

## WSR 25-15-005

## PERMANENT RULES

## DEPARTMENT OF

## SOCIAL AND HEALTH SERVICES

(Behavioral Health and Habilitation Administration)

[Filed July 2, 2025, 3:08 p.m., effective August 2, 2025]

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

Purpose: The department of social and health services recognizes these WAC have not been updated since 2001 and since then, there have been policy and RCW changes that require updates. These amendments also remove the governing body requirement and update to gender-neutral language throughout.

Citation of Rules Affected by this Order: Repealing WAC 388-881-015; and amending WAC 388-881-010, 388-881-020, 388-881-025, 388-881-030, and 388-881-035.

Statutory Authority for Adoption: RCW 71.09.070, 71.09.090, 71.09.097, and 71.09.800.

Adopted under notice filed as WSR 25-11-086 on May 21, 2025.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 5, Repealed 1.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 5, Repealed 1.

Date Adopted: July 2, 2025.

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**SHS-5056.3**

AMENDATORY SECTION (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

**WAC 388-881-010 External oversight of the special commitment center.** Independent external oversight of the SCC (~~(shall)~~) must include:

- (1) (~~A governing body;~~
- ~~(2))~~ Professional standards to be used as a benchmark for evaluation;
- ~~((3))~~ (2) An inspection of care according to accepted professional standards;
- ~~((4))~~ (3) An (~~ombudsman~~) ombudsperson service; and
- ~~((5))~~ (4) External investigation of incidents.

AMENDATORY SECTION (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

**WAC 388-881-020 External oversight—Professional standards.** (1)

The department (~~(shall)~~) must develop (~~(and governing body approve for use)~~) professional practice standards applicable to treatment programs for adults civilly committed (~~(adult)~~) for sex (~~(offenders)~~) offenses.

(2) Such standards (~~(shall)~~) must include provisions requiring:

- (a) Staff competency, training, and supervision;
- (b) Adequacy of treatment components and measures of progress;
- (c) A treatment-supportive environment;
- (d) Provision of medical services appropriate to a residential treatment setting; and
- (e) Program oversight.

AMENDATORY SECTION (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

**WAC 388-881-025 External oversight—Annual inspection of care**

**(IOC).** (1) An independent, annual, on-site inspection of care, performed according to professional standards approved under this chapter, (~~(shall)~~) will be conducted of the SCC at least annually. The inspection of care team will review at least the following:

- (a) Community operations;
- (b) Medical services;
- (c) Residential operations;
- (d) Treatment as defined by RCW 71.09.020;
- (e) Forensic services; and
- (f) Environment of care.

(2) The purpose of the IOC (~~(shall be)~~) is to provide objective measures of service delivery, for internal program use and quality management (~~(, to the governing body)~~).

(3) Members of the inspection of care team (~~(shall)~~) will be contracted by the department annually for a specified period during which they (~~(shall)~~) must:

- (a) Conduct an on-site and documentary inspection;
- (b) Prepare interim and final, and, as requested by the SCC (~~(superintendent or governing body)~~) chief executive officer, supplementary reports;
- (c) Receive and consider SCC program responses to all reports.

(4) The IOC team (~~(shall)~~) must be of no fewer than (~~(four)~~) three and no more than six persons.

(a) At least one member of the IOC team must not be a DSHS employee; (~~(and)~~)

(b) At least one member must be a sex offender treatment provider (~~(-)~~); and

(c) At least one member must be a medical doctor.

AMENDATORY SECTION (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

**WAC 388-881-030 External oversight—((Ombudsman)) Ombudsperson service.** (1) The SCC ((shall)) must retain an ((ombudsman)) ombudsperson service for the purpose of conducting independent, neutral reviews of program conformance with internal SCC policies in the care, control, and treatment of residents at the SCC.

(2) The ((ombudsman)) ombudsperson function ((shall)) must be outside the supervision of the ((superintendent)) chief executive officer of the SCC ((and of the assistant secretary for health and rehabilitation services administration)).

(3) In performance of the ((ombudsman)) ombudsperson function, the individual(s) so employed ((shall)) must be afforded access to all records and documents normally available to public inspection according to rules and policies of the department and of the state of Washington.

AMENDATORY SECTION (Amending WSR 02-02-054, filed 12/27/01, effective 1/27/02)

**WAC 388-881-035 External oversight—Investigation of incidents.** ((1) The Washington state patrol shall investigate incidents which involve SCC residents in accordance with department policy.

((2) The scope and authority for such investigations shall be determined through an interagency agreement between the department and the Washington state patrol.

((3) Criteria to determine which incidents justify external investigation shall be approved by the secretary, DSHS)) SCC will refer all potential criminal incidents to the appropriate law enforcement entity.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-881-015 External oversight—Governing body.