(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, § 136-210-010, 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.]

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, § 136-210-010, filed 12/2/97, effective 1/2/98. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-210-023, filed 8/12/96, effective 9/12/96. Statutory Authority: Chapter 36.78 RCW. 87-21-046 (Order 66), § 136-210-023, filed 10/15/87.]

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, § 136-210-010, 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.

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.]

[1998 WAC Supp—page 93]
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.

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.

Alterating/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.

**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.
Tampering with, damaging, blocking, or interfering with any locking or security device.

600 - Refusing a direct order by any staff member to proceed to or disperse from a particular area.

556 - Refusing to participate in an available education or work program or other mandatory programming assignment.

557 - Refusing 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.

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

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.

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.

610 - Unauthorized accumulation of prescribed medication greater than a single or daily dose.
Soliciting/fraud

- Giving, offering or receiving from any person a bribe or anything of value for an unauthorized favor or service.
- 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.
- 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.
- Fraud, embezzlement, or obtaining goods, services, money, or anything of value under false pretense.

Creating an emergency situation

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

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

[1998 WAC Supp—page 97]
(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.

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.
[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


137-91-021 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, 72.01.080 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 appropriate 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 facil-
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.

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.

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;
4. Consultations, examinations and treatment as required for the health maintenance of each offender in accordance with the policy discussed at WAC 137-91-100.

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.

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.

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...
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
172-120-015  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.]

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.

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.

[1998 WAC Supp—page 101]