per hour for

the period August 1, 1990, through June 30, 1992. 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 74.72.040 [72.72.040], 90-16-086 (Order 3047), § 275-110-080, filed 8/1/90, effective 9/1/90. Statutory Authority: RCW 72.72.040, 88-15-012 (Order 2651), § 275-110-080, filed 7/8/88; 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, Mailstop 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.]

Chapter 275-155 WAC

SEXUAL PREDATOR PROGRAM—SPECIAL COMMITMENT PROCESS

WAC

- 275-155-005 Special commitment of sexually violent predators—
Legal basis.
- 275-155-010 Definitions.

- 275-155-020 Authorization for indefinite commitment to the sexual
predator program.
- 275-155-030 Sexual predator program evaluation—Reporting.
- 275-155-040 Individual treatment.
- 275-155-050 Rights of a person committed to the sexual predator
program.
- 275-155-060 Sexual predator program reimbursement.

WAC 275-155-005 Special commitment of sexually violent predators—Legal basis. (1) Laws of 1990, chapter 3, section 1006 authorizes the department to develop a sexual predator program (SPP) for a person the court determines is a sexually violent predator.

(2) Beginning July 1, 1990, the department's SPP shall provide:

(a) Evaluation of a person court-ordered to the SPP for determining if the person meets the definition of a sexually violent predator under this chapter; and

(b) Control, care, and treatment services to a person court-committed as a sexually violent predator.

[Statutory Authority: 1990 c 3. 90-17-120 (Order 3054), § 275-155-005, filed 8/21/90, effective 9/21/90.]

WAC 275-155-010 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Appropriate facility" means a facility the department uses for evaluating and determining if a person meets the definition of a sexually violent predator as defined in this section.

(2) "Care" means a service the department provides during a person's commitment to the SPP to sustain adequate health, shelter, and physical sustenance.

(3) "Control" means a restraint, restriction, or confinement the department applies protecting a person from endangering self, others, or property during a commitment under this chapter.

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

(5) "Evaluation" means an examination, report, or recommendation a professionally qualified person makes determining if a person meets or continues to meet the definition of a sexually violent predator as defined in this section.

(6) "Individual treatment plan (ITP)" means an outline the SPP staff persons develop detailing how control, care, and treatment services are provided to a SPP-committed person.

(7) "Predatory" means acts a person directs toward strangers or individuals with whom a relationship has been established or promoted for the primary purpose of victimization.

(8) "Mental abnormality" means a congenital or acquired condition affecting a person's emotional or volitional capacity, including personality disorders, predisposing the person to commit criminal acts of sexual violence placing other persons in danger.

(9) "Professionally qualified person" includes:

(a) "Mental health counselor" means a person certified as a mental health counselor under chapter 18.19 RCW;

(b) "Psychiatric nurse" means a person licensed as a registered nurse under chapter 18.88 RCW and having two or more years supervised clinical experience;

(c) "Psychiatrist" means a person licensed as a physician under chapters 18.71 and 18.57 RCW. In addition, the person shall:

(i) Have completed three years of graduate training in a psychiatry program approved by the American Medical Association or the American Osteopathic Association; and

(ii) Be certified, or eligible to be certified, by the American Board of Psychiatry and Neurology;

(d) "Psychologist" means a person licensed as a doctor of psychology under chapter 18.83 RCW; and

(e) "Social worker" means a person certified as a social worker under chapter 18.19 RCW.

(10) "Secure facility" means a department-operated facility, not located on the grounds of a state mental facility or residential habilitation center, with the purpose of confining and treating a person committed to the SPP.

(11) "Sexual predator program (SPP)" means a department-administered and operated program established for:

(a) A court-ordered person's evaluation; or

(b) Control, care, and treatment of a court-committed person defined as a sexually violent predator under this chapter.

(12) "Sexually violent offense" means an act defined under Laws of 1990, chapter 3, section 1002 and for which a person is charged or convicted on, before, or after July 1, 1990.

(13) "Sexually violent predator" means a person defined under Laws of 1990, chapter 3, section 1002 who has been convicted or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence.

[Statutory Authority: 1990 c 3. 90-17-120 (Order 3054), § 275-155-010, filed 8/21/90, effective 9/21/90.]

WAC 275-155-020. Authorization for indefinite commitment to the sexual predator program. The department shall admit a person to the SPP as a sexually violent predator only when all of the following requirements are met:

(1) Petition. The prosecuting attorney or attorney general if requested by the prosecutor files a petition with the superior court in the county where a person was most recently charged or convicted of a sexually violent offense;

(2) Probable cause. A court determines probable cause exists and orders a person transferred to an appropriate facility for evaluation as to whether the person is a sexually violent predator;

(3) Evaluation. A person is evaluated by one or more professionally qualified persons and is found to have:

(a) Been charged with or convicted of a sexually violent offense;

(b) A mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence; and

(c) A sentence or commitment about to expire or having expired.

(4) Trial. A court commences a trial determining if a person is a sexually violent predator within forty-five days of the petition filing date, not including continuances requested by the alleged sexually violent predator; and

(5) Judgment. A court or jury finds a person, beyond a reasonable doubt, to be a sexually violent predator and the person is committed to the department's custody for control, care, and treatment.

[Statutory Authority: RCW 71.09.030 and 71.09.050. 93-17-027 (Order 3609), § 275-155-020, filed 8/11/93, effective 9/11/93. Statutory Authority: 1990 c 3. 90-17-120 (Order 3054), § 275-155-020, filed 8/21/90, effective 9/21/90.]

WAC 275-155-030 Sexual predator program evaluation—Reporting. (1) When a court orders a person transferred to an appropriate facility for evaluation, the department shall, within forty-five days of the petition filing date, evaluate and provide a recommendation to the court as to whether the person meets the statutory definition of a sexually violent predator under Laws of 1990, chapter 3, section 1002.

(2) Annually or more often, the department shall provide the committing court an evaluation determining if a committed person continues meeting the definition of a sexually violent predator under this chapter.

[Statutory Authority: 1990 c 3. 90-17-120 (Order 3054), § 275-155-030, filed 8/21/90, effective 9/21/90.]

WAC 275-155-040 Individual treatment. (1) When the court commits a person to the SPP as a sexually violent predator, SPP staff persons shall develop an individual treatment plan (ITP). The ITP shall include, but not be limited to:

(a) A description of a person's specific treatment needs;

(b) An outline of intermediate and long-range treatment goals, with a projected timetable for reaching the goals;

(c) The treatment strategies for achieving the treatment goals;

(d) A description of SPP staff persons' responsibility; and

(e) Criteria for recommending to the court whether a person should be released from the SPP.

(2) The SPP staff persons shall review a committed person's ITP every six months or more often.

[Statutory Authority: 1990 c 3. 90-17-120 (Order 3054), § 275-155-040, filed 8/21/90, effective 9/21/90.]

WAC 275-155-050 Rights of a person committed to the sexual predator program. (1) During a person's commitment to the SPP, the department shall apprise the committed person of the person's right to an attorney and to retain a professionally qualified person to perform an evaluation on the committed person's behalf.

(2) Upon request, the department shall provide to the following persons access to a committed person for an evaluation and all records and reports related to the person's commitment, control, care, and treatment:

(a) The committed person's attorney;

(b) The committed person's professionally qualified person, if any;

(c) The prosecuting attorney, or the attorney general, if requested by the prosecuting attorney; and

(d) The professionally qualified person approved by the prosecuting attorney or the attorney general.

(3) A person the court commits to the SPP shall:

(a) Receive adequate care and individualized treatment;

(b) Be permitted to wear the committed person's own clothes and keep and use the person's personal possessions, except when deprivation of possessions is necessary for the person's protection and safety, the protection and safety of others, or the protection of property within the SPP;

(c) Be permitted to accumulate and spend a reasonable amount of money in the person's SPP account;

(d) Have access to reasonable personal storage space within SPP limitations;

(e) Be permitted to have approved visitors within reasonable limitations;

(f) Have reasonable access to a telephone to make and receive confidential calls within SPP limitations; and

(g) Have reasonable access to letter writing material and to:

(i) Receive and send correspondence through the mail within SPP limitations; and

(ii) Send written communication regarding the fact of the person's commitment.

(4) A person the court commits to the SPP shall have the following procedural rights to:

(a) Have reasonable access to an attorney and be informed of the name and address of the person's designated attorney;

(b) Petition the court for release from the SPP; and

(c) Receive annual written notice of the person's right to petition the committing court for release. The department's written notice and waiver shall:

(i) Include the option to voluntarily waive the right to petition the committing court for release; and

(ii) Annually be forwarded to the committing court by the department.

[Statutory Authority: RCW 71.09.030 and 71.09.050. 93-17-027 (Order 3609), § 275-155-050, filed 8/11/93, effective 9/11/93. Statutory Authority: 1990 c 3. 90-17-120 (Order 3054), § 275-155-050, filed 8/21/90, effective 9/21/90.]

WAC 275-155-060 Sexual predator program reimbursement. (1) The department shall obtain reimbursement under RCW 43.20B.330, 43.20B.335, 43.20B.340, 43.20B.345, 43.20B.350, 43.20B.355, 43.20B.360, and 43.20B.370 for the cost of care of a person committed to a SPP to the extent of the person's ability to pay.

(2) The department shall calculate ability to pay and assess liability under chapter 275-16 WAC.

[Statutory Authority: 1990 c 3. 90-17-120 (Order 3054), § 275-155-060, filed 8/21/90, effective 9/21/90.]

Chapter 275-156 WAC

CIVIL COMMITMENT COST REIMBURSEMENT

WAC

275-156-005	Purpose.
275-156-010	Definitions.
275-156-015	Limitation of funds.

275-156-020	Maximum allowable reimbursement for civil commitment cost.
275-156-025	Billing procedure.
275-156-030	Exceptions.
275-156-035	Effective date.
275-156-040	Audits.

WAC 275-156-005 Purpose. These rules establish the standards and procedures for reimbursing counties for the cost incurred during civil commitment trial, annual evaluation, and review processes and release procedures related to chapter 71.09 RCW. The department's reimbursement to counties is limited to appropriated funds.

[Statutory Authority: RCW 43.20A.050. 91-21-027 (Order 3263), § 275-156-005, filed 10/8/91, effective 11/8/91.]

WAC 275-156-010 Definitions. (1) "Attorney cost" means the fully documented fee directly related to the violent sexual predator civil commitment process for:

(a) A single assigned prosecuting attorney;

(b) When the person is indigent, a single court-appointed attorney; and

(c) Additional counsel, when additional counsel is approved by the trial judge for good cause. Said fee includes the cost of paralegal services.

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

(3) "Evaluation by expert cost" means a county-incurred service fee directly resulting from the completion of a comprehensive examination and/or a records review, by a single examiner selected by the county, of a person:

(a) Investigated for "sexually violent predator" probable cause;

(b) Alleged to be a "sexually violent predator" and who has had a petition filed; or

(c) Committed as a "sexually violent predator" and under review for release.

In the case where the person is indigent, "evaluation by expert cost" includes the fee for a comprehensive examination and/or records review by a single examiner selected by the person examined. When additional examiners are approved by the trial judge for good cause, "evaluation by expert cost" includes the cost of additional examiners.

(4) "Incidental cost" means county-incurred efforts or costs that are not otherwise covered and are exclusively attributable to the trial of a person alleged to be a "sexually violent predator."

(5) "Investigative cost" means a cost incurred by a police agency or other investigative agency in the course of investigating issues specific to:

(a) Filing or responding to a petition alleging a person is a "sexually violent predator;" or

(b) Testifying at a hearing to determine if a person is a "sexually violent predator."

(6) "Medical cost" means a county-incurred extraordinary medical expense beyond the routine services of a jail.

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

(8) "Transportation cost" means the cost a county incurs when transporting a person alleged to be, or having been found to be, a "sexually violent predator," to and from a sexual predator program facility.

(9) "Trial cost" means the costs a county incurs as the result of filing a petition for the civil commitment of a person alleged to be a "sexually violent predator" under chapter 71.09 RCW. This cost is limited to fees for:

- (a) Judges, including court clerk and bailiff services;
- (b) Court reporter services;
- (c) Transcript typing and preparation;
- (d) Expert and nonexpert witnesses;
- (e) Jury; and
- (f) Jail facilities.

[Statutory Authority: RCW 71.09.050 and 43.20A.050. 94-12-006 (Order 3736), § 275-156-010, filed 5/19/94, effective 6/19/94. Statutory Authority: Chapter 71.09 RCW. 92-18-037 (Order 3447), § 275-156-010, filed 8/27/92, effective 9/27/92. Statutory Authority: RCW 43.20A.050. 91-21-027 (Order 3263), § 275-156-010, filed 10/8/91, effective 11/8/91.]

WAC 275-156-015 Limitation of funds. The department shall:

- (1) Reimburse funds to a county when funds are available;
- (2) Limit a county's reimbursement to costs of civil commitment trials or hearings as described under this chapter;
- (3) Restrict a county's reimbursement to documented investigation, expert evaluation, attorney, transportation, trial, incidental, and medical costs;
- (4) Not pay a county a cost under the rules of this section when said cost is otherwise reimbursable under law;
- (5) Pay a county's claim for a trial or hearing occurring during each biennium in the order in which the claim is received at the office of accounting services, special commitment center, until the department's biennial appropriation is expended.

[Statutory Authority: RCW 71.09.050 and 43.20A.050. 94-12-006 (Order 3736), § 275-156-015, filed 5/19/94, effective 6/19/94. Statutory Authority: RCW 43.20A.050. 91-21-027 (Order 3263), § 275-156-015, filed 10/8/91, effective 11/8/91.]

WAC 275-156-020 Maximum allowable reimbursement for civil commitment cost. The department shall reimburse a county for actual costs incurred up to the maximum allowable rate as specified:

- (1) Attorney cost - Up to forty-nine dollars and forty-one cents per hour;
- (2) Evaluation by expert cost - Actual costs, within reasonable limits, plus travel and per diem according to state travel policy;
- (3) Trial costs:
 - (a) Judge - Up to forty-six dollars and five cents per hour;
 - (b) Court reporters - Up to twenty dollars and seventy-one cents per hour;
 - (c) Transcript typing and preparation services - Up to four dollars and thirteen cents per page;
 - (d) Expert witnesses - Actual costs within reasonable limits plus travel and per diem according to state travel policy;
 - (e) Nonexpert witnesses - Actual compensation, travel and per diem paid to witnesses, provided compensation is in accordance with chapter 2.40 RCW and state travel policy;

(f) Jurors - Actual compensation, travel, and per diem paid to jurors provided compensation is in accordance with chapter 2.36 RCW and state travel policy;

(g) Jail facilities - Thirty dollars per day.

(4) Investigative cost - Up to twenty dollars and sixty-six cents per hour. Medical costs - Up to fifty dollars per day, not to exceed five consecutive days; and

(5) Transportation cost - Actual compensation paid to transport staff, plus mileage and per diem at the rate specified in the state travel policy.

[Statutory Authority: RCW 71.09.050 and 43.20A.050. 94-12-006 (Order 3736), § 275-156-020, filed 5/19/94, effective 6/19/94. Statutory Authority: Chapter 71.09 RCW. 92-18-037 (Order 3447), § 275-156-020, filed 8/27/92, effective 9/27/92. Statutory Authority: RCW 43.20A.050. 91-21-027 (Order 3263), § 275-156-020, filed 10/8/91, effective 11/8/91.]

WAC 275-156-025 Billing procedure. (1) When a county requests the department reimburse a county's cost, the county shall:

- (a) Make a claim using the state of Washington invoice voucher, Form A 19 1-A;
 - (b) Attach to the claim necessary documentation, support, and justification materials;
 - (c) Report expenses billed by the hour in one-quarter hour increments unless smaller increments are provided to the county by the vendor; and
 - (d) Include the name of the person for whom the costs were incurred and the cause number when it exists.
- (2) The department may subject a county's claim documentation to periodic audit at the department's discretion.

(3) Only an authorized administrator, or the county administrator's designee, may submit to the department a request for a county's cost reimbursement.

(4) A county shall submit a reimbursement claim to the department within thirty days of final costs incurred to assure proper handling of the claim.

(5) When a county submits a reimbursement claim, the county shall submit a reimbursement claim to the special commitment center, offices of accounting services.

(6) If the department's reimbursement appropriation becomes exhausted before the end of a biennium, a county may continue to make a claim for reimbursement. The department may use the reimbursement claim to justify a request for adequate department funding during future biennia.

[Statutory Authority: RCW 71.09.050 and 43.20A.050. 94-12-006 (Order 3736), § 275-156-025, filed 5/19/94, effective 6/19/94. Statutory Authority: RCW 43.20A.050. 91-21-027 (Order 3263), § 275-156-025, filed 10/8/91, effective 11/8/91.]

WAC 275-156-030 Exceptions. (1) The secretary may grant exceptions to the rules of this chapter.

(2) A county seeking an exception shall request the exception, in writing from the secretary or secretary's designee.

(3) The department shall deny a claim which does not follow the rules of this chapter unless the secretary or secretary's designee granted an exception before the claim was filed.

[Statutory Authority: RCW 71.09.050 and 43.20A.050. 94-12-006 (Order 3736), § 275-156-030, filed 5/19/94, effective 6/19/94. Statutory Authority:

RCW 43.20A.050. 91-21-027 (Order 3263), § 275-156-030, filed 10/8/91, effective 11/8/91.]

WAC 275-156-035 Effective date. When a county submits a reimbursement claim according to this chapter, the claim shall be only for costs incurred as defined in this chapter, on or after July 1, 1990.

[Statutory Authority: RCW 43.20A.050. 91-21-027 (Order 3263), § 275-156-035, filed 10/8/91, effective 11/8/91.]

WAC 275-156-040 Audits. The department may audit county reimbursement claims at the department's discretion.

[Statutory Authority: RCW 43.20A.050. 91-21-027 (Order 3263), § 275-156-040, filed 10/8/91, effective 11/8/91.]