

WSR 21-01-017

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Behavioral Health Administration)

[Filed December 3, 2020, 12:44 p.m., effective January 3, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of these rules is to clarify the duties and authority of the forensic navigator program under RCW 10.77.074. This RCW was the result of the settlement agreement and implementation plan for the Trueblood lawsuit. These rules describe the time frames that jails must follow in providing access to forensic navigator clients, and the time frames that entities holding relevant client records must follow in providing records to forensic navigators, to help ensure timely provision of forensic navigator services. These rules also describe the caseload prioritization for forensic navigators, and the circumstances in which forensic navigator services will terminate.

Citation of Rules Affected by this Order: New WAC 388-875-0200, 388-875-0210, 388-875-0220, and 388-875-0230.

Statutory Authority for Adoption: Chapter 10.77 RCW; RCW 10.77.074, 72.01.090.

Adopted under notice filed as WSR 20-14-118 on July 1, 2020.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-875-0220 changed "may" to "must" in response to public comment.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 4, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 4, Amended 0, Repealed 0.

Date Adopted: December 2, 2020.

Katherine I. Vasquez
Rules Coordinator

SHS-4818.3

NEW SECTION

WAC 388-875-0200 Forensic navigators—Access to jails. Jails that are holding forensic navigator clients must allow forensic navigators access to their clients held within that jail within twenty-four hours of a request by a forensic navigator.

[]

NEW SECTION

WAC 388-875-0210 Forensic navigators—Access to records. A behavioral health, educational, or law enforcement agency, or a correctional facility must provide records to the forensic navigator that relate to an individual who is receiving forensic navigator services within seventy-two hours of a records request.

[]

NEW SECTION

WAC 388-875-0220 Forensic navigator caseload. The department has discretion over the manner in which caseloads are prioritized. This prioritization must include, but is not limited to, prioritization of clients who are:

(1) In jail awaiting competency services for whom DSHS has received an order to provide competency services, over those who are not; and

(2) Frequent users of forensic mental health services over clients who are not frequent users of the forensic mental health system.

[]

NEW SECTION

WAC 388-875-0230 Discharge of forensic navigator. Forensic navigator services must conclude upon the occurrence of any of the following events:

(1) A forensic navigator client is determined competent to stand trial;

(2) A forensic navigator client is determined not competent to stand trial, but is not ordered into the outpatient competency restoration program (OCRP);

(3) A forensic navigator client has their criminal charges dismissed pending a civil commitment hearing;

(4) A forensic navigator client enters or returns to jail due to a revocation of OCRP or the filing of new charges;

(5) A forensic navigator client receives a new or amended order directing inpatient admission for restoration;

(6) A forensic navigator client refuses further forensic navigator services after the court ordered restoration period ends; or

(7) In other situations, as deemed appropriate by the department, in its sole discretion.

[]