

(2) Those in which the actual expenditures for traffic law enforcement have been equal to, or greater than, the amount of diverted road levy budgeted for traffic law enforcement;

(3) Those with a population of less than 8,000; and

(4) Those expending revenues collected for road purposes only on other governmental services after authorization from the voters of that county under RCW 84.55.050.

[Statutory Authority: Chapter 36.79 RCW. 97-24-069, § 136-150-023, filed 12/2/97, effective 1/2/98. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-150-023, filed 8/12/96, effective 9/12/96. Statutory Authority: Chapter 36.78 RCW. 87-21-046 (Order 66), § 136-150-023, filed 10/15/87.]

Chapter 136-200 WAC

FUNCTIONAL CLASSIFICATION FOR THE RAP PROGRAM

WAC

136-200-010	Purpose.
136-200-040	Functional classification verification.

WAC 136-200-010 Purpose. RCW 36.79.020 provides that rural arterial trust account (RATA) funds shall be expended for the construction and improvement of county arterials and collectors in rural areas. This chapter describes the manner in which the rural arterial and collector designations are made. The source document is entitled: *Guidelines: For Amending Urban Boundaries, Functional Classification, and/or Federal Aid Systems*, August 1990, by WSDOT, and includes all subsequent amendments.

[Statutory Authority: Chapter 36.79 RCW. 97-24-069, § 136-200-010, filed 12/2/97, effective 1/2/98. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-200-010, filed 8/12/96, effective 9/12/96. Statutory Authority: Chapter 36.78 RCW. 84-16-065 (Order 56), § 136-200-010, filed 7/30/84.]

WAC 136-200-040 Functional classification verification. Each RAP project application submitted in accordance with WAC 136-160-020 shall show the functional classification of the road or roads included in the project. Prior to project approval the CRABoard shall verify that the road on which the RAP project is requested is classified as a rural arterial or collector.

[Statutory Authority: Chapter 36.79 RCW. 97-24-069, § 136-200-040, filed 12/2/97, effective 1/2/98. Statutory Authority: Chapter 36.78 RCW. 86-21-076 (Order 63-P), § 136-200-040, filed 10/15/86; 84-16-065 (Order 56), § 136-200-040, filed 7/30/84.]

Chapter 136-210 WAC

DESIGN STANDARDS FOR RURAL ARTERIAL PROGRAM PROJECTS

WAC

136-210-010	Purpose.
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WAC 136-210-010 Purpose. RCW 36.79.060(2) provides that the CRABoard shall adopt reasonably uniform design standards for county rural arterials and collectors that meet the requirements for trucks transporting commodities.

This chapter describes how this statutory requirement will be implemented by the CRABoard.

[Statutory Authority: Chapter 36.79 RCW. 97-24-069, § 136-210-010, filed 12/2/97, effective 1/2/98. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-210-010, filed 8/12/96, effective 9/12/96. Statutory Authority: Chapter 36.78 RCW. 84-16-065 (Order 56), § 136-210-010, filed 7/30/84.]

Title 137 WAC CORRECTIONS, DEPARTMENT OF

Chapters

- 137-28 Prisons—Discipline.**
- 137-55 Adult correctional institutions—Acquisition of personal hygiene items.**
- 137-91 Adult correctional institutions—Medical care—Health care.**
- 137-100 Occupational exposure to human immunodeficiency virus (HIV).**

Chapter 137-28 WAC

PRISONS—DISCIPLINE

Reviser's note: The following chapter has not been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was filed in the code reviser's office and was published in the Washington State Register. It is published in the Washington Administrative Code exactly as filed by the agency with history notes added by code reviser's office.

WAC

137-28-140	Purpose.
137-28-160	Definitions.
137-28-220	General infractions.
137-28-260	Serious infractions.
137-28-350	Sanctions—Authority to impose.

WAC 137-28-140 Purpose. The rules in this chapter provide a standardized system to determine whether misconduct by an inmate of an adult correctional institution has occurred, and to provide a system that clearly links an offender's behavior and participation in available education and work programs as determined through classification with the receipt or denial of earned early release time and other privileges.

The rules in this chapter shall not apply to proceedings of the indeterminate sentence review board or the division of community corrections.

The following rules set forth procedural guidelines. They do not create any procedural or substantive rights in any person, including any liberty interests in time credits, levels of custody, classification status, or other privileges. In accordance with Washington statutes, such matters are governed solely by the discretion of the department of corrections.

[97-03-041, § 137-28-140, filed 1/10/97, effective 2/4/97. 95-15-044, § 137-28-140, filed 7/13/95, effective 8/15/95.]

WAC 137-28-160 Definitions. For the purposes of this chapter, the following words have the following meanings:

Adult correctional institution and institution - a facility identified in RCW 72.01.050(2) and any similar facility hereinafter established.

Aggravated assault - an assault resulting in physical injury and requiring medical care (see definition of medical care).

Assault - a physical attack upon the body of another person. The attack may be made with any instrument including, but not limited to weapons, body parts, food products or bodily secretions.

Attempt - putting forth an effort to commit any infraction shall be considered the same as commission of the infraction. However, attempted aggravated assault shall be considered an attempted assault.

Bodily harm - physical pain or injury, illness, or impairment of physical condition.

Cell tag - if contraband or other violation is discovered in an area under control of the inmate (such as within the confines or contents of a cell), the contraband or other violation shall be constructively attributed to the inmate(s) assigned to that area, unless the inmate(s) can establish a lack of involvement in the infraction at the disciplinary hearing.

Conspiracy - an agreement between two or more persons to commit an infraction. Conspiracy to commit an infraction shall be considered the same as commission of the infraction.

Director - the director of the division of prisons of the Washington state department of corrections, or the director's designee.

Discovery - when a staff member discovers that an infraction has occurred or when an investigation into the incident is concluded.

Earned time - means that portion of time an offender is eligible to earn for program participation approved by the classification process and consistent with his/her case management plan.

Earned release time - means the combined earned time and good conduct time credit an offender is eligible to earn off the minimum term established by the indeterminate sentence review board or the sentencing court.

Good conduct time credits - that portion of an inmate's potential reduction to minimum term which is authorized by RCW 9.95.070 and 72.09.130 and which may be lost by receiving serious infractions.

Hearing officer - Staff member(s) designated by the superintendent to conduct disciplinary hearings.

Infraction - commission of, attempt to commit, or conspiracy with another to commit any violation of prison rules as enumerated in this code. Aiding or abetting another to commit an infraction will be considered the same as commission of the infraction.

Lesser included offense - any infraction that must necessarily have been committed in order to commit another infraction.

Medical care - any care conducted in a medical facility/treatment center by medical staff to treat a documented, physical injury, including, but not limited to bandaging, suturing, surgery, etc. An examination conducted by medical

staff to determine whether an injury has been sustained shall not be considered medical care.

Possession - established when an item(s) is found on a person or in an area which is under the control of the individual(s) charged.

Promptly - to act as soon as reasonably possible, consistent with institutional goals of safety, security, and rehabilitation.

Sexual harassment - any word, action, gesture or other behavior that is sexual in nature and that would be offensive to a reasonable person.

Staff member - for purposes of this chapter includes employees of the department of corrections, contract employees, and volunteers.

Superintendent - superintendent of an adult correctional institution or the superintendent's designee.

Working days - Monday through Friday, excluding weekends and holidays.

[97-03-041, § 137-28-160, filed 1/10/97, effective 2/4/97. 95-15-044, § 137-28-160, filed 7/13/95, effective 8/15/95.]

WAC 137-28-220 General infractions. Any of the following types of behavior constitutes a general infraction:

Unauthorized possession/theft

- 051 - Unauthorized possession of money, stamps or negotiable instruments the total value of which is less than five dollars.
- 053 - Possession of anything not authorized for retention or receipt by an inmate and/or not issued to an inmate by regular institutional channels.
- 255 - Misuse or waste of issued supplies, goods, services or property, the replacement value of which is less than ten dollars.
- 310 - Pretending or failing to take prescribed medication that the inmate has accepted by concealing or retaining a single or daily dose.
- 354 - Theft of food, the value of which is five dollars or less.
- 356 - Possession of unauthorized amount of otherwise authorized clothing, bedding, or issued supplies.

Loaning/trading

- 052 - Loaning of property for profit.
- 351 - Giving, selling, borrowing, lending, or trading money or anything of value to, or accepting or purchasing money or anything of value from, another inmate or that inmate's friend(s) or family the value of which is less than ten dollars.

Altering/destroying property

- 055 - Mutilating, altering, defacing or destroying any item valued at less than ten dollars and that is not the personal property of the inmate.

Disruptive behavior/lying

- 202 - Abusive language, harassment or other offensive behavior directed to or in the presence of staff, visitors, inmates, or other persons or groups.
- 203 - Lying to a staff member.
- 244 - Unauthorized displays of sexual affection with another inmate.

- 353 - Disruptive behavior.
- 355 - Horseplay, roughhousing or any other unauthorized physical contact between inmates.

Failure to follow rules and orders

- 102 - Failure to follow any written rules or policies adopted by the institution and not specified within this chapter or in local disciplinary rules.
- 103 - Refusing or failing to obey an order, oral or written, of any staff member.
- 210 - Out of bounds; being in an area where the presence of the inmate is unauthorized.
- 214 - Interfering or failing to comply with count procedures.
- 251 - Smoking and possession of tobacco products where prohibited.
- 301 - Failure to keep your person or your quarters in accordance with institution rules or policies.

Unauthorized communication/visitor contact

- 303 - Unauthorized use of mail or telephone.
- 304 - Unwanted written and telephonic communications to any person.
- 305 - Correspondence or conduct with a visitor in violation of published or posted rules and policies.
- 309 - Unauthorized display of affection with a visitor.

Inappropriate use of equipment

- 212 - Using any equipment or machinery when not specifically authorized.
- 213 - Using any equipment or machinery contrary to instructions or safety standards.

Unexcused absence/feigning illness

- 104 - Unexcused absence from work or any assignment, scheduled meeting, appointment, or call out.
- 352 - Pretending to be ill or injured contrary to medical/mental health screening results.

[97-03-041, § 137-28-220, filed 1/10/97, effective 2/4/97. 95-15-044, § 137-28-220, filed 7/13/95, effective 8/15/95.]

WAC 137-28-260 Serious infractions.**Assault/threatening actions/causing injury to another person**

- 501 - Committing homicide.
- 502 - Aggravated assault on another offender.
- 503 - Extortion, blackmail, or demanding or receiving money or anything of value in return for protection against others, or under threat of informing.
- 505 - Fighting with any person.
- 506 - Threatening another with bodily harm or with any offense against another person, property or family.
- 508 - Throwing objects, materials, substances or spitting at staff, visitors, or other inmates.
- 511 - Aggravated assault on a visitor.
- 520 - Unauthorized demonstration, practice or use of martial arts.
- 521 - Taking or holding any person hostage.
- 588 - Causing a valid and documented threat of transmission of a contagious disease to any person due to intentional, negligent or reckless action.

- 599 - Careless behavior that causes injury to another offender.
- 604 - Aggravated assault on a staff member.
- 633 - Assault on another offender.
- 663 - Using physical force, intimidation or coercion against any person.
- 699 - Careless behavior that causes injury to a staff member.
- 704 - Assault on a staff member.
- 711 - Assault on a visitor.
- 717 - Causing a threat of injury to another person by disregard of orders, careless behavior, resisting assisted movement or physical efforts to restrain.
- 777 - Causing injury to a staff member by resisting orders, resisting assisted movement or physical efforts to restrain.
- 799 - Careless behavior that causes injury to a visitor.

Unauthorized possession

- 559 - Gambling; possession of gambling paraphernalia.
- 601 - Possession, manufacture or introduction of an explosive device or any ammunition, or any components of an explosive device or ammunition.
- 602 - Possession, manufacture or introduction of any gun, firearm, weapon, sharpened instrument, knife, or poison or any components thereof.
- 620 - Receipt or possession of contraband during participation in off-grounds or outer perimeter activity or work detail.
- 660 - Unauthorized possession of money, stamps, or negotiable instruments, the value of which is five dollars or more.
- 702 - Possession, manufacture or introduction of an unauthorized tool.
- 736 - Possession, manufacture or introduction of unauthorized keys.
- 738 - Possession of the clothing of a staff member.

Tattooing

- 710 - Being tattooed while incarcerated, tattooing another, or possessing tattoo paraphernalia.

Theft/possession of stolen property

- 555 - Theft of property or possession of stolen property.
- 741 - Theft of food, the value of which is more than five dollars.
- 755 - Misuse or waste of issued supplies, goods, services or property, the replacement value of which is ten dollars or more.

Forgery

- 654 - Counterfeiting, forging, altering or unauthorized reproduction of any document, article of identification, money, security, or official paper.

Setting fire, damaging or destroying property

- 553 - Setting a fire.
- 554 - Mutilating, altering, defacing or destroying any item, the value of which is ten dollars or more and that is not the personal property of the inmate.
- 563 - Making a false fire alarm or tampering with, damaging, blocking or interfering with fire alarms,

fire extinguishers, fire hoses, fire exits, or other fire fighting equipment or devices.

- 600 - Tampering with, damaging, blocking, or interfering with any locking or security device.
- 720 - Flooding a cell or other area of the institution.

Inciting others/participation in unacceptable group behavior

- 650 - Rioting.
- 651 - Inciting others to riot.
- 652 - Engaging in or inciting a group demonstration.
- 661 - Performing or taking part in an unauthorized marriage.
- 682 - Engaging in an organized work stoppage.
- 708 - Organizing or participating in an unauthorized group activity or meeting.
- 734 - Participating or engaging in the activities of any unauthorized club, organization, gang or security threat group; or wearing or possessing the symbols of an unauthorized club, organization, gang or security threat group.
- 746 - Participating in or inciting others to go on a hunger strike.

Inappropriate sexual behavior

- 504 - Engaging in sexual acts with others with the exception of spouses during approved extended family visits.
- 659 - Sexual harassment; any word, action, gesture or other behavior that is sexual in nature and that would be offensive to a reasonable person.
- 728 - Possession of any written, photographic or hand drawn material that depicts sexually explicit acts as defined in DOC 450.100.
- 750 - Indecent exposure.

Providing false statements

- 551 - Lying to the disciplinary hearing officer or lying on a disciplinary appeal.
- 552 - Causing an innocent person to be penalized or proceeded against by lying.
- 706 - Lying or giving false information about proposed community residence when proposing a release plan, community placement, etc.

Interfering with staff/impersonating

- 558 - Interfering with staff members, medical personnel, fire fighters, or law enforcement personnel in the performance of their duties.
- 605 - Impersonating any staff member, other inmate or visitor.

Failure to follow orders and rules

- 509 - Refusing a direct order by any staff member to proceed to or disperse from a particular area.
- 556 - Refusing to submit to or cooperate in a search when ordered to do so by a staff member.
- 557 - Refusing to participate in an available education or work program or other mandatory programming assignment.

- 609 - Refusing or failing to submit to testing required by policy, statute, or court order, such as DNA blood tests, when ordered to do so by a staff member.
- 658 - Failing to comply with any administrative or posthearing sanction imposed for committing any general or serious infraction.
- 724 - Refusing a cell or housing assignment.
- 745 - Refusing a transfer to another facility.

Counts/unauthorized absence

- 653 - Causing an inaccurate count by means of unauthorized absence, hiding, concealing ones self or other form of deception or distraction.

Escape/attempted escape

- 525 - Violating conditions of furlough.
- 550 - Escape or attempted escape.
- 560 - Unauthorized possession of items or materials likely to be used in an escape attempt.

Committing crimes/excess infractions

- 507 - Committing any act that is a felony under state or federal law that is not otherwise included in these rules.
- 517 - Committing any act that is a misdemeanor under local, state, or federal law that is not otherwise included in these rules.
- 657 - Being found guilty of four or more general infractions which have been reported in writing arising out of separate incidents, all of which occur within a six-month period.

Unacceptable communication

- 718 - Use of mail or telephone in violation of court order or local, state or federal law.
- 726 - Telephoning or sending written communication or otherwise initiating communication with a minor without the approval of that minor's parent or guardian.
- 727 - Telephoning or sending written communications to any person contrary to previous written warnings and/or documented disciplinary actions.

Misuse of controlled substances, drugs, alcohol and related programs

- 603 - Possession, introduction, or transfer of any narcotic, controlled substance, illegal drug, unauthorized drug or drug paraphernalia.
- 606 - Possession of tobacco products and/or matches in close/maximum housing units where strictly prohibited.
- 607 - Refusing to submit to a urinalysis and/or failure to provide a urine sample when ordered to do so by a staff member.
- 608 - Refusing or failing to submit to a breathalyzer or other standard sobriety test when ordered to do so by a staff member.
- 610 - Unauthorized accumulation of prescribed medication greater than a single or daily dose.

- 655 - Making intoxicants, alcohol, controlled substances, narcotics, or the possession of ingredients, equipment, items, formulas or instructions that are used in making intoxicants, alcohol, controlled substances, or narcotics.
- 707 - Possession, introduction, or transfer of any alcoholic or intoxicating beverage.
- 716 - Unauthorized use of drugs, alcohol or other intoxicants.
- 752 - Receiving a positive test for use of unauthorized drugs, alcohol, or other intoxicants.

Soliciting/fraud

- 656 - Giving, offering or receiving from any person a bribe or anything of value for an unauthorized favor or service.
- 662 - Soliciting goods or services for which the provider would expect payment when the inmate knows or should know that no funds are available to pay for those goods or services.
- 714 - Giving, selling, borrowing, lending, or trading money or anything of value to, or accepting or purchasing money or anything of value from, another inmate or that inmate's friend(s) or family, the value of which is ten dollars or more.
- 740 - Fraud, embezzlement, or obtaining goods, services, money, or anything of value under false pretense.

Creating an emergency situation

- 712 - Attempted suicide or self-mutilation.
- 742 - Creating a false emergency by feigning illness when contrary to medical/mental health screening results.
- 744 - Making a bomb threat.

[97-03-041, § 137-28-260, filed 1/10/97, effective 2/4/97. 95-15-044, § 137-28-260, filed 7/13/95, effective 8/15/95.]

WAC 137-28-350 Sanctions—Authority to impose.

(1) If the hearing officer determines that an inmate is guilty of a serious infraction, he/she may impose one or more of the following sanctions:

- (a) Any of the sanctions available for general infractions;
- (b) Any of the sanctions available under DOP 320.150 disciplinary sanctions directive;
- (c) Loss of a privilege or privileges as specified by the hearing officer not to exceed: Thirty days on a first offense, ninety days on a second offense, and one hundred eighty days on a third offense, within a one-year period;
- (d) Evening lockup or confinement to quarters for ten days;
- (e) Weekend and/or holiday lockup or confinement to quarters for a period of one or more weekends but not to exceed twelve consecutive weekends per incident. For purposes of this rule, a "weekend" shall begin at the end of the Friday workday and terminate at the beginning of the Monday workday;
- (f) Confinement to quarters except for meals, or with meals in cell, with or without curtailment of job assignment for a period not to exceed thirty days;

(g) Recommendation to the unit team/classification committee/assignment officer for reconsideration of custody classification or program change;

(h) Recommendations to the classification committee/classification officer for transfer to another institution when, as a result of the infraction committed, the inmate is unable to function in the institution of present confinement, or if other disciplinary methods have been attempted and failed;

(i) Confinement on segregation status for a period not to exceed thirty consecutive days;

(j) Confinement on isolation status for a period not to exceed ten consecutive days; however, where a serious infraction occurs during a period of isolation imposed under this rule, additional periods of isolation not to exceed ten days may be imposed. In situations where an inmate is in isolation for more than ten consecutive days, the director's prior approval is required unless the inmate is released from isolation for at least seventy-two consecutive hours between the end of one isolation sanction and the beginning of another;

(k) Restitution or fines;

(l) Recommendation to the superintendent that he/she not certify good conduct time credit for an inmate subject to the jurisdiction of the indeterminate sentence review board, pursuant to RCW 9.95.070 or that he/she approve the denial of good conduct time credit for those inmates not under the jurisdiction of the board.

(i) The recommendation will be consistent with guidelines established by the secretary of the department of corrections.

(ii) Any sanctions for loss of good conduct credits in excess of the guidelines established by the secretary of the department of corrections must have final approval by the director, division of prisons.

(iii) For inmates not under the board's jurisdiction, all awards of good conduct time shall be considered tentative and therefore all good conduct time credits earned or to be earned may be addressed under this rule;

(m) Recommendation to the indeterminate sentence review board for a disciplinary hearing or reconsideration of minimum term should occur only with infractions providing for actual time loss of twelve months or more and consistent with guidelines established by the department;

(n) Interruption of visitation between the offender and a specified individual(s) for a period of up to one hundred eighty consecutive days when there has been an infraction for visit related behavior or behavior that presents a security or safety threat. In cases of multiple or very serious offenses, recommendations may be made to the superintendent for extended or permanent loss of the privilege of visitation with a specified individual(s);

(o) Restrictions, interruption or termination of correspondence, and/or telephone privileges with specified individuals. Sanctions for offense(s) within any one-year period may not exceed: Up to ninety consecutive days for the first offense, one hundred eighty consecutive days for the second offense and permanent loss for the third offense. Termination of correspondence and/or telephone privileges may be permanent for the first offense if:

(i) The recipient so requests; or

- (ii) A parent or guardian of the recipient, if a minor or an incompetent person, so requests; or
- (iii) A felony was involved in the incident; or
- (iv) If the contact violates a court order;

(p) The sanction for infraction # 557 shall be the loss of available earned release credits and other privileges as outlined in division directives. Progressively more severe sanctions will be utilized for subsequent infractions # 557.

(2) If the hearing officer determines that more than one infraction occurred as a result of the same incident, he/she shall not impose consecutive sanctions for the separate infractions but shall consider them together and impose penalties for the group of infractions.

(3) The hearing officer may suspend the execution of a disciplinary sanction for a fixed period of time, not to exceed three hundred sixty-five consecutive days, subject to the good behavior of the inmate or to meeting other conditions as specified by the hearing officer. If the subsequent behavior of the inmate is appropriate, the hearing officer may, at or before the end of the fixed period, cancel the sanction. A suspended sanction may be imposed if the inmate has been found guilty of a general or serious infraction or of violating the conditions attached to the original suspension. A suspended sanction may be imposed by the hearing officer following notice to, and an in-person meeting with, the inmate.

(4) The hearing officer may review any decision he/she previously made and may modify downward any sanction previously imposed.

(5) Sanctions shall not be imposed while an appeal from the hearing officer's decision is under consideration by the superintendent.

(6) In all cases, regardless whether an appeal is taken, the superintendent may review a sanction imposed and may reduce its severity.

(7) Nothing in this section limits the superintendent's discretion to grant, deny, suspend, or revoke any privilege.

[97-03-041, § 137-28-350, filed 1/10/97, effective 2/4/97. 95-15-044, § 137-28-350, filed 7/13/95, effective 8/15/95.]

Chapter 137-55 WAC

**ADULT CORRECTIONAL INSTITUTIONS—
ACQUISITION
OF PERSONAL HYGIENE ITEMS**

Reviser's note: The following chapter has **not** been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was filed in the code reviser's office and was published in the Washington State Register. It is published in the Washington Administrative Code exactly as filed by the agency with history notes added by code reviser's office.

WAC

137-55-010	Purpose.
137-55-020	Definitions.
137-55-030	Acquisition of items.
137-55-040	Replenishment.
137-55-050	Indigent offender.
137-55-060	Nonindigent offenders.

WAC 137-55-010 Purpose. The purpose of these rules is to establish a uniform procedure for the acquisition

and replenishment of personal hygiene items within all department of corrections facilities.

[97-03-041, § 137-55-010, filed 1/10/97, effective 2/4/97.]

WAC 137-55-020 Definitions. (1) "Personal hygiene items" shall consist of items directed towards a particular individual, which are used to promote or preserve that individual's health and to contribute to the prevention of disease or infection.

(2) "Indigent" for purposes of this rule shall be defined as an offender who has less than a ten-dollar balance of disposable income in his or her institutional account on the day the request is made to use funds or during the thirty days previous to the request.

(3) "Acquisition" for the purpose of this rule shall refer to the act of acquiring or locating personal hygiene items.

(4) "Replenishment" for the purposes of this rule shall refer to the act of adding to or obtaining a new supply of new personal hygiene items.

[97-03-041, § 137-55-020, filed 1/10/97, effective 2/4/97.]

WAC 137-55-030 Acquisition of items. (1) All offenders incarcerated within department of corrections facilities shall be responsible for the acquisition and replenishment of personal hygiene items after the initial issuance of those items at the reception center.

(2) Initial issuance of personal hygiene items shall include the department's issuance of the following items to individual offenders:

- (a) Bath soap;
- (b) Tooth brush;
- (c) Tooth paste;
- (d) Razor - one each;
- (e) Comb or hair pick - one each;
- (f) Shampoo - thirty-day supply (optional issuance for offenders in the reception center only);
- (g) Deodorant - thirty-day supply (optional issuance for offenders in the reception center only); and
- (h) State issued sanitary napkins will be made available to female offenders on an as needed basis without charge.

(g) Deodorant - thirty-day supply (optional issuance for offenders in the reception center only); and

(h) State issued sanitary napkins will be made available to female offenders on an as needed basis without charge.

[97-03-041, § 137-55-030, filed 1/10/97, effective 2/4/97.]

WAC 137-55-040 Replenishment. (1) "Replenishment" of offender personal hygiene items shall be in accordance with the department's established usage factors for personal hygiene items.

(2) The guideline usage for each personal hygiene item shall be as follows:

- (a) Bath soap - seven days per bar;
- (b) Tooth brush - sixty days;
- (c) Tooth paste - thirty days;
- (d) Razor - five days;
- (e) Comb - sixty days; and
- (f) Hair pick - one hundred eighty days.

(3) Department replenishment of personal hygiene items shall be issued to those offenders meeting the definition of indigent and those offenders that do not have sufficient money available.

(4) If a nonindigent offender does not have sufficient money for a single item issue, any money available will be

deducted and a debt established for the balance and collected in accordance with the offender financial debt collection procedure.

(5) State issued sanitary napkins will be made available to female offenders on an as needed basis without charge.

[97-03-041, § 137-55-040, filed 1/10/97, effective 2/4/97.]

WAC 137-55-050 Indigent offender. (1) Those offenders meeting the definition of indigent offenders, shall not be denied access to personal hygiene items in terms of both initial acquisition and later replenishment.

(2) The department of corrections shall establish uniform issue by quantity per item.

(3) The state shall be reimbursed for the cost of the personal hygiene supplies in accordance with established department of corrections procedures as stated in the offender financial debt collection procedure.

[97-03-041, § 137-55-050, filed 1/10/97, effective 2/4/97.]

WAC 137-55-060 Nonindigent offenders. Nonindigent offenders who have sufficient money shall purchase personal hygiene items through their facility commissary program.

[97-03-041, § 137-55-060, filed 1/10/97, effective 2/4/97.]

Chapter 137-91 WAC

**ADULT CORRECTIONAL INSTITUTIONS—
MEDICAL CARE—HEALTH CARE**

Reviser's note: The following chapter has not been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was filed in the code reviser's office and was published in the Washington State Register. It is published in the Washington Administrative Code exactly as filed by the agency with history notes added by code reviser's office.

WAC

137-91-010	Health care—General policy.
137-91-011	Repealed.
137-91-020	Contracts for services.
137-91-021	Repealed.
137-91-030	Utilization review.
137-91-040	Purchasing health care services.
137-91-050	Audits and recovery in purchasing health care services.
137-91-060	Repealed.
137-91-075	Other health care coverage.
137-91-080	Health care services.
137-91-090	Use of allied health professionals.
137-91-100	Health record.

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

137-91-011	Medical/dental care—General policy. [Statutory Authority: RCW 72.01.050, 72.01.090 and 72.09.050. 84-16-066 (Order 84-11), § 137-91-011, filed 7/30/84, effective 9/4/84. Formerly WAC 275-91-011.] Repealed by 97-22-057, filed 11/3/97, effective 12/4/97.
137-91-021	Medical/dental services. [Statutory Authority: RCW 72.01.050, 72.01.090 and 72.09.050. 84-16-066 (Order 84-11), § 137-91-021, filed 7/30/84, effective 9/4/84. Formerly WAC 275-91-021.] Repealed by 97-22-057, filed 11/3/97, effective 12/4/97.

137-91-060 Records. [Statutory Authority: RCW 72.01.050, 72.01.090 and 72.09.050. 84-16-066 (Order 84-11), § 137-91-060, filed 7/30/84, effective 9/4/84. Formerly WAC 275-91-060.] Repealed by 97-22-057, filed 11/3/97, effective 12/4/97.

WAC 137-91-010 Health care—General policy. The policy of the department of corrections (the department) with regard to health care for offenders in adult correctional facilities is to provide that care, consistent with the **Offender Health Plan (OHP)**, which is medically necessary to respond to the offender's medical, dental, and mental health needs. Medically necessary is defined as that care that is determined by the department to:

- Be consistent with applicable department policies and procedures;
- Be ordered by an authorized department health care provider;
- Be required to prevent significant deterioration in the offender's health or permanent functional impairment if not rendered during the period of incarceration;
- Not be considered experimental or be lacking in medically recognized professional documentation of efficacy; and
- Not be administered solely for the convenience of the offender or the health care provider.

[97-22-057, § 137-91-010, filed 11/3/97, effective 10/22/97.]

WAC 137-91-011 Repealed. See Disposition Table at beginning of this chapter.

WAC 137-91-020 Contracts for services. The department intends to purchase health care in a prudent, cost-effective manner without unduly restricting offenders' access to appropriate and medically necessary care. Therefore, notwithstanding any other provisions of law, the secretary may enter into contracts with health care practitioners, health care facilities, and other entities or agents qualified to provide such services as may be necessary to provide health care to offenders in accordance with the provisions of RCW 72.10.030.

[97-22-057, § 137-91-020, filed 11/3/97, effective 10/22/97.]

WAC 137-91-021 Repealed. See Disposition Table at beginning of this chapter.

WAC 137-91-030 Utilization review. When purchasing health care services and establishing medical necessity of services, the secretary is authorized to implement health care utilization management methods to assure the appropriateness of the care rendered to the offender. These methods may include but are not limited to: Prior authorization; hospital length of stay review; case management; treatment guidelines; and audit of billed charges and services rendered.

[97-22-057, § 137-91-030, filed 11/3/97, effective 10/22/97.]

WAC 137-91-040 Purchasing health care services. The secretary is authorized to institute any reasonable reimbursement mechanism for purchasing health care services from health care practitioners or health care facili-

ties. These reimbursement mechanisms shall include, but are not limited to: Capitation; per diems, global fees; diagnosis-related groups (DRG); fee schedules, or any other prudent cost-effective payment method which shall be established by rule adopted in accordance with chapter 34.05 RCW.

[97-22-057, § 137-91-040, filed 11/3/97, effective 10/22/97.]

WAC 137-91-050 Audits and recovery in purchasing health care services. The secretary may establish rules and procedures for selectively and/or randomly auditing the accuracy of fees and the medical billings submitted to the department. The department, or its agent, may review the offender's community health care record to assure that the offender received the services for which the bill was submitted.

Whenever an audit establishes that the services rendered were not authorized or medically necessary, the department shall not pay the cost for such services nor shall the offender be held accountable for such costs.

The secretary is authorized to seek recovery when the department identifies that a health care practitioner or facility is not entitled to the billed fees. The practitioner or facility is liable for any excess payment received and must repay the excess payment plus accrued interest on the excess payment at the rate of one percent per month for each month for the period from the date which the payment was made to the date upon which payment is made to the department.

[97-22-057, § 137-91-050, filed 11/3/97, effective 12/5/97. Statutory Authority: RCW 72.01.050, 72.01.090 and 72.09.050. 84-16-066 (Order 84-11), § 137-91-050, filed 7/30/84, effective 9/4/84. Formerly WAC 275-91-050.]

WAC 137-91-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 137-91-075 Other health care coverage. If an offender is eligible for health care benefits through the veterans administration, the department of labor and industries (L&I), automobile insurance claims, or any other third-party payer or insurer determined to be primarily responsible for the offender's health condition, through coordination of benefits rules, the department of corrections shall be considered a secondary payer.

[97-22-057, § 137-91-075, filed 11/3/97, effective 10/22/97.]

WAC 137-91-080 Health care services. The health care program operated by the department of corrections shall include the following services:

- (1) Initial examination when the offender enters the adult correction system. This examination shall include:
 - (a) Health history;
 - (b) An initial physical examination including laboratory, radiology and other diagnostic studies, as indicated;
 - (c) Dental examination;
- (2) Immunizations, as indicated;
- (3) Evaluation of capacity for work, educational programs, special housing assignment, and recreation;

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(4) Consultations, examinations and treatment as required for the health maintenance of each offender in accordance with the policy discussed at WAC 137-91-010.

[97-22-057, § 137-91-080, filed 11/3/97, effective 12/5/97. 96-21-014, § 137-91-080, filed 10/4/96, effective 11/5/96.]

WAC 137-91-090 Use of allied health professionals. Allied health professionals, those licensed certified or registered health care providers other than physicians or dentists, may be used in the health care programs at each correctional facility. Allied health professionals may deliver such care as their licensure, certification, registration or statute governing their profession permits.

[97-22-057, § 137-91-090, filed 11/3/97, effective 10/22/97.]

WAC 137-91-100 Health record. The health record shall be maintained at the facility where an offender is housed. Health records of offenders housed at work release facilities shall be maintained at a location(s) designated by the director, division of community corrections. Upon transfer of the offender between state facilities, that offender's record shall be transferred along with the offender. The health record shall be archived ninety days following the offender's release from the department's jurisdiction. The health record shall include:

- (1) Detailed reports of admission, medical, dental and mental health evaluations and recommendations;
- (2) All primary encounter and progress notes regarding continuing health status including illnesses, hospitalization, surgery, results of consultations and examinations, reports of tests done, immunizations, and problem lists;
- (3) Reports completed by outside consultants.

Information contained in the offender health record is **confidential**. Access to and release of information contained in the offender health record shall be in strict compliance with chapter 70.02 RCW.

[97-22-057, § 137-91-100, filed 11/3/97, effective 10/22/97.]

Chapter 137-100 WAC OCCUPATIONAL EXPOSURE TO HUMAN IMMUNODEFICIENCY VIRUS (HIV)

Reviser's note: The following chapter has **not** been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but was filed in the code reviser's office and was published in the Washington State Register. It is published in the Washington Administrative Code exactly as filed by the agency with history notes added by code reviser's office.

WAC

137-100-001	Purpose.
137-100-010	Definitions.
137-100-020	Medical records available.
137-100-030	Request for test results - by correctional staff members.

WAC 137-100-001 Purpose. The purpose of this chapter shall be to insure coordination of the provisions of SHB 1605, RCW 70.24.105, RCW 70.24.340, RCW

70.24.370 and chapter 72.09 RCW by the department of corrections and the department of health.

[97-24-052, § 137-100-001, filed 11/26/97, effective 10/24/97.]

WAC 137-100-010 Definitions. The following definitions shall apply in interpreting this chapter:

(1) Correctional staff member means a department of corrections employee, an individual providing services under contract to the department, and volunteers.

(2) Department means the department of corrections.

[97-24-052, § 137-100-010, filed 11/26/97, effective 10/24/97.]

WAC 137-100-020 Medical records available. The department will make available an offender's sexually transmitted disease status to any correctional staff member who has experienced a substantial exposure by that offender. Should such records be nondiscloseable, the department shall advise the correctional staff member of the process to receive that information. This process shall be facilitated by the health care manager or infection control coordinator.

[97-24-052, § 137-100-020, filed 11/26/97, effective 10/24/97.]

WAC 137-100-030 Request for test results - by correctional staff members. A request for test results shall be made in writing. At a minimum, the request shall include:

- (1) Name of the person requesting the record;
- (2) Nature of the exposure, including date and time;
- (3) Name of the offender; and
- (4) DOC number of the offender, if known.

The request shall be accompanied by a copy of the report of personal injury (form DOC 3-133) and a post-exposure incident report (DOC form 3-184) outlining the circumstances and results of the exposure incident.

[97-24-052, § 137-100-030, filed 11/26/97, effective 10/24/97.]

Title 172 WAC EASTERN WASHINGTON UNIVERSITY

Chapters

172-120 Student conduct code.

Chapter 172-120 WAC STUDENT CONDUCT CODE

WAC

172-120-015	Definitions.
172-120-020	Interest of the university relevant to a student code.
172-120-030	Relationship between civil and criminal laws and university disciplinary proceedings.
172-120-040	Conduct code.
172-120-050	Sanctions.
172-120-060	Discipline functionaries.

172-120-070	Initiation of disciplinary procedures.
172-120-080	Authority of university disciplinary officer.
172-120-090	Consolidation of cases permissible.
172-120-100	Hearings procedure.
172-120-110	Disciplinary committee—Deliberations and sanctions.
172-120-120	Appeals.
172-120-130	Interim suspension permitted.
172-120-140	Judicial proceedings—Procedural rights of students.
172-120-150	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

172-120-150	Academic misconduct. [Statutory Authority: RCW 28B.35.120 and 43.21C.120. 87-20-056 (Order 87-01), § 172-120-150, filed 10/2/87.] Repealed by 97-06-095, filed 3/4/97, effective 4/4/97. Statutory Authority: RCW 28B.35.120.
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WAC 172-120-015 Definitions. For purposes of the student conduct code, chapter 172-120 WAC, the definitions of this section apply throughout the chapter.

(1) "Student" includes all persons taking courses at the university, both full and part time. Nonmatriculated, international students attending language institutes or foreign study programs at the university are also considered students under the terms of this code.

(2) "University" refers to the facilities, property, programs, activities and members of the Eastern Washington University community.

[Statutory Authority: RCW 28B.35.120. 97-06-095, § 172-120-015, filed 3/4/97, effective 4/4/97.]

WAC 172-120-020 Interest of the university relevant to a student code. The university is a special-purpose, as opposed to general-purpose community, and as such must devise procedures and regulations to control disruptive elements which would deter the university from furthering its mission—providing learning experiences for its students, transmitting and advancing knowledge and providing services to the greater community. Special university interests provide a foundation for building a code of conduct.

(1) The university has a primary concern with matters which impinge on academic achievement and integrity.

(2) The university has a concern with conduct which breaches the peace, causes disorder and substantially interferes with the rights of others.

(3) The university has an interest in behavior which threatens or actions which imperil the physical and mental health and safety of members of the university community.

(4) The university has an obligation to protect its property and the property of members of its community from theft, damage, destruction or misuse.

(5) The university has a commitment to meet its contractual agreements.

(6) The university has an obligation to support and be guided by laws of the land.

[Statutory Authority: RCW 28B.35.120. 97-06-095, § 172-120-020, filed 3/4/97, effective 4/4/97; 81-06-023 (Order 1-22-81), § 172-120-020, filed 2/25/81; Order 72-2, § 172-120-020, filed 5/12/72.]

WAC 172-120-030 Relationship between civil and criminal laws and university disciplinary proceedings.