

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

DEPARTMENT OF CORRECTIONS

(agency name)

Administrative Order No. 84-11

(1) I, Amos E. Reed, Secretary, director of the Department of Corrections

do promulgate and adopt at Olympia, Washington (place)

the annexed rules relating to:

ADOPT: Chapter 137-91 WAC, Adult Correctional Institutions -- Medical Care -- Health Care

REPEAL: Chapter 275-91 WAC, Adult Correctional Institutions -- Medical Care -- Health Care

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. 84-13-075 filed with the code reviser on June 20, 1984. These rules shall take effect: [ ] thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2). [x] at a later date, such date being September 4, 1984.

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is:

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

[ ] (a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.

[ ] (b) This rule is promulgated pursuant to RCW which directs that the

has authority to implement the provisions of (agency)

(name of act or RCW citation)

[x] (c) This rule is promulgated under the general rule-making authority of the DEPARTMENT OF CORRECTIONS

(agency)

as authorized in RCW 72.01.050, 72.01.090 and 72.09.050

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this agency, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED July 30, 19 84

STATE OF WASHINGTON FILED

JUL 30 1984

CODE REVISER'S OFFICE WSR 84-11c-01de

By Amos E. Reed, Secretary

Title

**NOTE:**

RCW 34.04.026 provides:

(1) In addition to the provisions of RCW 34.04.025(1)(a)(i), every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules:

(a) The most specific reference shall be to a section of law which the rule is implementing, and shall be quoted as follows: "This rule is promulgated pursuant to RCW \_\_\_\_\_ and is intended to administratively implement that statute."

(b) The next specific reference, and one which shall be used only if paragraph (a) of this subsection is not applicable, shall be to that portion of an act which directs an agency to adopt rules and regulations as necessary to implement the act, and shall be quoted as follows: "This rule is promulgated pursuant to RCW \_\_\_\_\_ which directs that the (agency) has authority to implement the provisions of (name of act or RCW citation)."

(c) The least specific reference, and one which shall be used only if paragraphs (a) and (b) of this subsection are not applicable, is one which indicates that the rule is promulgated under the agency's broad rule-making authority—either in the agency enabling legislation or chapter 34.04 RCW, and shall be quoted as follows: "This rule is promulgated under the general rule-making authority of the (agency) as authorized in RCW \_\_\_\_\_."

(2) The code reviser is directed to develop a format for placing such specific language in each rule, and agencies shall then comply with the code reviser's direction, and shall include the same in the final rule.

(3) During the promulgation hearings process the public may question whether such rule should have a more specific reference, and the agency shall, pursuant to RCW 34.04.025(1)(b), give consideration to such requests."

All correspondence regarding this adoption should be directed to:

Robert W. Sampson, Administrator  
Office of Contracts and Regulations  
Department of Corrections  
Mail Stop FN-62  
(206) 753-5770 or SCAN 234-5770

## Chapter 137-91 WAC

## ADULT CORRECTIONAL INSTITUTIONS--MEDICAL CARE--HEALTH CARE

## WAC

- 137-91-011 Medical/dental care--General policy.
- 137-91-021 Medical/dental services.
- 137-91-050 Use of allied health professionals.
- 137-91-060 Records.
- 137-91-070 Supplemental care.

NEW SECTION

WAC 137-91-011 MEDICAL/DENTAL CARE--GENERAL POLICY. The policy of the department of corrections with regard to medical and dental care for inmates of adult correctional institutions is to provide, at a minimum, a degree of care which is designed to reasonably respond to an inmate's serious medical and dental needs. The considerations of proper medical/dental procedure, time and available resources are material in defining what is a reasonable response in any particular situation. More than the minimum level of care may be provided when such additional care comports with proper medical practice and is reasonably affordable from the department's resources. Serious medical needs are those which, if not responded to, will

- (1) Cause or allow to continue significant or debilitating pain; or
- (2) Cause significant deterioration of the inmate's medical condition during the period of his incarceration.

NEW SECTION

WAC 137-91-021 MEDICAL/DENTAL SERVICES. The medical/dental treatment program operated by the department of corrections shall include the following services:

- (1) Regular environmental health inspections and, where appropriate, recommendations.
- (2) Initial examination when the inmate enters the adult correctional system. This examination shall include:
  - (a) A medical history;
  - (b) A physical examination, including fundoscopy and ocular tonometry for residents over forty years of age, rectal examination as indicated, and other examinations as indicated;
  - (c) A chest film as indicated;
  - (d) Serology;
  - (e) Blood count;
  - (f) Urinalysis;
  - (g) Electrocardiogram as indicated;
  - (h) Visual and auditory acuity;
  - (i) Dental examination;
  - (j) For female residents, gonorrhea culture and Pap smear as indicated.
- (3) Immunizations as indicated.
- (4) Evaluation of capacity for work and recreation.
- (5) Period consultations, examinations and treatment as required for the medical and dental maintenance of each inmate in accordance with the policy discussed at WAC 137-91-011.

NEW SECTION

WAC 137-91-050 USE OF ALLIED HEALTH PROFESSIONALS. Allied health professionals may be used in the medical and dental health programs at each institution. When operating under the supervision of a licensed physician or dentist, an allied health professional may conduct initial screening, treat minor illnesses, and do related tasks.

NEW SECTION

WAC 137-91-060 RECORDS. Medical and dental records shall be maintained at the institution in which an inmate is housed. Upon the transfer of an inmate between state institutions, that inmate's medical and dental records shall be transferred along with the inmate. Records shall include all items of material interest to medical personnel and shall include

- (1) Detailed reports of admission medical evaluation and recommendations;
- (2) Progress notes regarding continuing health status including illnesses, hospitalizations, surgery, results of consultations and examinations, reports of tests done, and immunizations;
- (3) Reports made by outside consultants.

NEW SECTION

WAC 137-91-070 SUPPLEMENTAL CARE. Any inmate may, at his or her own expense, obtain medical or dental care additional to that mandated by the provisions of this chapter: PROVIDED, That a doctor or dentist in the department's employ certifies that the proposal for supplemental treatment comports with sound medical or dental practice. The time and place of the performance of the supplemental care are subject to the convenience of the prison's custody staff.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- (1) WAC 275-91-011 MEDICAL/DENTAL CARE--GENERAL POLICY.
- (2) WAC 275-91-021 MEDICAL/DENTAL SERVICES.
- (3) WAC 275-91-031 RIGHT TO REFUSE TREATMENT.
- (4) WAC 275-91-041 INVOLUNTARY TREATMENT--APPEALS.
- (5) WAC 275-91-050 USE OF ALLIED HEALTH PROFESSIONALS.
- (6) WAC 275-91-060 RECORDS.
- (7) WAC 275-91-070 SUPPLEMENTAL CARE.