**DBHR Policy and Procedure Review Tool for Providers**

**Contents**\*

1. [BH Administrative WACs (388-877-0400 to 388-877-0430, 388-877-0630, 388-877-0650 to 388-877-0654)](#SectionI)
2. [BH Personnel WACs (388-877-0500 to 388-877-0520)](#SectionIII)
3. [BH Clinical WACs (388-877-0600 to 388-877-0680)](#SectionIV)
4. BH Outpatient Services (388-877-0700 to 388-877-0754)
5. BH Involuntary and court-ordered (388-877-0800 to 388-877-0820)
6. BH Crisis mental health services (388-877-0900 to 388-877-0920)
7. BH Opioid treatment programs (OTP) (388-877-1000 to 388-877-1025)
8. BH Withdrawal management services (388-877-1100 to 388-877-1102)
9. BH Secure withdrawal management and stabilization services ( 388-877-1104-1106)
10. BH Residential substance use disorder treatment services (388-877-1110 to 388-877-1116)
11. BH Mental health inpatient services (388-877-1118 to 388-877-1158)

**\*The contents of this tool may be altered as items are tailored to the services provided by your agency.**

This tool is designed to assist you in developing your agency’s policies and procedures. Policies and procedures must reflect WAC 388-877 The DBHR Licensing and Certification Team is here to assist you. Please do not hesitate to contact your surveyor with any questions**.**

|  |  |  |  |
| --- | --- | --- | --- |
| **Section I**  **Behavioral Health Agency-Administration** | | | |
| **WAC Reference** | **WAC Language** | **Y/N/NA** | **Location**  **(Section, page, paragraph in manual)** |
| **WAC 388-877-0400** | **Agency Administration – Governing Body Requirements**  An agency's governing body is responsible for the conduct and quality of the behavioral health services provided. The agency's governing body must: |  |  |
| WAC 388-877-0400(1) | Assure there is an administrator responsible for the day-to-day operation of services. |  |  |
| WAC 388-877-0400(2) | Maintain a current job description for the administrator, including the administrator's authority and duties. |  |  |
| WAC 388-877-0400(3) | Notify the department within thirty days of changes of the administrator. |  |  |
| **WAC 388-877-0410** | **Agency administration—Administrator key responsibilities**. |  |  |
| WAC 388-877-0410(1) | The agency administrator is responsible for the day-to-day operation of the agency's provision of certified behavioral health treatment services, including: |  |  |
| WAC 388-877-0410(1)(a) | All administrative matters; |  |  |
| WAC 388-877-0410(1)(b) | Individual care services; and |  |  |
| WAC 388-877-0410(1)(c) | Meeting all applicable rules, policies, and ethical standards |  |  |
| WAC 388-877-0410(2) | The administrator must: |  |  |
| WAC 388-877-0410(2)(a) | Delegate to a staff person the duty and responsibility to act in the administrator's behalf when the administrator is not on duty or on call. |  |  |
| WAC 388-877-0410(2)(b) | Ensure administrative, personnel, and clinical policies and procedures are adhered to and kept current to be in compliance with the rules in this chapter, as applicable |  |  |
| WAC 388-877-0410(2)(c) | Employ sufficient qualified personnel to provide adequate treatment services and facility security. |  |  |
| WAC 388-877-0410(2)(d) | Ensure all persons providing clinical services are credentialed for their scope of practice as required by the department of health. |  |  |
| WAC 388-877-0410(2)(e) | Identify at least one person to be responsible for clinical supervision duties. |  |  |
| WAC 388-877-0410(2)(f) | Ensure that there is an up-to-date personnel file for each employee, trainee, student, volunteer, and for each contracted staff person who provides or supervises an individual's care. |  |  |
| WAC 388-877-0410(2)(g) | Ensure that personnel records document that Washington state patrol background checks consistent with chapter 43.43 RCW have been completed for each employee in contact with individuals receiving services. |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **WAC 388‑877‑0420** | **Agency administration‑‑Policies and procedures.** |  |  |
| **WAC 388-877-0420** | Each agency licensed by the department to provide any behavioral health service must develop, implement, and maintain administrative policies and procedures to meet the minimum requirements of this chapter. |  |  |
| WAC 388-877-0420 | The policies and procedures must demonstrate the following, as applicable: |  |  |
| WAC 388-877-0420 (1) | **Ownership.** Documentation of the agency’s governing body, including a description of membership and authorities, and documentation of the agency’s: |  |  |
| WAC 388-877-0420 (1)(a) | Articles and certificate of incorporation and bylaws if the owner is a corporation; |  |  |
| WAC 388-877-0420 (1)(b) | Partnership agreement if the owner is a partnership; or |  |  |
| WAC 388-877-0420 (1)(c) | Sole proprietorship if one person is the owner. |  |  |
| WAC 388-877-0420 (2) | **Licensure.** A copy of the agency's master business license that authorizes the organization to do business in Washington state that: |  |  |
| WAC 388-877-0420 (3) | **Organizational description.** An organizational description detailing all positions and associated licensure or certification, updated as needed. |  |  |
| WAC 388-877-0420 (4) | **Agency staffing and supervision.** Documentation that shows the agency has staff members: |  |  |
| WAC 388-877-0420 (4) | Who provide treatment in accordance to regulations relevant to their specialty or specialties and registration, certification, licensing, and trainee or volunteer status. |  |  |
| WAC 388-877-0420 (5) | **Interpreter services for individuals with Limited English Proficiency (LEP) and individuals who have sensory disabilities.** Documentation that demonstrates the agency’s ability to provide or coordinate services for individuals with LEP and individuals who have sensory disabilities. |  |  |
| WAC 388-877-0420 (5)(a) | Certified interpreters or other interpreter services must be available for individuals with limited English speaking proficiency and individuals who have sensory disabilities; or |  |  |
| WAC 388-877-0420 (5)(b) | The agency must have the ability to effectively provide, coordinate or refer individuals in these populations for appropriate assessment or treatment. |  |  |
| WAC 388-877-0420 (6) | **Reasonable access for individuals with disabilities.** A description of how reasonable accommodations will be provided to individuals with disabilities. |  |  |
| WAC 388-877-0420 (7) | **Nondiscrimination.** A description of how the agency complies with all state and federal nondiscrimination laws, rules, and plans. |  |  |
| WAC 388-877-0420 (8) | **Fee schedules.** A copy of the agency's current fee schedules for all services must be available on request. |  |  |
| WAC 388-877-0420 (9) | **Funding options for treatment costs.** A description of how the agency works with individuals to address the funding of an individual’s treatment costs, including a mechanism to address changes in the individual’s ability to pay. |  |  |
| WAC 388-877-0420 (10) | **State and federal rules on confidentiality.**  A description of how the agency implements state and federal rules on individuals’ confidentiality consistent with the service or services being provided. |  |  |
| WAC 388-877-0420 (11) | **Reporting and documentation of suspected abuse, neglect, or exploitation.** A description how the agency directs staff to report and document suspected abuse, neglect, or exploitation of a child or vulnerable adult consistent with chapters 26.44 and 74.34 RCW. |  |  |
| WAC 388-877-0420 (12) | **Protection of youth.** Documentation of how the agency addresses compliance with program‑specific rules and the protection of youth participating in group or residential treatment with adults. |  |  |
| WAC 388-877-0420 (13) | **Completing and submitting reports.** A description of how the agency directs staff to: |  |  |
| WAC 388-877-0420 (13)(a) | Complete and submit in a timely manner, all reports required by entities such as the courts, department of corrections, department of licensing, and the department of social and health services; and |  |  |
| WAC 388-877-0420 (13)(b) | Include a copy of the report(s) in the clinical record and document the date submitted. |  |  |
| WAC 388-877-0420 (14) | **Reporting the death of an individual seeking or receiving services.** A description of how the agency directs staff to report to the department or behavioral health organization (BHO), as applicable, within one business day the death of any individual which occurs on the premises of a licensed agency. |  |  |
| WAC 388-877-0420 (15) | **Reporting critical incidents.** A description of how the agency directs staff to report to the department or BHO, as applicable, within one business day any critical incident that occurs involving an individual, and actions taken as a result of the incident. |  |  |
| WAC 388-877-0420 (16) | **A smoking policy.** Documentation that a smoking policy consistent with the Washington Clean Indoor Air Act, Chapter 70.160 RCW, is in place. |  |  |
| WAC 388-877-0420 (17) | **Outpatient evacuation plan.** For a nonresidential agency, an evacuation plan for use in the event of a disaster or emergency that addresses: |  |  |
| WAC 388-877-0420 (17)(a) | Different types of disasters or emergencies; |  |  |
| WAC 388-877-0420 (17)(b) | Placement of posters showing routes of exit; |  |  |
| WAC 388-877-0420 (17)(c) | The need to mention evacuation routes at public meetings; |  |  |
| WAC 388-877-0420 (17)(d) | Communication methods for individuals, staff, and visitors, including persons with a visual or hearing impairment or limitation; |  |  |
| WAC 388-877-0420 (17)(e) | Evacuation of mobility impaired individuals; and |  |  |
| WAC 388-877-0420 (17)(f) | Evacuation of children if child care is offered. |  |  |
| WAC 388-877-0420 (18) | **Individual rights.** A description of how the agency has individual participation rights and policies consistent with WAC 388‑877‑0600 and if applicable, WAC 388-877-0680. |  |  |
| WAC 388-877-0420 (19) | **Individual complaints and grievances.**  A description of how the agency addresses an individual's complaint, consistent with WAC 388-877-0605, and/or the grievance system, consistent with WAC 388-877-0650 through 388-877-0675. |  |  |
| WAC 388-877-0420(19)(a) | Complaints, consistent with WAC 388-877-0605, |  |  |
| WAC 388-877-0420(19)(b) | Grievance or appeal, consistent with WAC 388-877-0654 through 388-877-0675. |  |  |
| **WAC 388-877-0425** | **Agency administration-Individual clinical record system.**  Each agency licensed by the department to provide any behavioral health service must: |  |  |
| WAC 388-877-0425(1) | Maintain a comprehensive clinical record system that includes policies and procedures that protect an individual’s personal health information: and |  |  |
| WAC 388-877-0425(2) | Ensure that the individual’s personal health information is shared or released only in compliance with applicable state and federal law. |  |  |
| WAC 388-877-0425(3) | If maintaining electronic individual clinical records; |  |  |
| WAC 388-877-0425(3)(a) | Provide secure, limited access through means that prevent modification or deletion after initial preparation; |  |  |
| WAC 388-877-0425(3)(b) | Provide backup of records in the event of equipment, media, or human error; and |  |  |
| WAC 388-877-0425(3)(c) | Provide for protection from unauthorized access, including network and internet access. |  |  |
| WAC 388-877-0425(4) | Retain an individual’s clinical record, including an electronic record, for a minimum of six years after the discharge or transfer of any individual. |  |  |
| WAC 388-877-0425(5) | Retain a youth’s or child’s individual clinical record, including an electronic record, for at least six years after the most recent discharge, or at least three years following the youth’s or child’s eighteenth birthday. |  |  |
| WAC 388-877-0425(6) | Meet the access to clinical records requirements in WAC 388-877-0650. |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **WAC 388-877-0430** | **Agency administration—Treatment facility requirements.**  Each agency licensed by the department to provide any behavioral health service must ensure that its treatment facility: |  |  |
| WAC 388-877-0430(1) | Is not a personal residence. |  |  |
| WAC 388-877-0430(2) | Has adequate private space for personal consultation with an individual, staff charting, and therapeutic and social activities, as appropriate. |  |  |
| WAC 388-877-0430(3) | Has secure storage of active or closed confidential records. |  |  |
| WAC 388-877-0430(4) | Has separate secure, locked storage of poisonous external chemicals and caustic materials. |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Section II**  **Behavioral Health Agency-Personnel** | | | |
| **WAC 388‑877‑0500** | **Personnel‑‑Agency policies and procedures.** Each agency licensed by the department to provide any behavioral health service must develop, implement, and maintain personnel policies and procedures. |  |  |
| WAC 388-877-0500 | The policies and procedures must meet the minimum requirements of this chapter and include the following, as applicable: |  |  |
| WAC 388-877-0500 (1) | Background checks. Identification of how the agency conducts Washington state background checks on each agency employee in contact with individuals receiving services, consistent with RCW 43.43.830 through 43.43.842. |  |  |
| WAC 388-877-0500 (2) | **Excluded provider list.** A description of how the agency conducts a review of the list of excluded individuals/entities (LEIE) searchable database (found on the Office of Inspector General, U.S. Department of Health and Human Services website at http://oig.hhs.gov) for each employee in contact with individuals receiving services, to include a procedure on how the agency: |  |  |
| WAC 388-877-0500 (2)(a) | Reviewed the LEIE database at the time of the employee's hire and annually thereafter; and |  |  |
| WAC 388-877-0500 (2)(b) | Assured the employee is not currently debarred, suspended, proposed for debarment, declared ineligible, or voluntary excluded from participating in transactions involving certain federal funds. |  |  |
| WAC 388-877-0500 (3) | **Drug free workplace.** Identification of how the agency provides for a drug free work place that includes: |  |  |
| WAC 388-877-0500 (3)(a) | Agency program standards of prohibited conduct; and |  |  |
| WAC 388-877-0500 (3)(b) | Actions to be taken in the event a staff member misuses alcohol or other drugs. |  |  |
| WAC 388-877-0500 (4) | **Supervision.** Identification of how supervision is provided to assist program staff and volunteers to increase their skills, and improve quality of services to individuals and families. |  |  |
| WAC 388-877-0500 (5) | **Staff training.** A description of how the agency provides training within thirty days of an employee's hire date and annually thereafter: |  |  |
| WAC 388-877-0500 (6)(a) | Consistent with the agency's certified services. |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **WAC 388-877-0510** | **Personnel—Agency record requirements.**  **Each agency licensed by the department to provide any behavioral health service must maintain a personnel record for each person employed by the agency.** |  |  |
| WAC 388-877-0510(1) | The personnel record must contain the following: |  |  |
| WAC 388-877-0510(1)(a) | Documentation of annual training, including documentation that the employee successfully completed training on cultural competency |  |  |
| WAC 388-877-0510(1)(b) | A signed and dated commitment to maintain patient (individual) confidentiality in accordance with state and federal confidentiality requirements. |  |  |
| WAC 388-877-0510(1)(c) | A record of an orientation to the agency that includes: |  |  |
| WAC 388-877-0510(1)(c)(i) | An overview of the administrative, personnel and clinical policies and procedures. |  |  |
| WAC 388-877-0510(1)(c)(ii) | The duty to warn or to take reasonable precautions to provide protection from violent behavior when an individual has communicated an actual imminent threat of physical violence against a reasonably identifiable victim or victims. Taking reasonable precautions includes notifying law enforcement as required and allowed by law. |  |  |
| WAC 388-877-0510(1)(c)(iii) | Staff ethical standards and conduct, including reporting of unprofessional conduct to appropriate authorities. |  |  |
| WAC 388-877-0510(1)(c)(iv) | The process for resolving client complaints and/or grievances. |  |  |
| WAC 388-877-0510(1)(d) | A copy of the staff member's valid current credential issued by the department of health for their scope of practice. |  |  |
| WAC 388-877-0510(2) | Staff members who have received services from the agency must have personnel records that: |  |  |
| WAC 388-877-0510(2)(a) | Are separate from clinical records; and |  |  |
| WAC 388-877-0510(2)(b) | Have no indication of current or previous service recipient status. |  |  |
| **WAC 388-877-0515** | **Personnel-Agency staff requirements**  **Each agency licensed by the department to provide any behavioral health services must maintain a personnel record for each person employed by the agency.** |  |  |
| WAC 388-877-0515(1) | An agency providing mental health services must ensure all of the following: |  |  |
| WAC 388-877-0515(1)(a) | Each mental health service is provided by qualified staff members who meet the following for their scope of practice and services provided: |  |  |
| WAC 388-877-0515(1)(a)(i) | Professional standards, including documented coursework, continuing education, and training; |  |  |
| WAC 388-877-0515(1)(a)(ii) | Clinical supervision requirements; and |  |  |
| WAC 388-877-0515(1)(a)(iii) | Licensure and credentialing requirements. |  |  |
| WAC 388-877-0515(1)(b) | Each staff member working directly with an individual receiving mental health services receives: |  |  |
| WAC 388-877-0515(1)(b)(i) | Clinical supervision from a mental health professional who has received documented training and competency in clinical supervision approved by the department of health; and |  |  |
| WAC 388-877-0515(1)(b)(ii) | Annual violence prevention training on the safety and violence prevention topics described in RCW 49.19.030. |  |  |
| WAC 388-877-0515(1)(c) | Staff access to consultation with a psychiatrist, physician, physician assistant, advanced registered nurse practitioner (ARNP), or psychologist who has at least one year’s experience in the direct treatment of individuals who have a mental or emotional disorder. |  |  |
| WAC 388-877-0515 (2) | An agency providing substance use disorder treatment services must ensure all of the following: |  |  |
| WAC 388-877-0515(2)(a) | All substance use disorder assessment and counseling services are provided by a chemical dependency professional, or a department of health-credentialed chemical dependency professional trainee (CDPT) under the supervision of an approved supervisor. |  |  |
| WAC 388-877-0515 (2)(b) | There is a designated clinical supervisor who: |  |  |
| WAC 388-877-0515(2)(b)(i) | Is a CDP |  |  |
| WAC 388-877-0515(2)(b)(ii) | Is an approved supervisor who meets the requirements of chapter 246-811 WAC; and |  |  |
| WAC 388-877-0515(2)(b)(iii) | Has not committed, permitted, aided, or abetted the commission of an illegal act or unprofessional conduct as defined under RCW 18.130.180 |  |  |
| WAC 388-877-0515(2)(c) | Each chemical dependency professional trainee has at least one approved supervisor who meets qualifications in WAC 246-811-049. An approved supervisor must decrease the hours of individual contact by twenty percent for each full-time CDPT supervised. |  |  |
| WAC 388-877-0515(2)(d) | Each staff member that provides individual care has a copy of an initial tuberculosis (TB) screen or test and any subsequent screenings or testing in their personnel file. |  |  |
| WAC 388-877-0515(2)(e) | All staff members are provided annual training on the prevention and control of communicable disease, blood borne pathogens, and TB, and document the training in the personnel file. |  |  |
| WAC 388-877-0515(3) | An agency providing problem and pathological gambling services must ensure all of the following: |  |  |
| WAC 388-877-0515(3)(a) | All problem and pathological gambling treatment services are provided by: |  |  |
| WAC 388-877-0515(3)(a)(i) | A certified Washington state, national, or international gambling counselor who is credentialed by the Department of Health (DOH) under chapter 18.19, 18.83, or 18.225 RCW; or |  |  |
| WAC 388-877-0515(3)(a)(ii) | An individual credentialed by DOH under chapter 18.19, 18.83, or 18.225 RCW, under the supervision of a certified problem gambling counselor, in training to become a certified problem gambling counselor. |  |  |
| WAC 388-877-0515(3)(b) | Before providing problem and pathological gambling treatment services, an individual in training to become a certified problem gambling counselor must have a minimum of: |  |  |
| WAC 388-877-0515(3)(b)(i) | At least one thousand five hundred hours of professionally supervised post-certification or post-registration experience providing mental health or substance use disorder treatment services; and |  |  |
| WAC 388-877-0515(3)(b)(ii) | Thirty hours of unduplicated gambling specific training, including the basic training; one of the following state, national, or international organizations must approve the training: |  |  |
| WAC 388-877-0515(3)(b)(ii)(A) | Washington state gambling counselor certification committee; |  |  |
| WAC 388-877-0515(3)(b)(ii)(B) | National or international gambling counselor certification board; or |  |  |
| WAC 388-877-0515(3)(b)(ii)(C) | The department’s division of behavioral health and recovery. |  |  |
| WAC 388-877-0515(3)(c) | An individual who meets subsection (3)(b)(ii) of this section must complete training to become a certified problem and pathological gambling counselor within two years of beginning problem and pathological gambling clinical practice. |  |  |
| WAC 388-877-0515(3)(d) | All staff members in training to become a certified problem gambling counselor must receive clinical supervision. The clinical supervisor must: |  |  |
| WAC 388-877-0515(3)(d)(i) | Hold a valid international gambling counselor certification board-approved clinical consultant credentials, a valid Washington state certified gambling counselor II certification credential, or a valid national certified gambling counselor II certification credential; and |  |  |
| WAC 388-877-0515(3)(d)(ii) | Complete training on gambling specific clinical supervision approved by a state, national, or international organization including, but not limited to, the: |  |  |
| WAC 388-877-0515(3)(d)(ii)(A) | Washington state gambling counselor certification committee; |  |  |
| WAC 388-877-0515(3)(d)(ii)(B) | National or international gambling counselor certification board; or |  |  |
| WAC 388-877-0515(3)(d)(ii)(C) | The department’s division of behavioral health and recovery. |  |  |
| WAC **388-877-0520** | **Personnel—Agency requirements for supervision of trainees, interns, volunteers, and students**  Each agency licensed by the department to provide any behavioral health service must ensure the following supervision requirements are met for trainees, interns, volunteers, and students: |  |  |
| WAC 388-877-0520(1) | Each trainee, intern, volunteer, and student passes a background check |  |  |
| WAC 388-877-0520(2) | Each trainee, intern, volunteer, and student who receive training at an agency must be assigned a supervisor who has been approved by the agency administrator or designee. The assigned supervisor: |  |  |
| WAC 388-877-0520(2)(a) | Must be credentialed by the department of health for their scope of practice; |  |  |
| WAC 388-877-0520(2)(b) | Is responsible for all individuals assigned to the trainee or intern they supervise; and |  |  |
| WAC 388-877-0520(2)(c) | Must review clinical documentation with the trainee or intern as part of the supervision process. |  |  |
| WAC 388-877-0520(3) | The agency must obtain and retain a confidentiality statement signed by the trainee, intern, volunteer, and student and the person’s academic supervisor, if applicable. |  |  |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **Section III**  **Behavioral Health Agency-Clinical** | | | | | | |
| **WAC 388-877-0600** | | **Clinical-Individual rights.** | |  | |  |
| WAC 388-877-0600(1) | | Each agency licensed by the department to provide any behavioral health service must develop a statement of individual participant’s rights applicable to the service categories the agency is licensed for, to ensure an individual’s rights are protected in compliance with chapters 71.05, 71.12, and 71.34 RCW. In addition, the agency must develop a general statement of individual participant rights that incorporates at a minimum the following statements. “ You have the right to: | |  | |  |
| WAC 388-877-0600(1)(a) | | Receive services without regard to race, creed, national origin, religion, gender, sexual orientation, age or disability; | |  | |  |
| WAC 388-877-0600(1)(b) | | Practice the religion of choice as long as the practice does not infringe on the rights and treatment of others or the treatment services. Individual participant have the right to refuse participation in any religious practice; | |  | |  |
| WAC 388-877-0600(1)(c) | | Be reasonable accommodated in case of sensory or physical disability, limited ability to communicate, limited English proficiency, and cultural differences; | |  | |  |
| WAC 388-877-0600(1)(d) | | Be treated with respect, dignity and privacy, except that staff may conduct reasonable searches to detect and prevent possession or use of contraband on the premises; | |  | |  |
| WAC 388-877-0600(1)(e) | | Be free of any sexual harassment; | |  | |  |
| WAC 388-877-0600(1)(f) | | Be free of exploitation, including physical and financial exploitation; | |  | |  |
| WAC 388-877-0600(1)(g) | | Have all clinical and personal information treated in accord with state and federal confidentiality regulations; | |  | |  |
| WAC 388-877-0600(1)(h) | | Review your clinical record in the presence of the administrator or designee and be given an opportunity to request amendments or corrections; | |  | |  |
| WAC 388-877-0600(1)(i) | | Receive a copy of agency grievance system procedures upon request and to file a grievance with the agency, or behavioral health organization (BHO), if applicable, if you believe your rights have been violated; and | |  | |  |
| WAC 388-877-0600(1)(j) | | Lodge a complaint with the department when you feel the agency has violated a WAC requirement regulating behavioral health agencies. | |  | |  |
| WAC 388-877-0600(2) | | Each agency must ensure the applicable individual participants rights described in subsection (1) of this section are: | |  | |  |
| WAC 388-877-0600(2)(a) | | Provided in writing to each individual on or before admission; | |  | |  |
| WAC 388-877-0600(2)(b) | | Available in alternative formats for individuals who are visually impaired; | |  | |  |
| WAC 388-877-0600(2)(c) | | Translated to the most commonly used languages in the agency’s service area; | |  | |  |
| WAC 388-877-0600(2)(d) | | Posted in public areas; and | |  | |  |
| WAC 388-877-0600(2)(e) | | Available to any participant upon request. | |  | |  |
| WAC 388-877-0600(3) | | Each agency must ensure all research concerning an individual whose cost of care is publicly funded is done in accordance with chapter 988-04 WAC, protection of human research subjects, and other applicable state and federal rules and laws. | |  | |  |
| WAC 388-877-0600(4) | | In addition to the requirements in this section, each agency providing services to Medicaid recipients must ensure an individual seeking or participating in behavioral health treatment services, or the person legally responsible for the individual is informed of their Medicaid rights at the time of admission and in a manner that is understandable to the individual or legally responsible person. | |  | |  |
| WAC 388-877-0600(5) | | The grievance system rules in WAC 388-877-0654 through WAC 388-877-0675 apply to an individual who receives behavioral health services funded through a federal Medicaid program or sources other than a federal Medicaid program. | |  | |  |
| **WAC 388-877-0605** | | **DBHR complaint process** | |  | |  |
|  | | Any individual or the individual’s representative may use the division of behavioral health and recovery’s (DBHR’s) complaint process to express concern or dissatisfaction with some aspect of a behavioral health service. See WAC 388-877-0200 for terms and definitions used in this section that apply to the complaint process. | |  | |  |
| WAC 388-877-0605(1) | | Information on contacting the DBHR Complaint manager can be found at [http://www.dshs.wa.gov/bha/division-behavioral-health-and-recovery/complaint-and-incident-management](http://www.dshs.wa.gov/bha/division-behavioral-health-and-recovery/compliant-and-incident-management). | |  | |  |
| WAC 388-877-0605(2) | | If DBHR conducts a complaint investigation in order to resolve a complaint, agency representatives must cooperate to allow DBHR representatives to: | |  | |  |
| WAC 388-877-0605(2)(a) | | Examine any part of the facility at a reasonable time and as needed | |  | |  |
| WAC 388-877-0605(2)(b) | | Review and evaluate agency records, including but not limited to: | |  | |  |
| WAC 388-877-0605(2)(b)(i) | | An individual’s clinical record and/or personnel file; and | |  | |  |
| WAC 388-877-0605(2)(b)(ii) | | The agency’s policies, procedures, fiscal records, and any other documents required by DBHR to determine compliance and to resolve the complaint; and | |  | |  |
| WAC 388-877-0605(2)(c) | | Conduct individual interviews with staff members and individuals receiving services. | |  | |  |
| WAC 388-877-0605(3) | | An agency or agency provider must not retaliate against any: | |  | |  |
| WAC 388-877-0605(3)(a) | | Individual for making a complaint with DBHR or being interview by DBHR about a complaint. Examples of retaliation including, but are not limited to: | |  | |  |
| WAC 388-877-0605(3)(a)(i) | | Restricting access to a treatment plan | |  | |  |
| WAC 388-877-0605(3)(a)(ii) | | Restricting access to the individual involved with the complaint issue; | |  | |  |
| WAC 388-877-0605(3)(a)(iii) | | Increasing or threatening to increase charges for service; | |  | |  |
| WAC 388-877-0605(3)(a)(iv) | | Decreasing or threatening to decrease services, rights, or privileges; | |  | |  |
| WAC 388-877-0605(3)(a)(v) | | Taking any action that coerces or compels the individual to leave the facility or to stop receiving services; and | |  | |  |
| WAC 388-877-0605(3)(a)(vi) | | Abusing or harassing, or threatening to abuse or harass the individual. | |  | |  |
| WAC 388-877-0605(3)(b) | | Person representing the individual. | |  | |  |
| WAC 388-877-0605(3)(c) | | A witness involved in the complaint issue. | |  | |  |
| WAC 388-877-0605(3)(d) | | An employee of the agency. | |  | |  |
| WAC 388-877-0605(4) | | Under WAC 388-877-0365, DBHR may assess an agency a one thousand dollar fee for the cost of a complaint investigation. Reasons for assessing the fee include, but are not limited to: | |  | |  |
| WAC 388-877-0605(4)(a) | | Any allegation within the complaint being substantiated; or | |  | |  |
| WAC 388-877-0605(4)(b) | | DBHR’s finding that the individual, an individual’s representative, a witness, and/or employee of the agency experienced an act of retaliation by the agency as described in subsection (3) of this section during or after a complaint investigation. | |  | |  |
| **WAC 388-877-0610** | | **Clinical-Assessment** | |  | |  |
|  | | Each agency licensed by the department to provide behavioral health service is responsible for an individual’s assessment. | |  | |  |
| WAC 388-877-0610(1) | | The assessment must be: | |  | |  |
| WAC 388-877-0610(1)(a) | | Conducted in person; and | |  | |  |
| WAC 388-877-0610(1)(b) | | Completed by a mental health professional or chemical dependency professional appropriately credentialed or qualified to provide substance use disorder, mental health, and/or problem and pathological gambling services as determined by state and federal law. | |  | |  |
| WAC 388-877-0610(2) | | The initial assessment must include and document the individual’s: | |  | |  |
| WAC 388-877-0610(2)(a) | | Identifying information; | |  | |  |
| WAC 388-877-0610(2)(b) | | Presenting issues; | |  | |  |
| WAC 388-877-0610(2)(c) | | Medical provider’s name or medical providers’ names; | |  | |  |
| WAC 388-877-0610(2)(d) | | Medical concerns; | |  | |  |
| WAC 388-877-0610(2)(e) | | Medications currently taken; | |  | |  |
| WAC 388-877-0610(2)(f) | | Mental health history; | |  | |  |
| WAC 388-877-0610(2)(g) | | Substance use history, including tobacco; | |  | |  |
| WAC 388-877-0610(2)(h) | | Problem and pathological gambling history; | |  | |  |
| WAC 388-877-0610(2)(i) | | An assessment of any risk of harm to self and others, including suicide and/or homicide, including a history of self-harm; | |  | |  |
| WAC 388-877-0610(2)(j) | | A referral for provision of emergency/crisis services must be made if indicated in the risk assessment; | |  | |  |
| WAC 388-877-0610)(2)(k) | | Legal history, including information that a person is or is not court ordered to treatment under the supervision of the department of corrections; | |  | |  |
| WAC 388-877-0610(2)(l) | | Employment and housing status; | |  | |  |
| WAC 388-877-0610(2)(m) | | Treatment recommendations or recommendations for additional program-specific assessment; and | |  | |  |
| WAC 388-877-0610(2)(n) | | A diagnostic assessment statement, including sufficient data to determine a client diagnosis supported by the current and applicable Diagnostic and Statistical Manual (DSM-5). | |  | |  |
| WAC 388-877-0610(3) | | Agencies providing substance use disorder services must ensure the assessment includes: | |  | |  |
| WAC 388-877-0610(3)(a) | | A statement regarding the provision of an HIV/AIDS brief risk intervention, and any referrals made; and | |  | |  |
| WAC 388-877-0610(3)(b) | | A placement decision, using ASAM criteria dimensions when the assessment indicates the individual is in need of substance use disorder services. | |  | |  |
| WAC 388-877-0610(4) | | Behavioral health agencies can apply for an exemption from the assessment requirements in this section if the agency is following similar documentation requirements of an evidence-based, research-based, or state-, mandated program that provides adequate protection for patient safety. See WAC 388-877-0300 for information about the exemption process. | |  | |  |
| **WAC 388-877-0620** | | **Clinical-Individual Service Plan** | |  | |  |
|  | | Each agency licensed by the department to provide behavioral health service is responsible for an individual’s service plan as follows: | |  | |  |
| WAC 388-877-0620(1) | | The individual service plan must: | |  | |  |
| WAC 388-877-0620(1)(a) | | Be completed or approved by a professional appropriately credentialed or qualified to provide one of more of the following services: | |  | |  |
| WAC 388-877-0620(1)(a)(i) | | Mental health; | |  | |  |
| WAC 388-877-0620(1)(a)(ii) | | Substance use disorder; and | |  | |  |
| WAC 388-877-0620(1)(a)(iii) | | Problem and pathological gambling services; | |  | |  |
| WAC 388-877-0620(1)(b) | | Address issues identified by the individual or, if applicable, the individual’s parent(s) or legal representative. | |  | |  |
| WAC 388-877-0620(1)(c) | | Be in terminology that is understandable to the individual and the individual’s family. | |  | |  |
| WAC 388-877-0620(1)(d) | | Document that the plan was mutually agreed upon and a copy was made available to the individual. | |  | |  |
| WAC 388-877-0620(1)(e) | | Contain goals and measurable objective and interventions; and | |  | |  |
| WAC 388-877-0620(1)(f) | | Be updated to address applicable changes in identified needs and achievement of goals. | |  | |  |
| WAC 388-877-0620(2) | | An agency that provides any behavioral health services must ensure that the individual service plan: | |  | |  |
| WAC 388-877-0620(2)(a) | | Is initiated during the first individual session following the assessment with at least one goal identified by the individual or if applicable, the individual’s parent or legal representative. | |  | |  |
| WAC 388-877-0620(2)(b) | | Documents that the plan was reviewed and updated to reflect any changes in the individual’s treatment needs, or as request by the individual or, if applicable, the individual’s parent or legal representative. | |  | |  |
| WAC 388-877-0620(3) | | If the individual service plan includes assignment of work to an individual, the assignment must have therapeutic value and meet all requirements in (1) of this section. | |  | |  |
| WAC 388-877-0620(4) | | Behavioral health agencies can apply for an exemption from the individual service plan requirement in this section if the agency is following similar documentation requirements of an evidence-based, research-based, or state-mandated program that provides adequate protection for patient safety. See WAC 388-877-0300 for information about the exemption process. | |  | |  |
| WAC 388-877-0620(5) | | Behavioral health agencies providing substance use disorder services must review the individual service plan to determine the need for continued services using ASAM criteria. | |  | |  |
| **WAC 388-877-0640** | | **Clinical-Record Content** | |  | |  |
|  | | Each agency licensed by the department to provide behavioral health service is responsible for an individual’s clinical record content. The clinical record must include: | |  | |  |
| WAC 388-877-0640(1) | | Documentation the individual received a copy of counselor disclosure requirements as required for the counselor’s credential. | |  | |  |
| WAC 388-877-0640(2) | | Demographic information. | |  | |  |
| WAC 388-877-0640(3) | | An assessment; | |  | |  |
| WAC 388-877-0640(4) | | Documentation of the individual’s response when asked if: | |  | |  |
| WAC 388-877-0640(4)(a) | | The individual is under department of corrections (DOC) supervision; | |  | |  |
| WAC 388-877-0640(4)(b) | | The individual is under civil or criminal court ordered mental health or substance use disorder treatment; and | |  | |  |
| WAC 388-877-0640(4)(c) | | There is a court order exempting the individual participant from reporting requirements. A copy of the court order must be included in the record if the participant claims exemption from reporting requirements; | |  | |  |
| WAC 388-877-0640(5) | | Documentation that the agency is in compliance with RCW 71.05.445 regarding mental health services for individuals under Department of Corrections supervision; | |  | |  |
| WAC 388-877-0640(6) | | Documentation the individual was informed of applicable federal and state confidentiality requirements; | |  | |  |
| WAC 388-877-0640(7) | | Documentation of confidential information that has been released without the consent of the individual under: | |  | |  |
| WAC 388-877-0640(7)(a) | | RCW 71.02.050; | |  | |  |
| WAC 388-877-0640(7)(b) | | The Health Insurance Portability and Accountability Act (HIPPA); and | |  | |  |
| WAC 388-877-0640(7)(c) | | RCW 70.02.230 and 70.02.240 if the individual received mental health treatment services; | |  | |  |
| WAC 388-877-0640(8) | | Documentation that any mandatory reporting of abuse, neglect, or exploitation consistent with chapters 26.44 and 74.34 RCW has occurred; | |  | |  |
| WAC 388-877-0640(9) | | If treatment is not court-ordered, documentation of informed consent to treatment by the individual or the individual’s parent, or legal representative; | |  | |  |
| WAC 388-877-0640(10) | | If treatment is court-ordered, a copy of the order; | |  | |  |
| WAC 388-877-0640(11) | | Medication records, if applicable; | |  | |  |
| WAC 388-877-0640(12) | | Laboratory reports, if applicable; | |  | |  |
| WAC 388-877-0640(13) | | Properly completed authorizations for release of information, if applicable; | |  | |  |
| WAC 388-877-0640(14) | | Copies of applicable correspondence; | |  | |  |
| WAC 388-877-0640(15) | | Discharge information as follows: | |  | |  |
| WAC 388-877-0640(15)(a) | | A discharge statement if the individual left without notice; | |  | |  |
| WAC 388-877-0640(15)(b) | | Discharge information for an individual who did not leave without notices, completed within seven working days of the individual’s discharge, including: | |  | |  |
| WAC 388-877-0640(15)(b)(i) | | The date of discharge; | |  | |  |
| WAC 388-877-0640(15)(b)(ii) | | Continuing care plan; | |  | |  |
| WAC 388-877-0640(15)(b)(iii) | | Legal status, and if applicable; and | |  | |  |
| WAC 388-877-0640(15)(b)(iv) | | Current prescribed medication. | |  | |  |
| WAC 388-877-0640(15)(c) | | When an individual is transferring to another service provider, documentation that copies of documents pertinent to the individual’s course of treatment were forwarded to the new service provider with the individual’s permission; | |  | |  |
| WAC 388-877-0640(16) | | A copy of any report required by entities such as the courts, department of corrections, department of licensing, and the department of social and health services and the date the report was submitted; | |  | |  |
| WAC 388-877-0640(17) | | Progress notes must include the date, time, duration, participant’s name, response to interventions, and a brief summary of the session and the name and credential of the staff member who provided it; | |  | |  |
| WAC 388-877-0640(18) | | Documentation of coordination with any systems or organizations the individual identifies as being relevant to treatment, with the individual’s consent or if applicable, the consent of the individual’s parent or legal representation; | |  | |  |
| WAC 388-877-0640(19) | | A crisis plan, if one has been developed. | |  | |  |
| **WAC 388-877-0650** | **Clinical—Access to clinical records** | |  | |  | |
|  |  | |  | |  | |
|  | Each agency licensed by the department to provide behavioral health services must: | |  | |  | |
| WAC 388-877-0650 (1) | Provide access to an individual's clinical record at the request of the individual or, if applicable, the individual's designated representative, or legal representative, or both. The agency must: | |  | |  | |
| WAC 388-877-0650 (1)(a) | Ensure that: | |  | |  | |
| WAC 388-877-0650 (1)(a)(i) | any material confidential to another person, agency, or provider, is not re-disclosed; | |  | |  | |
| WAC 388-877-0650 (1)(b) | Make the clinical record available to the requester within fifteen days of the request. | |  | |  | |
| WAC 388-877-0650 (1)(c) | Allow appropriate time and privacy for the review. | |  | |  | |
| WAC 388-877-0650 (1)(d) | Have a clinical staff member available to answer questions. | |  | |  | |
| WAC 388-877-0650 (1)(e) | Assure the charge for duplicating or searching the record is at a rate not higher than the "reasonable fee" as defined in RCW 70.02.010 | |  | |  | |
| WAC 388-877-0650(2) | Make an individual's clinical record available to department staff as required for department program review. | |  | |  | |
| WAC 388-877-0650(3) | If the agency maintains electronic individual clinical records, the agency must: | |  | |  | |
| WAC 388-877-0650(3)(a) | Make the clinical record available in paper form, if requested; and | |  | |  | |
| WAC 388-877-0650(3)(b) | Meet the criteria in subsections (1) and (2) of this section. | |  | |  | |
| WAC 388-877-0650(4) | When an individual receiving mental health services is under the supervision of the Department of Corrections (DOC), make information available to DOC, in accordance with RCW 71.05.445. The information released does not require consent of the individual. | |  | |  | |
| **WAC 388-877-0654** | **How individuals may express concern about their rights, services, or treatment.** | |  | |  | |
| WAC 388-877-0654(1) | Individuals who apply for, are eligible for, or receive behavioral health services authorized by a behavioral health organization (BHO) may access the BHO’s grievance and appeal system to express concern about their rights, services, or treatment. | |  | |  | |
| WAC 388-877-0654(2) | The BHO’s grievance and appeal system includes: | |  | |  | |
| WAC 388-877-0654(2)(a) | A grievance process as described in WAC 388-877-0660; | |  | |  | |
| WAC 388-877-0654(2)(b) | An appeal process as described in WACV 388-877-0670; and | |  | |  | |
| WAC 388-877-0654(2)(c) | Access to administrative hearings as described in WAC 388-877-0675. | |  | |  | |
| WAC 388-877-0654 (3) | Individuals must exhaust the appeal process before they have access to an administrative hearing. | |  | |  | |
| WAC 388-877-0654(4) | Individuals may also use the free and confidential behavioral health ombuds services described in WAC 388-865-0262 through the BHO that contracts with the behavioral health agency in which they receive behavioral health services. Ombuds services are provided independent of BHOs and behavioral health agencies and are offered to individual at any time to help them with resolving issues or problems at the lowest level before and during the grievance, appeal, or administrative hearing process. | |  | |  | |
| WAC 388-877-0654(5) | In handling grievances and appeals, each BHO and behavioral health agency must give individuals any reasonable assistance in completing forms and taking other procedural steps related to a grievance or appeal. This includes, but is not limited to, auxiliary aids and services, upon request, such as providing interpreter services and toll-free numbers that have adequate TTY/TTD and interpreter capability. | |  | |  | |

|  |  |  |  |
| --- | --- | --- | --- |
| **Section IV** | | | |
|  | **OUTPATIENT SERVICES** |  |  |
| **WAC 388-877-0700** | **Outpatient services-General** |  |  |
|  |  |  |  |
|  | Outpatient behavioral health services are intended to improve or reduce symptoms and help facilitate resolution of situational disturbances for individuals in the area of relationships, employment, and community integration. |  |  |
| WAC 388-877-0700(1) | Outpatient services including the following: |  |  |
| WAC 388-877-0700(1)(a) | Individual treatment services; |  |  |
| WAC 388-877-0700(1)(b) | Brief intervention treatment services; |  |  |
| WAC 388-877-0700(1)(c) | Group therapy services; |  |  |
| WAC 388-877-0700(1)(d) | Family therapy services; |  |  |
| WAC 388-877-0700(1)(e) | Case management services: |  |  |
| WAC 388-877-0700(1)(f) | Psychiatric medication mental health services and medication support; |  |  |
| WAC 388-877-0700(1)(g) | Day support mental health services; |  |  |
| WAC 388-877-0700(1)(h) | Mental health outpatient services provided in a residential treatment facility (RTF); |  |  |
| WAC 388-877-0700(1)(i) | Recovery support services including: |  |  |
| WAC 388-877-0700(1)(i)(i) | Supported employment mental health and substance use disorder services; |  |  |
| WAC 388-877-0700(1)(i)(ii) | Supportive housing mental health and substance use disorder services; |  |  |
| WAC 388-877-0700(1)(i)(iii) | Peer support mental health services; |  |  |
| WAC 388-877-0700(1)(i)(iv) | Wraparound facilitation mental health services; |  |  |
| WAC 388-877-0700(1)(i)(v) | Applied behavior analysis (ABA) mental health services. |  |  |
| WAC 388-877-0700(1)(i)(vi) | Consumer-run clubhouse mental health services; |  |  |
| WAC 388-877-0700(1)(j) | Level one outpatient substance use disorder services; |  |  |
| WAC 388-877-0700(1)(k) | Level two intensive outpatient substance use disorder services; |  |  |
| WAC 388-877-0700(1)(l) | Substance use disorder assessment only services; |  |  |
| WAC 388-877-0700(1)(m) | Alcohol and drug information school; |  |  |
| WAC 388-877-0700(1)(n) | Substance use disorder information and crisis services; |  |  |
| WAC 388-877-0700(1)(o) | Substance use disorder emergency service patrol services; |  |  |
| WAC 388-877-0700(1)(p) | Substance use disorder screening and brief intervention services; and |  |  |
| WAC 388-877-0700(1)(q) | Problem and pathological gambling services. |  |  |
| WAC 388-877-0700(2) | A behavioral health agency that provides outpatient services must: |  |  |
| WAC 388-877-0700(2)(a) | Be licensed by the department as a behavioral health agency; and |  |  |
| WAC 388-877-0700(2)(b) | Meet the applicable program-specific requirements for each outpatient behavioral health services provided. |  |  |
| **WAC 388-877-0702** | **Outpatient Services-Individual mental health treatment services** |  |  |
| WAC 388-877-0702 (1) | Individual mental health treatment services are services designed to assist an individual in attaining the goals identified in their individual service plan. The treatment services are conducted with the individual and any natural supports as identified by the individual. |  |  |
| WAC 388-877-0702(2) | An agency certified to provide individual treatment services must meet the agency certification requirements in WAC 388-877-0300 through 388-877-0680. |  |  |
| **WAC 388-877-0704** | **Outpatient Services-Brief mental health intervention treatment services** |  |  |
| WAC 388-877-0704(1) | Brief mental health intervention treatment services are also solution-focused and outcome-oriented cognitive and behavioral interventions, intended to resolve situational disturbances. These services do not require long term treatment, generally completed in six months or less, and do not include ongoing care, maintenance, or monitoring of the individual’s current level of function or assistance with self-care or life skills training. |  |  |
| WAC 388-877-0704(2) | An agency certified to provide individual treatment services must meet the behavioral health agency licensure, certification, administration, personnel, and clinical requirements in WAC 388-877-0300 through 388-877 -0680. |  |  |
| **WAC 388-877-0706** | **Outpatient Services-Group mental health services.** |  |  |
|  | Group therapy services are provided to an individual in a group setting to assist the individual in attaining the goals described in the individual service plan. In addition to meeting the certification requirements in WAC 388-877-0300 through 388-877-0680, an agency certified to provide groups services must: |  |  |
| WAC 388-877-0706(1) | Have a written description of each groups purpose; |  |  |
| WAC 388-877-0706(2) | Ensure group therapy services are provided with a staff ratio of one staff member for every sixteen individuals; |  |  |
| WAC 388-877-0706(3) | Ensure any group containing more than twelve individuals has at least one facilitator or co-facilitator that is an appropriately credentialed professional; and |  |  |
| WAC 388-877-0706(4) | Ensure group notes are recorded in each individual’s clinical record. Group notes must include the requirements of WAC 388-877-0640 (15) for discharge information. |  |  |
| **WAC 388-877-0708** | **Outpatient Services-Family therapy mental health services** |  |  |
|  | Family therapy mental health services are services provided for the direct benefit of an individual with family members and/or other relevant person in attendance, with the consent of the individual. |  |  |
|  | Interventions must identify and build competencies to strengthen family functioning in relationship to the individual’s identified goals. The individual may or may not be present. |  |  |
|  | An agency certified to provide family therapy mental health services must meet the agency licensure, certification, administration, personnel, and clinical requirements in WAC 988-877-0300- through 388-877-0680. |  |  |
| **WAC 388-877-0710** | **Outpatient Services-Rehabilitative case management mental health services** |  |  |
|  | Rehabilitative case management mental health services are services that meet the ongoing assessment, facilitation, care coordination and advocacy for options and services to meet an individual’s needs through communication and available resources, to promote quality and effective outcomes during and following a hospitalization. |  |  |
| WAC 388-877-0710(1) | Rehabilitative case management services support individual employment, education, and participation in other daily activities appropriate to the individual’s age, gender, and culture, and assist5 individuals in resolving crisis in the least restrictive setting. |  |  |
| WAC 388-877-0710(2) | Rehabilitative case management services include specific rehabilitative services provided to: |  |  |
| WAC 388-877-0710(2)(a) | Assist in an individual’s discharge from an inpatient facility; and |  |  |
| WAC 388-877-0710(2)(b) | Minimize the risk of readmission to an inpatient setting. |  |  |
| WAC 388-877-0710(2)(c) | An agency certified to provide rehabilitative case management services must meet the behavioral health agency licensure, certification, administration, personnel, and clinical requirements in WAC 388-877-0300 through 388-877-0680. |  |  |
| **WAC 388-877-0712** | **Outpatient services-Psychiatric medication mental health services and medication support.** |  |  |
|  | Psychiatric medication mental health services are a variety of activities related to pre-scribing and administering medication, including monitoring an individual for side effects and changes as needed. These services may only be provided with one of the outpatient mental health services in WAC 388-877-0700 (1)(a) through (e). An agency providing psychiatric medication services may also provide medication support services, described in subsections (2) and (3) of this section. |  |  |
| WAC 388-877-0712(1) | An agency providing psychiatric medication services must: |  |  |
| WAC 388-877-0712(1)(a) | Ensure that medical direction and responsibility are assigned to a: |  |  |
| WAC 388-877-0712(1)(a)(i) | Physician who is licensed to practice under chapter 18.57 or 18.71 RCW, and is board-certified or board-eligible in psychiatry; |  |  |
| WAC 388-877-0712(1)(a)(ii) | Psychiatric advanced registered nurse practitioner (ARNP); or |  |  |
| WAC 388-877-0712(1)(a)(iii) | Physician assistant working with a supervising psychiatrist; |  |  |
| WAC 388-877-0712(1)(b) | Ensure that the services are provided by a prescriber licensed by department of health who is practicing within the scope of that practice; |  |  |
| WAC 388-877-0712(1)(c) | Ensure that all medications are administered by staff practicing within the scope of their practice; |  |  |
| WAC 388-877-0712(1)(d) | Have a process by which the medication prescriber informs either the individual, the legally responsible party, or both, and, as appropriate, family members, of the potential benefits and side effects of the prescribed medication(s); |  |  |
| WAC 388-877-0712(1)(e) | Must ensure that all medications maintained by the agency are safely and securely stored, including assurance that: |  |  |
| WAC 388-877-0712(1)(e)(i) | Medications are kept in locked cabinets within a well-lit, locked and properly ventilated room; |  |  |
| WAC 388-877-0712(1)(e)(ii) | Medications kept for individuals on medication administration or self-administration programs are clearly labeled and stored separately from medication samples kept on site; |  |  |
| WAC 388-877-0712(1)(e)(iii) | Medications marked "for external use only" are stored separately from oral or injectable medications; |  |  |
| WAC 388-877-0712(1)(e)(iv) | Refrigerated food or beverages used in the administration of medications are kept separate from the refrigerated medications by the use of trays or other designated containers; |  |  |
| WAC 388-877-0712(1)(e)(v) | Syringes and sharp objects are properly stored and disposed of; |  |  |
| WAC 388-877-0712(1)(e)(vi) | Refrigerated medications are maintained at the required temperature; and |  |  |
| WAC 388-877-0712(1)(e)(vii) | Outdated medications are disposed of in accordance with the regulations of the state board of pharmacy and no outdated medications are retained. |  |  |
| WAC 388-877-0712(2) | An agency providing psychiatric medication services may utilize a physician or ARNP without board eligibility in psychiatry if unable to employ or contract with a psychiatrist. In this case, the agency must ensure that: |  |  |
| WAC 388-877-0712(2)(a) | Psychiatrist consultation is provided to the physician or ARNP at least monthly; and |  |  |
| WAC 388-877-0712(2)(b) | A psychiatrist is accessible to the physician or ARNP for emergency consultation. |  |  |
| WAC 388-877-0712(3) | Medication support services occur face-to-face and: |  |  |
| WAC 388-877-0712(3)(a) | Include one-on-one cueing, observing, and encouraging an individual to take medication as prescribed; |  |  |
| WAC 388-877-0712(3)(b) | Include reporting any pertinent information related to the individual's adherence to the medication back to the agency that is providing psychiatric medication services; and |  |  |
| WAC 388-877-0712(3)(c) | May take place at any location and for as long as it is clinically necessary. |  |  |
| WAC 388-877-0712(4) | An agency providing medication support services must: |  |  |
| WAC 388-877-0712(4)(a) | Ensure that the staff positions responsible for providing either medication monitoring, or delivery services, or both, are clearly identified in the agency's medication support services policy; |  |  |
| WAC 388-877-0712(4)(b) | Have appropriate policies and procedures in place when the agency providing medication support services maintains or delivers medication to the individual that address: |  |  |
| WAC 388-877-0712(4)(b)(i) | The maintenance of a medication log documenting medications that are received, prescribed, and dispensed; |  |  |
| WAC 388-877-0712(4)(b)(ii) | Reasonable precautions that need to be taken when transporting medications to the intended individual and to assure staff safety during the transportation; and |  |  |
| WAC 388-877-0712(4)(b)(iii) | The prevention of contamination of medication during delivery, if delivery is provided; and |  |  |
| WAC 388-877-0712(4)(c) | Ensure that the individual's clinical record contains the individual service plan, including documentation of medication support services. |  |  |
| **WAC 388-877-0714** | **Outpatient services-Day support mental health services** |  |  |
| WAC 388-877-0714(1) | Day support mental health services provide a range of integrated and varied life skills training. Day support services are designed to assist an individual in the acquisition of skills, retention of current functioning, or improvement in the current level of functioning, appropriate socialization, and adaptive coping skills. |  |  |
| WAC 388-877-0714(2) | Services include training in basic living skills and social skills, and educational, vocational, pre-vocational, and day activities. Day support services may include therapeutic treatment. |  |  |
| WAC 388-877-0714(3) | An agency certified to provide day support services must meet the behavioral health agency licensure, certification, administration, personnel, and clinical requirements, in WAC 388-877-0300 through 388-877-0680. |  |  |
| **WAC 388-877-0716** | **Outpatient services-Mental health outpatient services provided in a residential treatment facility (RTF)** |  |  |
|  | A residential treatment facility (RTF) may provide outpatient mental health treatment services to an individual with a mental disorder. An agency that operates an RTF that provides mental health treatment services must: |  |  |
| WAC 388-877-0716(1) | Ensure that the facility is licensed by the department of health under chapter 246-337 WAC; and |  |  |
| WAC 388-877-0716(2) | Be certified for and provide the following: |  |  |
| WAC 388-877-0716(2)(a) | Rehabilitative case management services (see WAC 388-877-0710); |  |  |
| WAC 388-877-0716(2)(b) | Less restrictive alternative (LRA) support services (see WAC 388-877-0805) if serving individuals on an LRA court order or conditional release; and |  |  |
| WAC 388-877-0716(2)(c) | Psychiatric medication services and medication support services (see WAC 388-877-0712). |  |  |
| **WAC 388-877-0718** | **Outpatient services-Recovery support-General** |  |  |
|  | Recovery support services are intended to promote an individual's socialization, recovery, self-advocacy, development of natural support, and maintenance of community living skills. |  |  |
| WAC 388-877-0718(1) | Recovery support services include: |  |  |
| WAC 388-877-0718(1)(a) | Supported employment services; |  |  |
| WAC 388-877-0718(1)(b) | Supportive housing services; |  |  |
| WAC 388-877-0718(1)(c) | Peer support services; |  |  |
| WAC 388-877-0718(1)(d) | Wraparound facilitation services; |  |  |
| WAC 388-877-0718(1)(e) | Applied behavior analysis (ABA) services; and |  |  |
| WAC 388-877-0718(1)(f) | Consumer-run clubhouse services. |  |  |
| WAC 388-877-0718(2) | An agency that provides any recovery support service may operate through an agreement with a licensed behavioral health agency that provides certified outpatient behavioral health services listed in WAC 388-877-0700. The agreement must specify the responsibility for initial assessments, the determination of appropriate services, individual service planning, and the documentation of these requirements. Subsections (3) through (5) of this section list the ab-abbreviated requirements for assessments, staff, and clinical records. |  |  |
| WAC 388-877-0718(3) | When providing any recovery support service, a behavioral health agency must: |  |  |
| WAC 388-877-0718(3)(a) | Have an assessment process to determine the appropriateness of the agency's services, based on the individual's needs and goals; |  |  |
| WAC 388-877-0718(3)(b) | Refer an individual to a more intensive level of care when appropriate; and |  |  |
| WAC 388-877-0718(3)(c) | With the consent of the individual, include the individual's family members, significant others, and other relevant treatment providers as necessary to provide support to the individual. |  |  |
| WAC 388-877-0718(4) | An agency providing recovery support services must ensure: |  |  |
| WAC 388-877-0718(4)(a) | Each staff member working directly with an individual receiving any recovery support service has annual violence prevention training on the safety and violence prevention topics described in RCW 49.19.030; and |  |  |
| WAC 388-877-0718(4)(b) | The staff member's personnel record documents the training. |  |  |
| WAC 388-877-0718(5) | An agency providing any recovery support service must maintain an individual's clinical record that contains: |  |  |
| WAC 388-877-0718(5)(a) | Documentation of the following: |  |  |
| WAC 388-877-0718(5)(a)(i) | The name of the agency or other sources through which the individual was referred; |  |  |
| WAC 388-877-0718(5)(a)(ii) | A brief summary of each service encounter, including the date, time, and duration of the encounter; and |  |  |
| WAC 388-877-0718(5)(a)(iii) | Names of participant(s), including the name of the individual who provided the service; and |  |  |
| WAC 388-877-0718(5)(b) | Any information or copies of documents shared by, or with, a behavioral health agency certified for outpatient mental health services. |  |  |
| **WAC 388-877-0720** | **Outpatient services-Recovery support-Supportive employment mental health and substance use disorder services.** |  |  |
|  | Supported employment mental health and substance use disorder services assist in job search, placement services, and training to help individuals find competitive jobs in their local communities. |  |  |
| WAC 388-877-07201) | An agency that provides certified supported employment services must meet the general requirements for recovery support services in WAC 388-877-0718. |  |  |
| WAC 388-877-0720(2) | A behavioral health agency that provides supported employment services must have knowledge of and provide individuals access to employment and education opportunities by coordinating efforts with one or more entities that provide other rehabilitation and employment services, such as: |  |  |
| WAC 388-877-0720(2)(a) | The department's division of vocational rehabilitation (DVR), which provides supported employment under WAC 388-891-0840 by community rehabilitation program contract as de-scribed in WAC 388-892-0100; |  |  |
| WAC 388-877-0720(2)(b) | The department's community services offices; |  |  |
| WAC 388-877-0720(2)(c) | Community, trade, and technical colleges; |  |  |
| WAC 388-877-0720(2)(d) | The business community; |  |  |
| WAC 388-877-0720(2)(e) | WorkSource, Washington state's official site for online employment services; |  |  |
| WAC 388-877-0720(2)(f) | Washington state department of employment security; and |  |  |
| WAC 388-877-0720(2)(g) | Organizations that provide job placement within the community. |  |  |
| WAC 388-877-0720(3) | A behavioral health agency that provides supported employment services must: |  |  |
| WAC 388-877-0720(3)(a) | Ensure all staff members who provide direct services for employment are knowledgeable and familiar with services provided by the department's division of vocational rehabilitation; |  |  |
| WAC 388-877-0720(3)(b) | Conduct and document a vocational assessment in partnership with the individual that includes work history, skills, training, education, and personal career goals; |  |  |
| WAC 388-877-0720(3)(c) | Assist the individual to create an individualized job and career development plan that focuses on the individual's strengths and skills; |  |  |
| WAC 388-877-0720(3)(d) | Assist the individual to locate employment opportunities that are consistent with the individual's skills, goals, and interests; |  |  |
| WAC 388-877-0720(3)(e) | Provide and document any outreach, job coaching, and support at the individual's worksite when requested by the individual or the individual's employer; and |  |  |
| WAC 388-877-0720(3)(f) | If the employer makes a request, provide information regarding the requirements of reasonable accommodations, consistent with the Americans with Disabilities Act (ADA) of 1990 and Washington state antidiscrimination law. |  |  |
| **WAC 388-877-0722** | **Outpatient services-Recovery support-Supportive housing mental health services.** |  |  |
|  | Supportive housing mental health and substance use disorder services support an individual's transition to community integrated housing and support the individual to be a successful tenant in a housing arrangement. |  |  |
| WAC 388-877-0722(1) | An agency that provides certified supportive housing services must meet the general requirements for recovery support services in WAC 388-877-0718. |  |  |
| WAC 388-877-0722(2) | A behavioral health agency that provides supportive housing services must have knowledge of and provide housing related collaborative activities to assist individuals in identifying, coordinating, and securing housing or housing resources with entities such as: |  |  |
| WAC 388-877-0722(2)(a) | Local homeless continuum of care groups or local homeless planning groups; |  |  |
| WAC 388-877-0722(2)(b) | Housing authorities that operate in a county or city in the behavioral health organization’s (BHO) regional service area; |  |  |
| WAC 388-877-0722(2)(c) | Community action councils that operate in a county or region in the BHO's regional service area; |  |  |
| WAC 388-877-0722(2)(d) | Landlords of privately owned residential homes; and |  |  |
| WAC 388-877-0722(2)(e) | State agencies that provide housing resources. |  |  |
| WAC 388-877-0722(3) | A behavioral health agency that provides supportive housing services must: |  |  |
| WAC 388-877-0722(3)(a) | Ensure all staff members who provide direct services for supportive housing are knowledgeable and familiar with fair housing laws; |  |  |
| WAC 388-877-0722(3)(b) | Conduct and document a housing assessment in partnership with the individual that includes housing preferences, affordability, and barriers to housing; |  |  |
| WAC 388-877-0722(3)(c) | Conduct and document a functional needs assessment in partnership with the individual that includes independent living skills and personal community integration goals; |  |  |
| WAC 388-877-0722(3)(d) | Assist the individual to create an individualized housing acquisition and maintenance plan that focuses on the individual's choice in housing; |  |  |
| WAC 388-877-0722(3)(e) | Assist the individual to locate housing opportunities that are consistent with the individual’s preferences, goals, and interests; |  |  |
| WAC 388-877-0722(3)(f) | Provide any outreach, tenancy support, and independent living skill building supports at a location convenient to the individual; |  |  |
| WAC 388-877-0722(3)(g) | Provide the individual with information regarding the requirements of the Fair Housing Act, Americans with Disabilities Act (ADA) of 1990, and Washington state antidiscrimination law, and post this information in a public place in the agency; and |  |  |
| WAC 388-877-0722(3)(h) | Ensure the services are specific to each individual and meant to assist in obtaining and maintaining housing in scattered-site, clustered, integrated, or single-site housing as long as the individual holds a lease or sub-lease. |  |  |
| **WAC 388-877-0724** | **Outpatient services-Recovery support-Peer support mental health services.** |  |  |
| WAC 388-877-0724(1) | Peer support mental health services provide a wide range of activities to assist an individual in exercising control over their own life and recovery process through: |  |  |
| WAC 388-877-0724(1)(a) | Developing self-advocacy and natural supports; |  |  |
| WAC 388-877-0724(1)(b) | Maintenance of community living skills; |  |  |
| WAC 388-877-0724(1)(c) | Promoting socialization; and |  |  |
| WAC 388-877-0724(1)(d) | The practice of peer counselors sharing their own life experiences related to mental illness to build alliances that enhance the individual's ability to function. |  |  |
| WAC 388-877-0724(2) | An agency that provides certified peer support services must meet the general requirements for recovery support services in WAC 388-877-0718. |  |  |
| WAC 388-877-0724(3) | An agency providing peer support services must ensure peer support counselors: |  |  |
| WAC 388-877-0724(3)(a) | Are recognized by the division of behavioral health and recovery (DBHR) as a "peer counselor" as defined in WAC 388-877-0200; and |  |  |
| WAC 388-877-0724(3)(b) | Provide peer support services: |  |  |
| WAC 388-877-0724(3)(b)(i) | Under the supervision of a mental health professional; and |  |  |
| WAC 388-877-0724(3)(b)(ii) | Within the scope of the peer counselor's training and department of health credential. |  |  |
| WAC 388-877-0724(4) | An agency providing peer support services must document the frequency, duration, and expected outcome of all peer support services in the individual service plan. |  |  |
| **WAC 388-877-0726** | **Wraparound facilitation mental health services address the complex emotional, behavior, and social issues of an identified individual twenty years of age or younger, and the individual's family.** |  |  |
| WAC 388-877-0726(1) | Wraparound facilitation services are: |  |  |
| WAC 388-877-0726(1)(a) | Provided to an individual who requires the services of a mental health provider and one or more child serving systems; |  |  |
| WAC 388-877-0726(1)(b) | Focused and driven by the needs of the identified family and the family's support community; and |  |  |
| WAC 388-877-0726(1)(c) | Provided in partnership with the individual, the individual's family, and the individual's mental health provider. |  |  |
| WAC 388-877-0726(2) | In addition to meeting the general requirements for recovery support services in WAC 388-877-0718, an agency providing certified wraparound facilitation services must employ or contract with: |  |  |
| WAC 388-877-0726(2)(a) | A mental health professional (MHP) who is responsible for oversight of the wraparound facilitation services; |  |  |
| WAC 388-877-0726(2)(b) | A facilitator who has completed department-approved wraparound facilitation training and: |  |  |
| WAC 388-877-0726(2)(b)(i) | Has a master's degree with at least one year of experience working in social services; |  |  |
| WAC 388-877-0726(2)(b)(ii) | Has a bachelor's degree with at least two years of experience working in social services; or |  |  |
| WAC 388-877-0726(2)(b)(iii) | Is an individual with lived experience that is documented in the personnel file; and |  |  |
| WAC 388-877-0726(2)(c) | A staff member certified to provide a child and adolescent needs and strengths (CANS) assessment. |  |  |
| WAC 388-877-0726(3) | In addition to the staff requirements in subsection (2) of this subsection, an agency must ensure the following individuals are available to assist in the planning and provision of wraparound facilitation services, as needed: |  |  |
| WAC 388-877-0726(3)(a) | An employee or volunteer youth partner, actively involved in defining the agency's services; and |  |  |
| WAC 388-877-0726(3)(b) | An employee or volunteer family partner, actively involved in defining the agency's services. |  |  |
| WAC 388-877-0726(4) | All wraparound facilitation services: |  |  |
| WAC 388-877-0726(4)(a) | Must include the identified individual, the individual's family, and the individual's mental health provider; and |  |  |
| WAC 388-877-0726(4)(b) | May include additional support partners as team members, including but not limited to all of the following: |  |  |
| WAC 388-877-0726(4)(b)(i) | Natural supports. Natural supports include community members, friends, and extended family members identified by either the individual, the individual's family, or both, to be active participants in the individual's support network. |  |  |
| WAC 388-877-0726(4)(b)(ii) | System supports. System supports are representatives from systems that currently offer support to the identified individual or that offer support services to the individual's adult care giver, which directly affects the individual. |  |  |
| WAC 388-877-0726(4)(b)(iii) | Peer supports. Peer supports are individuals who have personally and actively participated in wraparound facilitation services and who offer support to families currently working with the wraparound teams. |  |  |
| WAC 388-877-0726(5) | An agency must document the following: |  |  |
| WAC 388-877-0726(5)(a) | The development of a wraparound plan that: |  |  |
| WAC 388-877-0726(5)(a)(i) | Includes: |  |  |
| WAC 388-877-0726(5)(a)(i)(A) | A complete list of participants and their contact information; |  |  |
| WAC 388-877-0726(5)(a)(i)(B) | A list of next steps or follow-up information from the initial meeting; and |  |  |
| WAC 388-877-0726(5)(a)(i)(C) | The schedule of child and family team (CFT) meetings. |  |  |
| WAC 388-877-0726(5)(a)(ii) | Describes the individual's and the individual's family's vision for the future stated in their own language; |  |  |
| WAC 388-877-0726(5)(a)(iii) | Reflects the family's prioritization of needs and goals and addresses the needs as identified in the CANS screen; |  |  |
| WAC 388-877-0726(5)(a)(iv) | Is integrated with the person's individual service plan (see WAC 388-877-0620); |  |  |
| WAC 388-877-0726(5)(a)(v) | Identifies the functional strengths of the individual and the individual's family that can be used to help meet the identified needs; |  |  |
| WAC 388-877-0726(5)(a)(vi) | Assigns responsibility to CFT members for each strategy/intervention or task, and establishes timelines for implementation; |  |  |
| WAC 388-877-0726(5)(a)(vii) | Identifies immediate safety needs and a safety/crisis plan; and |  |  |
| WAC 388-877-0726(5)(a)(viii) | Assists the individual and the individual's family in using their support network. |  |  |
| WAC 388-877-0726(5)(a)(ix) | Is signed by all CFT members, including the individual and the individual's parent or if applicable, legal guardian. |  |  |
| WAC 388-877-0726(5)(b) | Coordination with any other involved systems and services or supports, including sharing the wraparound plan and any revisions with all members of the team; |  |  |
| WAC 388-877-0726(5)(c) | The result of the initial and subsequent CANS screenings and assessments; and |  |  |
| WAC 388-877-0726(5)(d) | The review of the wraparound plan during each CFT meeting and any revisions made to the plan to address the changing needs and progress of the identified individual and the individual’s family. |  |  |
| **WAC 388-877-0728** | **Outpatient services-Recovery support-Applied behavioral analysis mental health services** |  |  |
| WAC 388-877-0728 | Applied behavior analysis (ABA) mental health services assist children and their families to improve the core symptoms associated with autism spectrum disorders or other developmental disabilities for which ABA services have been determined to be medically necessary. |  |  |
| WAC 388-877-0728(1) | ABA services support learning, skill development, and assistance in any one or more of the following areas or domains: |  |  |
| WAC 388-877-0728(1)(a) | Social; |  |  |
| WAC 388-877-0728(1)(b) | Behavior; |  |  |
| WAC 388-877-0728(1)(c) | Adaptive; |  |  |
| WAC 388-877-0728(1)(d) | Motor |  |  |
| WAC 388-877-0728(1)(e) | Vocational; or |  |  |
| WAC 388-877-0728(1)(f) | Cognitive. |  |  |
| WAC 388-877-0728(2) | An agency providing ABA services must meet the: |  |  |
| WAC 388-877-0728(2)(a) | General requirements in WAC 388-877-0718 for recovery support services; |  |  |
| WAC 388-877-0728(2)(b) | Specific agency staff requirements in WAC 388-877-0718(4); and |  |  |
| WAC 388-877-0728(2)(c) | Specific clinical record content and documentation requirements in WAC 388-877-0640 and 388-877-0718(5). |  |  |
| WAC 388-877-0728(3) | The health care authority (HCA) administers chapter 182-531A WAC for ABA services requirements. The rules in chapter 182-531A WAC include: |  |  |
| WAC 388-877-0728(3)(a) | Definitions that apply to ABA services; |  |  |
| WAC 388-877-0728(3)(b) | Program and clinical eligibility requirements; |  |  |
| WAC 388-877-0728(3)(c) | Prior authorization and recertification requirements; |  |  |
| WAC 388-877-0728(3)(d) | Specific ABA provider requirements; |  |  |
| WAC 388-877-0728(3)(e) | Covered and non-covered services; |  |  |
| WAC 388-877-0728(3)(f) | Billing requirements; and |  |  |
| WAC 388-877-0728(3)(g) | Requirements for: |  |  |
| WAC 388-877-0728(3)(g)(i) | Referrals to and assessments by centers of excellence (COE) for evaluations and orders; and |  |  |
| WAC 388-877-0728(3)(g)(ii) | ABA assessments and individualized ABA therapy treatment plans. |  |  |
| WAC 388-877-0728(4) | The ABA therapy treatment plan must: |  |  |
| WAC 388-877-0728(4)(a) | Be developed and maintained by a lead behavior analysis therapist (LBAT) (see sub-section (5) of this section); |  |  |
| WAC 388-877-0728(4)(b) | Identify the services to be delivered by the LBAT and the therapy assistant, if the agency employs a therapy assistant (see subsections (6) and (7) of this section); |  |  |
| WAC 388-877-0728(4)(c) | Be comprehensive and document treatment being provided by other health care professionals; and |  |  |
| WAC 388-877-0728(4)(d) | Document how all treatment will be coordinated, as applicable, with other members of the health care team. |  |  |
| WAC 388-877-0728(5) | An agency certified to provide ABA services must employ a lead behavior analysis therapist (LBAT). |  |  |
| WAC 388-877-0728(5)(a) | To qualify as an LBAT, an individual must meet the professional requirements in chapter 182-531 WAC. |  |  |
| WAC 388-877-0728(5)(b) | The agency must ensure the LBAT meets other applicable requirements in chapter 182-531A WAC. |  |  |
| WAC 388-877-0728(6) | An agency may choose to employ a therapy assistant. |  |  |
| WAC 388-877-0728(6)(a) | To qualify as a therapy assistant, an individual must meet the professional requirements in chapter 182-531A WAC. |  |  |
| WAC 388-877-0728(6)(b) | The agency must ensure the therapy assistant meets other applicable requirements in chapter 182-531A WAC. |  |  |
| WAC 388-877-0728(7) | If the agency employs a therapy assistant(s), the agency must ensure the LBAT: |  |  |
| WAC 388-877-0728(7)(a) | Supervises the therapy assistant: |  |  |
| WAC 388-877-0728(7)(a)(i) | For a minimum of five percent of the total direct care provided by the therapy assistant per week (for example, one hour of direct supervision per twenty hours of direct care); and |  |  |
| WAC 388-877-0728(7)(a)(ii) | In accordance with agency policies and procedures; |  |  |
| WAC 388-877-0728(7)(b) | Meets the requirements in this section; |  |  |
| WAC 388-877-0728(7)(c) | Completes a review of an individual's ABA therapy treatment plan with the therapy assistant before services are provided; |  |  |
| WAC 388-877-0728(7)(d) | Assures the therapy assistant delivers services according to the individual's ABA therapy treatment plan; and |  |  |
| WAC 388-877-0728(7)(e) | Meets at least every two weeks with the therapy assistant and documents review of the individual's progress or response to the treatment, or both, and makes changes to the ABA therapy treatment plan as indicated by the individual's progress or response. |  |  |
| WAC 388-877-0728(8) | To maintain department program-specific certification to provide ABA services, an agency must continue to ensure the requirements in this section are met. |  |  |
| **WAC 388-877-0730** | **Outpatient services-Consumer-run recovery support-Clubhouses-Required clubhouse components.** |  |  |
|  | The division of behavioral health and recovery certifies consumer-run clubhouses under the provision of RCW 71.24.035. International center for clubhouse development certification is not a substitute for certification by the state of Washington. |  |  |
| WAC 388-877-0730(1) | Required clubhouse components include all of the following: |  |  |
| WAC 388-877-0730(1)(a) | Voluntary member participation. Clubhouse members choose the way they use the clubhouse and the staff with whom they work. There are no agreements, contracts, schedules, or rules intended to enforce participation of members. All member participation is voluntary. Clubhouse policy and procedures must describe how members will have the opportunity to participate, based on their preferences, in the clubhouse. |  |  |
| WAC 388-877-0730(1)(b) | The work-ordered day. |  |  |
| WAC 388-877-0730(1)(c) | Activities, including: |  |  |
| WAC 388-877-0730(1)(c)(i) | Personal advocacy; |  |  |
| WAC 388-877-0730(1)(c)(ii) | Help with securing entitlements; |  |  |
| WAC 388-877-0730(1)(c)(iii) | Information on safe, appropriate, and affordable housing; |  |  |
| WAC 388-877-0730(1)(c)(iv) | Information related to accessing medical, psychological, pharmacological and substance use disorder services in the community; |  |  |
| WAC 388-877-0730(1)(c)(v) | Outreach to members during periods of absence from the clubhouse and maintaining contact during periods of inpatient treatment; |  |  |
| WAC 388-877-0730(1)(c)(vi) | In-house educational programs that use the teaching and tutoring skills of members; |  |  |
| WAC 388-877-0730(1)(c)(vii) | Connecting members with adult education opportunities in the community; |  |  |
| WAC 388-877-0730(1)(c)(viii) | An active employment program that assists members to gain and maintain employment in full- or part-time competitive jobs in integrated settings developed in partnership with the member, the clubhouse, and the employer and time-limited, part-time community jobs man-aged by the clubhouse with absentee coverage provided; and |  |  |
| WAC 388-877-0730(1)(c)(ix) | An array of social and recreational opportunities. |  |  |
| WAC 388-877-0730(1)(d) | Operating at least thirty hours per week on a schedule that accommodates the needs of the members. |  |  |
| **WAC 388-877-0732** | **Outpatient services-Consumer-run support-Clubhouses-Management and operational requirements.** |  |  |
| WAC 388-877-0732 | The requirements for managing and operating a clubhouse include all of the following: |  |  |
| WAC 388-877-0732(1) | Members, staff, and ultimately the clubhouse director, are responsible for the operation of the clubhouse. The director must ensure opportunities for members and staff to be included in all aspects of clubhouse operation, including setting the direction of the clubhouse. |  |  |
| WAC 388-877-0732(2) | Location in an area, when possible, where there is access to local transportation and, when access to public transportation is limited, facilitate alternatives. |  |  |
| WAC 388-877-0732(3) | A distinct identity, including its own name, mailing address, and phone number. |  |  |
| WAC 388-877-0732(4) | A separate entrance and appropriate signage that make the clubhouse clearly distinct, when co-located with another community agency. |  |  |
| WAC 388-877-0732(5) | An independent board of directors capable of fulfilling the responsibilities of a not-for-profit board of directors, when free-standing. |  |  |
| WAC 388-877-0732(6) | An administrative structure with sufficient authority to protect the autonomy and integrity of the clubhouse, when under the auspice of another agency. |  |  |
| WAC 388-877-0732(7) | Services are timely, appropriate, accessible, and sensitive to all members. |  |  |
| WAC 388-877-0732(8) | Members are not discriminated against on the basis of any status or individual characteristic that is protected by federal, state, or local law. |  |  |
| WAC 388-877-0732(9) | Written proof of a current fire/safety inspection: |  |  |
| WAC 388-877-0732(9)(a) | Conducted of all premises owned, leased or rented by the clubhouse; and |  |  |
| WAC 388-877-0732(9)(b) | Performed by all required external authorities (such as a state fire marshal and liability insurance carrier). |  |  |
| WAC 388-877-0732(10) | All applicable state, county, and city business licenses. |  |  |
| WAC 388-877-0732(11) | All required and current general liability, board and officers’ liability, and vehicle insurance. |  |  |
| WAC 388-877-0732(12) | An identifiable clubhouse budget that includes: |  |  |
| WAC 388-877-0732(12)(a) | Tracking all income and expenditures for the clubhouse by revenue source; |  |  |
| WAC 388-877-0732(12)(b) | Quarterly reconciliation of accounts; and |  |  |
| WAC 388-877-0732(12)(c) | Compliance with all generally accepted accounting principles. |  |  |
| WAC 388-877-0732(13) | Track member participation and daily attendance. |  |  |
| WAC 388-877-0732(14) | Assist member in developing, documenting, and maintaining the member's recovery goals and providing monthly documentation of progress toward reaching them. Both member and staff must sign all such plans and documentation, or, if a member does not sign, staff must document the reason. |  |  |
| WAC 388-877-0732(15) | A mechanism to identify and implement needed changes to the clubhouse operations, performance, and administration, and to document the involvement of members in all aspects of the operation of the clubhouse. |  |  |
| WAC 388-877-0732(16) | Evaluate staff performance by: |  |  |
| WAC 388-877-0732(16)(a) | Ensuring that paid employees: |  |  |
| WAC 388-877-0732(16)(a)(i) | Are qualified for the position they hold, including any licenses or certifications; and |  |  |
| WAC 388-877-0732(16)(a)(ii) | Have the education, experience and skills to perform the job requirements; |  |  |
| WAC 388-877-0732(16)(b) | Maintaining documentation that paid clubhouse staff: |  |  |
| WAC 388-877-0732(16)(b)(i) | Have a completed Washington state patrol background check on file; and |  |  |
| WAC 388-877-0732(16)(b)(ii) | Receive regular supervision and an annual performance evaluation. |  |  |
| **WAC 388-877-0734** | **Outpatient services-Consumer-run recovery support-Clubhouses-Certification process.** |  |  |
|  | The following employment support activities must be offered to clubhouse members: |  |  |
| WAC 388-877-0734(1) | Collaboration on creating, revising, and meeting individualized job and career goals; |  |  |
| WAC 388-877-0734(2) | Information about how employment will affect income and benefits; |  |  |
| WAC 388-877-0734(3) | Information on other rehabilitation and employment services, including but not limited to: |  |  |
| WAC 388-877-0734(3)(a) | The division of vocational rehabilitation; |  |  |
| WAC 388-877-0734(3)(b) | The state employment services; |  |  |
| WAC 388-877-0734(3)(c) | The business community; |  |  |
| WAC 388-877-0734(3)(d) | Job placement services within the community; and |  |  |
| WAC 388-877-0734(3)(e) | Community mental health agency-sponsored supported employment services; |  |  |
| WAC 388-877-0734(4) | Assistance in locating employment opportunities that are consistent with the member's skills, goals, and interests; |  |  |
| WAC 388-877-0734(5) | Assistance in developing a resume, conducting a job search, and interviewing; |  |  |
| WAC 388-877-0734(6) | Assistance in: |  |  |
| WAC 388-877-0734(6)(a) | Applying for school and financial aid; and |  |  |
| WAC 388-877-0734(6)(b) | Tutoring and completing course work; and |  |  |
| WAC 388-877-0737(7) | Information regarding protections against employment discrimination provided by federal, state, and local laws and regulations, and assistance with asserting these rights, including securing professional advocacy. |  |  |
| **WAC 388-877-0738** | **Outpatient services-level one outpatient substance use disorder services.** |  |  |
| WAC 388-877-0738(1) | ASAM level one outpatient substance use disorder services provide a program of individual and group counseling, education, and activities, in accordance with ASAM criteria. |  |  |
| WAC 388-877-0738(2) | An agency certified to provide level one outpatient substance use disorder services must meet the behavioral health agency licensure, certification, administration, personnel, and clinical requirements in WAC 388-877-0300 through 388-877-0680. |  |  |
| WAC 388-877-0738(3) | An agency certified to provide level one outpatient substance use disorder services must ensure both of the following: |  |  |
| WAC 388-877-0738(3)(a) | Group therapy services are provided with a staff ratio of one staff member for every sixteen individuals; and |  |  |
| WAC 388-877-0738(3)(b) | A group counseling session with twelve to sixteen youths includes a second staff member. |  |  |
| **WAC 388-877-0740** | **Outpatient services-Level two intensive outpatient substance use disorder.** |  |  |
|  | ASAM level two intensive outpatient substance use disorder services provide a concentrated program of individual and group counseling, education, and activities, in accordance with ASAM criteria. |  |  |
| WAC 388-877-0740(1) | An agency certified to provide level two intensive outpatient treatment services must meet the behavioral health agency licensure, certification, administration, personnel, and clinical requirements in WAC 388-877-0300 through 388-877-0680. |  |  |
| WAC 388-877-0740(2) | An agency providing level two intensive outpatient treatment services for deferred prosecution must: |  |  |
| WAC 388-877-0740(2)(a) | Ensure that individuals admitted under a deferred prosecution order receive services that meet the requirements of RCW 10.05.150, including, that the individual receives a mini-mum of seventy-two hours of treatment services within a maximum of twelve weeks, which consist of the following during the first four weeks of treatment: |  |  |
| WAC 388-877-0740(2)(a)(i) | At least three sessions each week, with each session occurring on separate days of the week; |  |  |
| WAC 388-877-0740(2)(a)(ii) | Group sessions that must last at least one hour; and |  |  |
| WAC 388-877-0740(2)(a)(iii) | Attendance at self-help groups in addition to the seventy-two hours of treatment services; |  |  |
| WAC 388-877-0740(2)(b) | There must be approval, in writing, by the court having jurisdiction in the case, when there is any exception to the requirements in this subsection; and |  |  |
| WAC 388-877-0740(2)(c) | The agency must refer for ongoing treatment or support upon completion of intensive outpatient treatment, as necessary. |  |  |
| WAC 388-877-0740(3) | An agency certified to provide level two intensive outpatient substance use disorder services must ensure both of the following: |  |  |
| WAC 388-877-0740(3)(a) | Group therapy services are provided with a staff ratio of one staff member for every sixteen individuals; and |  |  |
| WAC 388-877-0740(30(b) | A group counseling session with twelve to sixteen youths includes a second staff member. |  |  |
| **WAC 388-877-0742** | **Outpatient services-Substance use disorder assessment only services.** |  |  |
|  | Substance use disorder assessment only services are provided to an individual to determine the individual's involvement with alcohol and other drugs and determine the appropriate course of care or referral. |  |  |
| WAC 388-877-0742(1) | A behavioral health agency certified for assessment only services may choose to be-come certified to also provide driving under the influence (DUI) assessment services described in WAC 388-877-0820. |  |  |
| WAC 388-877-0742(2) | An agency certified to provide assessment only services must meet the behavioral health agency licensure, certification, administration, personnel, and clinical requirements in WAC 388-877-0300 through 388-877-0680 except where specifically indicated. |  |  |
| WAC 388-877-0742(3) | An agency providing assessment only services: |  |  |
| WAC 388-877-0742(3)(a) | Must review, evaluate, and document information provided by the individual; |  |  |
| WAC 388-877-0742(3)(b) | May include information from external sources such as family, support individuals, le-gal entities, courts, and employers; and |  |  |
| WAC 388-877-0742(3)(c) | Is not required to meet the individual service plan requirements in WAC 388-877-0620. |  |  |
| WAC 388-877-0742(4) | An agency must maintain and provide a list of resources, including self-help groups, and referral options that can be used by staff members to refer an individual to appropriate services. |  |  |
| WAC 388-877-0742(5) | An agency that offers off-site assessment services must meet the requirements in WAC 388-877-0342. |  |  |
| WAC 388-877-0742(6) | An agency providing assessment only services must ensure all assessment only services are provided by a chemical dependency professional (CDP). |  |  |
| **WAC 388-877-0744** | **Outpatient services-Information and assistance services-Substance use disorder services-General.** |  |  |
|  | Information and assistance services are considered non-treatment substance use disorder services provided to support an individual who has a need for interventions related to sub-stance use. |  |  |
| WAC 388-877-0744(1) | Information and assistance services require additional program-specific certification by the department's division of behavioral health and recovery and include: |  |  |
| WAC 388-877-0744(1)(a) | Alcohol and drug information school; |  |  |
| WAC 388-877-0744(1)(b) | Information and crisis services; |  |  |
| WAC 388-877-0744(1)(c) | Emergency service patrol; and |  |  |
| WAC 388-877-0744(1)(d) | Screening and brief intervention. |  |  |
| WAC 388-877-0744(2) | Substance use disorder information and assistance services are available without an initial assessment or individual service plan and are not required to meet the requirements un-der WAC 388-877-0640. |  |  |
| WAC 388-877-0744(3) | An agency providing information and assistance services must maintain and provide a list of resources, including self-help groups and referral options that can be used by staff members to refer an individual to appropriate services. |  |  |
| **WAC 388-877-0746** | **Outpatient services-Substance use disorder information and assistance services-Alcohol and drug information school.** |  |  |
|  | Alcohol and drug information school services provide an educational program about sub-stance use. These services are for an individual referred by a court or other jurisdiction(s) who may have been assessed and determined not to require treatment. In addition to meeting requirements for substance use disorder information and assistance services in WAC 388-877-0744, an agency providing alcohol and drug information school services must: |  |  |
| WAC 388-877-0746(1) | Ensure courses are taught by a certified information school instructor or a chemical dependency professional (CDP) who: |  |  |
| WAC 388-877-0746(1)(a) | Advises each student there is no assumption the student has a substance use disorder and that the course is not a therapy session; |  |  |
| WAC 388-877-0746(1)(b) | Follows a department-approved curriculum; |  |  |
| WAC 388-877-0746(1)(c) | Ensures each course has no fewer than eight hours of classroom instruction; and |  |  |
| WAC 388-877-0746(1)(d) | Administers each enrolled student the post-test for each course after the course is completed; |  |  |
| WAC 388-877-0746(2) | Ensure a school instructor who is not a CDP has a certificate of completion of an alcohol and other drug information school instructor's training course approved by the department, and the personnel file contains documentation of the training; and |  |  |
| WAC 388-877-0746(3) | Ensure each individual student record contains: |  |  |
| WAC 388-877-0746(3)(a) | An intake form, including demographics; |  |  |
| WAC 388-877-0746(3)(b) | The hours of attendance, including dates; and |  |  |
| WAC 388-877-0746(3)(c) | A copy of the scored post-test. |  |  |
| **WAC 388-877-0748** | **Outpatient services-Substance use disorder information and assistance-Information and crisis services.** |  |  |
|  | Substance use disorder information and crisis services provide an individual assistance or guidance related to substance use disorders, twenty-four hours a day by telephone or in-person. In addition to meeting requirements for substance use disorder information and assistance services in WAC 388-877-0744, an agency providing information and crisis services must: |  |  |
| WAC 388-877-0748(1) | Have services available to any individual twenty-four hours a day, seven days a week; |  |  |
| WAC 388-877-0748(2) | Ensure each staff member completes forty hours of training that covers substance use disorders before assigning the staff member unsupervised duties; |  |  |
| WAC 388-877-0748(3) | Ensure a chemical dependency professional (CDP), or a chemical dependency professional trainee (CDPT) under supervision of a CDP, is available or on staff twenty-four hours a day; |  |  |
| WAC 388-877-0748(4) | Maintain a current directory of all certified substance use disorder service providers in the state; and |  |  |
| WAC 388-877-0748(5) | Maintain a current list of local resources for legal, employment, education, interpreter, and social and health services. |  |  |
| **WAC 388-877-0750** | **Outpatient services-Substance use disorder information and assistance-emergency service patrol.** |  |  |
|  | Emergency service patrol services provide transport assistance to an intoxicated individual in a public place when a request has been received from police, merchants, or other per-sons. In addition to meeting requirements for substance use disorder information and assistance services in WAC 388-877-0744, an agency providing emergency service patrol services must: |  |  |
| WAC 388-877-0750(1) | Ensure the staff member providing the service: |  |  |
| WAC 388-877-0750(1)(a) | Has proof of a valid Washington state driver's license; |  |  |
| WAC 388-877-0750(1)(b) | Possesses annually updated verification of first-aid and cardiopulmonary resuscitation training; and |  |  |
| WAC 388-877-0750(1)(c) | Has completed forty hours of training in substance use disorder crisis intervention techniques and alcoholism and drug abuse, to improve skills in handling crisis situations; |  |  |
| WAC 388-877-0750(2) | Respond to calls from police, merchants, and other persons for assistance with an intoxicated individual in a public place; |  |  |
| WAC 388-877-0750(3) | Patrol assigned areas and give assistance to an individual intoxicated in a public place; |  |  |
| WAC 388-877-0750(4) | Conduct a preliminary screening of an individual's condition related to the state of their impairment and presence of a physical condition needing medical attention; |  |  |
| WAC 388-877-0750(5) | Transport the individual to their home or shelter, to a certified treatment provider, or a health care facility if the individual is intoxicated, but subdued and willing to be transported; |  |  |
| WAC 388-877-0750(6) | Make reasonable efforts to take the individual into protective custody and transport the individual to an appropriate treatment or health care facility, when the individual is incapacitated, unconscious, or has threatened or inflicted harm on another person; |  |  |
| WAC 388-877-0750(7) | Call law enforcement for assistance if the individual is unwilling to be taken into protective custody; and |  |  |
| WAC 388-877-0750(8) | Maintain a log, including: |  |  |
| WAC 388-877-0750(8)(a) | The date, time and origin of each call received for assistance; |  |  |
| WAC 388-877-0750(8)(b) | The time of arrival at the scene; |  |  |
| WAC 388-877-0750(8)(c) | The location of the individual at the time of the assist; |  |  |
| WAC 388-877-0750(8)(d) | The name and sex of the individual transported; |  |  |
| WAC 388-877-0750(8)(e) | The results of the preliminary screening; |  |  |
| WAC 388-877-0750(8)(f) | The destination and address of the transport and the time of arrival; and |  |  |
| WAC 388-877-0750(8)(g) | In case of non-pickup of a person, documentation of why the pickup did not occur. |  |  |
| **WAC 388-877-0752** | **Outpatient services-Substance use disorder information and assistance-Screening and brief intervention.** |  |  |
|  | Screening and brief intervention services are a combination of information and assistance services designed to screen an individual for risk factors that appear to be related to sub-stance use disorders, provide interventions, and make appropriate referral as needed. The services may be provided in a wide variety of settings. In addition to meeting requirements for substance use disorder information and assistance services in WAC 388-877-0744, an agency providing screening and brief intervention services must: |  |  |
| WAC 388-877-0752)(1) | Ensure services are provided by a chemical dependency professional (CDP), a chemical dependency professional trainee (CDPT) under the supervision of a CDP, or another appropriately credentialed staff member; |  |  |
| WAC 388-877-0752(2) | Ensure each staff member completes forty hours of training that covers the following areas before assigning the staff member unsupervised duties: |  |  |
| WAC 388-877-0752(2)(a) | Substance use disorder screening and brief intervention techniques; |  |  |
| WAC 388-877-0752(2)(b) | Motivational interviewing; and |  |  |
| WAC 388-877-0752(2)(c) | Referral; |  |  |
| WAC 388-877-0752(3) | Maintain a current list of local resources for legal, employment, education, interpreter, and social and health services; and |  |  |
| WAC 388-877-0752(4) | Ensure each individual’s record contains: |  |  |
| WAC 388-877-0752(4)(a) | A copy of a referral; |  |  |
| WAC 388-877-0752(4)(b) | Demographic information |  |  |
| WAC 388-877-0752(4)(c) | Documentation the individual was informed and received a copy of the requirements under 42 C.F.R. Part 2; |  |  |
| WAC 388-877-0752(4)(d) | Documentation the individual received a copy of the counselor disclosure information; |  |  |
| WAC 388-877-0752(4)(e) | Documentation the individual received a copy of the individual rights; |  |  |
| WAC 388-877-0752(4)(f) | Authorization for the release of information; and |  |  |
| WAC 388-877-0752(4)(g) | A copy of screening documents, including outcome and referrals. |  |  |
| **WAC 388-877-0754** | **Outpatient services-Problem and pathological gambling treatment services.** |  |  |
|  | Problem and pathological gambling treatment services provide treatment to an individual that includes diagnostic screening and assessment, and individual, group, couples, and family counseling and case management. In addition to meeting the behavioral health agency licensure, certification, administration, personnel, and clinical requirements in WAC 388-877-0300 through 388-877-0680 an agency that provides problem and pathological gambling treatment services must: |  |  |
| WAC 388-877-0754(1) | Have an outline of each education session included in the service that is sufficient in detail for another trained staff person to deliver the session in the absence of the regular instructor; |  |  |
| WAC 388-877-0754(2) | Maintain a list or source of resources, including self-help groups, and referral options that can be used by staff to refer an individual to appropriate services; |  |  |
| WAC 388-877-0754(3) | Limit the size of group counseling sessions to no more than sixteen individuals; and |  |  |
| WAC 388-877-0754(4) | Maintain a written procedure for the response to medical and psychiatric emergencies. |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Section V** | | | |
|  | **INVOLUNTARY AND COURT ORDERED** |  |  |
| **WAC 388-877-0800** | **Involuntary and court-ordered-Noncompliance reporting for court-ordered substance use disorder treatment.** |  |  |
|  | An agency providing substance use disorder services must report noncompliance, in all levels of care, for an individual ordered into substance use disorder treatment by a court of law or other appropriate jurisdictions. An agency that fails to report noncompliance for an individual under chapter 46.61 RCW is subject to penalties as stated in RCW 46.61.5056(4). An agency providing treatment to a court-mandated individual, including deferred prosecution, must develop procedures addressing individual noncompliance and reporting requirements, including: |  |  |
| WAC 388-877-0800(1) | Completing an authorization to release confidential information form that meets the requirements of 42 C.F.R. Part 2 and 45 C.F.R. Parts 160 and 164 or through a court order authorizing the disclosure pursuant to 42 C.F.R. Part 2, Sections 2.63 through 2.67; |  |  |
| WAC 388-877-0800(2) | Notifying the designated crisis responder within three working days from obtaining in-formation of any violation of the terms of the court order for purposes of revocation of the individual's conditional release, or department of corrections (DOC) if the individual is under DOC supervision; |  |  |
| WAC 388-877-0800(3) | Reporting and recommending action for emergency noncompliance to the court or other appropriate jurisdiction(s) within three working days from obtaining information on: |  |  |
| WAC 388-877-0800(3)(a) | An individual's failure to maintain abstinence from alcohol and other non-prescribed drugs as verified by individual's self-report, identified third party report confirmed by the agency, or blood alcohol content or other laboratory test; |  |  |
| WAC 388-877-0800(3)(b) | An individual's report of subsequent alcohol or drug related arrests; or |  |  |
| WAC 388-877-0800(3)(c) | An individual leaving the program against program advice or an individual discharged for rule violation; |  |  |
| WAC 388-877-0800(4) | Reporting and recommending action for nonemergency, noncompliance to the court or other appropriate jurisdiction(s) within ten working days from the end of each reporting period, upon obtaining information on: |  |  |
| WAC 388-877-0800(4)(a) | An individual's unexcused absences or failure to report, including failure to attend mandatory self-help groups; or |  |  |
| WAC 388-877-0800(4)(b) | An individual's failure to make acceptable progress in any part of the treatment plan; |  |  |
| WAC 388-877-0800(5) | Transmitting noncompliance or other significant changes as soon as possible, but no longer than ten working days from the date of the noncompliance, when the court does not wish to receive monthly reports; |  |  |
| WAC 388-877-0800(6) | Reporting compliance status of persons convicted under chapter 46.61 RCW to the department of licensing. |  |  |
| **WAC 388-877-0805** | **Involuntary and court-ordered-Less restrictive alternative (LRA) or conditional release support mental health services.** |  |  |
|  | Less restrictive alternative (LRA) support and conditional release mental health services are provided to individuals on a less restrictive alternative court order or conditional release. An agency agrees to provide or monitor the provision of court-ordered services, including psychiatric and medical components of community support services. In addition to meeting the behavioral health agency licensure, certification, administration, personnel, and clinical requirements in WAC 388-877-0300 through 388-877-0680, an agency providing court-ordered LRA support and conditional release services must do all of the following: |  |  |
| WAC 388-877-0805(1) | Have a written policy and procedure that allows for the referral of an individual to an involuntary treatment facility twenty-four hours a day, seven days a week. |  |  |
| WAC 388-877-0805(2) | Have a written policy and procedure for an individual who requires involuntary detention that includes procedures for: |  |  |
| WAC 388-877-0805(2)(a) | Contacting the designated crisis responder (DCR) regarding revocations or extension of an LRA or conditional release; and |  |  |
| WAC 388-877-0805(2)(b) | The transportation of an individual, in a safe and timely manner, for the purpose of: |  |  |
| WAC 388-877-0805(2)(b)(i) | Evaluation; or |  |  |
| WAC 388-877-0805(2)(b)(ii) | Evaluation and detention. |  |  |
| WAC 388-877-0805(3) | Ensure a committed individual is advised of their rights under chapter 71.05 or 71.34 RCW, as applicable, and that the individual has the right: |  |  |
| WAC 388-877-0805(3)(a) | To receive adequate care and individualized treatment; |  |  |
| WAC 388-877-0805(3)(b) | To make an informed decision regarding the use of antipsychotic medication and to refuse medication beginning twenty-four hours before any court proceeding that the individual has the right to attend; |  |  |
| WAC 388-877-0805(3)(c) | To maintain the right to be presumed competent and not lose any civil rights as a consequence of receiving evaluation and treatment for a mental disorder; |  |  |
| WAC 388-877-0805(3)(d) | Of access to attorneys, courts, and other legal redress; |  |  |
| WAC 388-877-0805(3)(e) | To be told statements the individual makes may be used in the involuntary proceedings; and |  |  |
| WAC 388-877-0805(3)(f) | To have all information and records compiled, obtained, or maintained in the course of treatment kept confidential as described in chapters 70.02, 71.05, and 71.34 RCW. |  |  |
| WAC 388-877-0805(4) | Include in the clinical record a copy of the less restrictive alternative court order or conditional release and a copy of any subsequent modification. |  |  |
| WAC 388-877-0805(5) | Ensure the development and implementation of an individual service plan which ad-dresses the conditions of the less restrictive alternative court order or conditional release and a plan for transition to voluntary treatment. |  |  |
| WAC 388-877-0805(6) | Ensure that the individual receives psychiatric medication services for the assessment and prescription of psychotropic medications appropriate to the needs of the individual as follows: |  |  |
| WAC 388-877-0805(6)(a) | At least one time in the initial fourteen days following release from inpatient treatment for an individual on a ninety-day or one hundred eighty-day less restrictive alternative court or-der or conditional release, unless the individual's attending physician, physician assistant, or psychiatric advanced registered nurse practitioner (ARNP) determines another schedule is more appropriate and documents the new schedule and the reason(s) in the individual's clinical record; and |  |  |
| WAC 388-877-0805(6)(b) | At least one time every thirty days for the duration of the less restrictive alternative court order or conditional release, unless the individual's attending physician or psychiatric ARNP determines another schedule is more appropriate and documents the new schedule and the reason(s) in the individual's clinical record. |  |  |
| WAC 388-877-0805(7) | Keep a record of the periodic evaluation by a mental health professional of each committed individual for release from, or continuation of, an involuntary treatment order. Evaluations must occur at least every thirty days for the duration of the commitments and include documentation of assessment and rationale: |  |  |
| WAC 388-877-0805(7)(a) | For requesting a petition for an additional period of less restrictive or conditional re-lease treatment under an involuntary treatment order; or |  |  |
| WAC 388-877-0805(7)(b) | Allowing the less restrictive court order or conditional release expire without an ex-tension request. |  |  |
| **WAC 388-877-0810** | **Involuntary and court-ordered-Emergency individual detention mental health and substance use disorder services.** |  |  |
|  | Emergency involuntary detention services are services provided by a designated crisis responder (DCR) to evaluate an individual in crisis and determine if involuntary services are required. In addition to meeting the behavioral health agency licensure, certification, administration, personnel, and clinical requirements in WAC 388-877-0300 through 388-877-0680, an agency certified to provide emergency involuntary detention services must do all of the following: |  |  |
| WAC 388-877-0810(1) | Ensure that services are provided by a DCR. |  |  |
| WAC 388-877-0810(2) | Ensure staff members are available twenty-four hours a day, seven days a week. |  |  |
| WAC 388-877-0810(3) | Ensure staff members utilize the protocols for DCRs required by RCW 71.05.214. |  |  |
| WAC 388-877-0810(4) | Have a written agreement with a certified inpatient evaluation and treatment or se-cure withdrawal management and stabilization facility to allow admission of an individual twenty-four hours a day, seven days a week. |  |  |
| WAC 388-877-0810(5) | Have a plan for training, staff back-up, information sharing, and communication for a staff member who responds to a crisis in a private home or a nonpublic setting. |  |  |
| WAC 388-877-0810(6) | Ensure that a DCR is able to be accompanied by a second trained individual when responding to a crisis in a private home or a nonpublic setting. |  |  |
| WAC 388-877-0810(7) | Ensure that a DCR who engages in a home visit to a private home or a nonpublic set-ting is provided by their employer with a wireless telephone, or comparable device, for the purpose of emergency communication as described in RCW 71.05.710. |  |  |
| WAC 388-877-0810(8) | Provide staff members, who are sent to a private home or other private location to evaluate an individual in crisis, prompt access to information about any history of dangerous-ness or potential dangerousness on the individual they are being sent to evaluate that is documented in a crisis plan(s) or commitment record(s). This information must be made available without unduly delaying the crisis response. |  |  |
| WAC 388-877-0810(9) | Have a written protocol for the transportation of an individual, in a safe and timely manner, for the purpose of medical evaluation or detention. |  |  |
| WAC 388-877-0810(10) | Document services provided to the individual, and other applicable information. At a minimum this must include: |  |  |
| WAC 388-877-0810(10)(a) | That the individual was advised of their rights in accordance with RCW 71.05.360; |  |  |
| WAC 388-877-0810(10)(b) | That if the evaluation was conducted in a hospital emergency department or inpatient unit, it occurred in accordance with the timelines required by RCW 71.05.050, 71.05.153, and 71.34.710; |  |  |
| WAC 388-877-0810(10)(c) | That the DCR conducting the evaluation considered both of the following when evaluating the individual: |  |  |
| WAC 388-877-0810(10)(c)(i) | The imminent likelihood of serious harm or imminent danger because of being gravely disabled (see RCW 71.05.153); and |  |  |
| WAC 388-877-0810(10)(c)(ii) | The likelihood of serious harm or grave disability that does not meet the imminent standard for the emergency detention (see RCW 71.05.150); |  |  |
| WAC 388-877-0810(10)(d) | That the DCR documented consultation with any examining emergency room physician as required by RCW 71.05.154; |  |  |
| WAC 388-877-0810(10)(e) | If the individual was not detained: |  |  |
| WAC 388-877-0810(10)(e)(i) | A description of the disposition and follow-up plan; and |  |  |
| WAC 388-877-0810(10)(e)(ii) | Documentation that the minor's parent was informed of their right to request a court review of the DCR's decision not to detain the minor under RCW 71.34.710, if the individual is a minor thirteen years of age or older; |  |  |
| WAC 388-877-0810(10)(f) | If the individual was detained, a petition for initial detention must include the following: |  |  |
| WAC 388-877-0810(10)(f)(i) | The circumstances under which the person's condition was made known; |  |  |
| WAC 388-877-0810(10)(f)(ii) | Evidence, as a result of the DCR's personal observation or investigation, that the actions of the person for which application is made constitute a likelihood of serious harm, or that the individual is gravely disabled; |  |  |
| WAC 388-877-0810(10)(f)(iii) | Evidence that the individual will not voluntarily seek appropriate treatment; |  |  |
| WAC 388-877-0810(10)(f)(iv) | Consideration of all reasonably available information from credible witnesses, to include family members, landlords, neighbors, or others with significant contact and history of involvement with the individual, and records, as required by RCW 71.05.212; and |  |  |
| WAC 388-877-0810(10)(f)(v) | Consideration of the individual's history of judicially required, or administratively ordered, anti-psychotic medications while in confinement when conducting an evaluation of an offender under RCW 72.09.370; and |  |  |
| WAC 388-877-0810(10)(g) | Documentation that the individual, or the individual's guardian or conservator, received a copy of the following: |  |  |
| WAC 388-877-0810(10)(g)(i) | Notice of detention; |  |  |
| WAC 388-877-0810(10)(g)(ii) | Notice of rights; and |  |  |
| WAC 388-877-0810(10)(g)(iii) | Initial petition. |  |  |
| **WAC 388-877-0815** | **Involuntary and court-ordered-Substance use disorder counseling for RCW 46.61.5056.** |  |  |
|  | In addition to meeting the behavioral health agency licensure, certification, administration, personnel, and clinical requirements in WAC 388-877-0300 through 388-877-0680, an agency providing certified substance use disorder counseling services to an individual convicted of driving under the influence or physical control under RCW 46.61.5056 must ensure treatment is completed as follows: |  |  |
| WAC 388-877-0815(1) | Treatment during the first sixty days must include: |  |  |
| WAC 388-877-0815(1)(a) | Weekly group or individual substance use disorder counseling sessions according to the individual service plan; |  |  |
| WAC 388-877-0815(1)(b) | One individual substance use disorder counseling session of not less than thirty minutes duration, excluding the time taken for a substance use disorder assessment, for each individual, according to the individual service plan; |  |  |
| WAC 388-877-0815(1)(c) | Alcohol and drug basic education for each individual; |  |  |
| WAC 388-877-0815(1)(d) | Participation in self-help groups for an individual with a diagnosis of substance dependence. Participation must be documented in the individual's clinical record; and |  |  |
| WAC 388-877-0815(1)(e) | The balance of the sixty-day time period for individuals who complete intensive inpatient substance use disorder treatment services must include, at a minimum, weekly outpatient counseling sessions according to the individual service plan. |  |  |
| WAC 388-877-0815(2) | The next one hundred twenty days of treatment includes: |  |  |
| WAC 388-877-0815(2)(a) | Group or individual substance use disorder counseling sessions every two weeks ac-cording to the individual service plan; |  |  |
| WAC 388-877-0815(2)(b) | One individual substance use disorder counseling session of not less than thirty minutes duration, every sixty days according to the individual service plan; and |  |  |
| WAC 388-877-0815(2)(c) | Referral of each individual for ongoing treatment or support, as necessary, using ASAM criteria, upon completion of one hundred eighty days of treatment. |  |  |
| WAC 388-877-0815(3) | For an individual who is assessed with insufficient evidence of a substance use dis-order, a substance use disorder professional (CDP) must refer the individual to alcohol/drug in-formation school. |  |  |
| **WAC 388-877-0820** | **Involuntary and court-ordered-Driving under the influence (DUI) substance use disorder assessment services.** |  |  |
|  | Driving under the influence (DUI) assessment services, as defined in chapter 46.61 RCW, are provided to an individual to determine the individual's involvement with alcohol and other drugs and determine the appropriate course of care or referral. |  |  |
|  | In addition to meeting the behavioral health agency licensure, certification, administration, personnel, and clinical requirements in WAC 388-877-0300 through 388-877-0680, an agency certified to provide DUI assessment services: |  |  |
|  | Must review, evaluate, and document information provided by the individual; |  |  |
|  | May include information from external sources such as family, support individuals, le-gal entities, courts, and employers; |  |  |
|  | Is not required to meet the individual service plan requirements in WAC 388-877-0620; and |  |  |
|  | Must maintain and provide a list of resources, including self-help groups, and referral options that can be used by staff members to refer an individual to appropriate services. |  |  |
|  | An agency certified to provide DUI assessment services must also ensure: |  |  |
|  | The assessment is conducted in person; and |  |  |
|  | The individual has a summary included in the assessment that evaluates the individual's: |  |  |
|  | Blood or breath alcohol level and other drug levels, or documentation of the individual's refusal at the time of the arrest, if available; and |  |  |
|  | Self-reported driving record and the abstract of the individual's legal driving record. |  |  |
|  | When the assessment findings do not result in a substance use disorder diagnosis, the assessment must also include: |  |  |
|  | A copy of the police report; |  |  |
|  | A copy of the court originated criminal case history; |  |  |
|  | The results of a urinalysis or drug testing obtained at the time of the assessment; and |  |  |
|  | A referral to alcohol and drug information school. |  |  |
|  | If the information in subsections (3)(a) through (d) of this section is required and not readily available, the record must contain documentation of attempts to obtain the information. |  |  |
|  | Upon completion of the DUI assessment, the individual must be: |  |  |
|  | Informed of the results of the assessment; and |  |  |
|  | Referred to the appropriate level of care according to ASAM criteria. |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Section VI** | | | |
|  | **CRISIS MENTAL HEALTH SERVICES** |  |  |
| **WAC 388-877-0900** | **Crisis mental health services-General.** |  |  |
|  | Crisis mental health services are intended to stabilize an individual in crisis to prevent further deterioration, provide immediate treatment and intervention in a location best suited to meet the needs of the individual, and provide treatment services in the least restrictive environment available. An agency certified to provide crisis mental health services must meet the general requirements in WAC 388-877-0300 through 388-877-0680 except the initial assessment, individual service plan, and clinical record requirements in WAC 388-877-0610, 388-877-0620, and 388-877-0640. |  |  |
| WAC 388-877-0900(1) | Crisis service include: |  |  |
| WAC 388-877-0900(1)(a) | Crisis telephone support; |  |  |
| WAC 388-877-0900(1)(b) | Crisis outreach services; |  |  |
| WAC 388-877-0900(1)(c) | Crisis stabilization services; |  |  |
| WAC 388-877-0900(1)(d) | Crisis peer support services; and |  |  |
| WAC 388-877-0900(1)(e) | Emergency involuntary detention services. |  |  |
| WAC 388-877-0900(2) | An agency providing any crisis mental health services must ensure: |  |  |
| WAC 388-877-0900(2)(a) | All crisis services are provided by, or under the supervision of, a mental health professional; |  |  |
| WAC 388-877-0900(2)(b) | Each staff member working directly with an individual receiving any crisis mental health service receives: |  |  |
| WAC 388-877-0900(2)(b)(i) | Clinical supervision from a mental health professional; and |  |  |
| WAC 388-877-0900(2)(b)(ii) | Annual violence prevention training on the safety and violence prevention topics de-scribed in RCW 49.19.030. The staff member's personnel record must document the training; and |  |  |
| WAC 388-877-0900(2)(c) | Staff access to consultation with one of the following professionals who has at least one year's experience in the direct treatment of individuals who have a mental or emotional dis-order: |  |  |
| WAC 388-877-0900(2)(c)(i) | A psychiatrist; |  |  |
| WAC 388-877-0900(2)(c)(ii) | A physician; |  |  |
| WAC 388-877-0900(2)(c)(iii) | A physician assistant; or |  |  |
| WAC 388-877-0900(2)(c)(iv) | An advanced registered nurse practitioner (ARNP) who has prescriptive authority. |  |  |
| WAC 388-877-0900(3) | Subsection (2)(c) of this section does not apply to agencies that only provide crisis telephone services. |  |  |
| WAC 388-877-0900(4) | Documentation of a crisis service must include the following, as applicable to the cri-sis service provided: |  |  |
| WAC 388-877-0900(4)(a) | A brief summary of each crisis service encounter, including the date, time, and duration of the encounter; |  |  |
| WAC 388-877-0900(4)(b) | The names of the participants; and |  |  |
| WAC 388-877-0900(4)(c) | A follow-up plan, including any referrals for services, including emergency medical services. |  |  |
| WAC 388-877-0900(5) | An agency must ensure crisis services: |  |  |
| WAC 388-877-0900(5)(a) | Are, with the exception of stabilization services, available twenty-four hours a day, seven days a week; |  |  |
| WAC 388-877-0900(5)(b) | Include family members, significant others, and other relevant treatment providers, as necessary, to provide support to the individual in crisis; |  |  |
| WAC 388-877-0900(5)(c) | Are provided in a setting that provides for the safety of the individual and agency staff members; and |  |  |
| WAC 388-877-0900(5)(d) | Require that trained staff remain with the individual in crisis in order to provide stabilization and support until the crisis is resolved or referral to another service is accomplished. |  |  |
| **WAC 388-877-0905** | **Crisis mental health services-telephone support services.** |  |  |
|  | Mental health telephone support services are services provided as a means of first con-tact to an individual in crisis. These services may include de-escalation and referral. |  |  |
| WAC 388-877-0905(1) | In addition to meeting the general requirements for crisis services in WAC 388-877-0900, an agency certified to provide telephone support services must: |  |  |
| WAC 388-877-0905(1)(a) | Respond to crisis calls twenty-four-hours-a-day, seven-days-a week; |  |  |
| WAC 388-877-0905(1)(b) | Have a written protocol for the referral of an individual to a voluntary or involuntary treatment facility for admission on a seven-day-a-week, twenty-four-hour-a-day basis, including arrangements for contacting the designated crisis responder; |  |  |
| WAC 388-877-0905(1)(c) | Assure communication and coordination with the individual's mental health care provider, if indicated and appropriate; and |  |  |
| WAC 388-877-0905(1)(d) | Post a copy of the statement of individual rights in a location visible to staff and agency volunteers. |  |  |
| WAC 388-877-0905(2) | An agency must document each telephone crisis response contact made, including: |  |  |
| WAC 388-877-0905(2)(a) | The date, time, and duration of the telephone call; |  |  |
| WAC 388-877-0905(2)(b) | The relationship of the caller to the person in crisis, for example self, family member, or friend; |  |  |
| WAC 388-877-0905(2)(c) | Whether the individual in crisis has a crisis plan; and |  |  |
| WAC 388-877-0905(2)(d) | The outcome of the call, including: |  |  |
| WAC 388-877-0905(2)(d)(i) | Any follow-up contacts made; |  |  |
| WAC 388-877-0905(2)(d)(ii) | Any referrals made, including referrals to emergency or other medical services; and |  |  |
| WAC 388-877-0905(2)(d)(iii) | The name of the staff person who took the crisis call. |  |  |
| **WAC 388-877-0910** | **Crisis mental health services-outreach services.** |  |  |
|  | Crisis mental health outreach services are face-to-face intervention services provided to assist individuals in a community setting. A community setting can be an individual's home, an emergency room, a nursing facility, or other private or public location. In addition to meeting the general requirements for crisis services in WAC 388-877-0900, an agency certified to provide crisis outreach services must do all of the following: |  |  |
| WAC 388-877-0910(1) | Provide crisis telephone screening. |  |  |
| WAC 388-877-0910(2) | Ensure face-to-face outreach services are provided by a mental health professional, or a mental health care provider under the supervision of a mental health professional with documented training in crisis response. |  |  |
| WAC 388-877-0910(3) | Ensure services are provided in a setting that provides for the safety of the individual and agency staff members. |  |  |
| WAC 388-877-0910(4) | Have a protocol for requesting a copy of an individual's crisis plan twenty-four hours a day, seven days a week. |  |  |
| WAC 388-877-0910(5) | Require that staff member(s) remain with the individual in crisis in order to provide stabilization and support until the crisis is resolved or a referral to another service is accomplished. |  |  |
| WAC 388-877-0910(6) | Resolve the crisis in the least restrictive manner possible. |  |  |
| WAC 388-877-0910(7) | Have a written plan for training, staff back-up, information sharing, and communication for staff members who respond to a crisis in an individual's private home or in a nonpublic setting. |  |  |
| WAC 388-877-0910(8) | Ensure that a staff member responding to a crisis is able to be accompanied by a second trained individual when services are provided in the individual's home or other nonpublic location. |  |  |
| WAC 388-877-0910(9) | Ensure that any staff member who engages in home visits is provided by their employer with a wireless telephone, or comparable device for the purpose of emergency communication as described in RCW 71.05.710. |  |  |
| WAC 388-877-0910(10) | Provide staff members who are sent to a private home or other private location to evaluate an individual in crisis, prompt access to information about any history of dangerous-ness or potential dangerousness on the individual they are being sent to evaluate that is documented in a crisis plan(s) or commitment record(s). This information must be made available without unduly delaying the crisis response. |  |  |
| WAC 388-877-0910(11) | Have a written protocol that allows for the referral of an individual to a voluntary or involuntary treatment facility twenty-four hours a day, seven days a week. |  |  |
| WAC 388-877-0910(12) | Have a written protocol for the transportation of an individual in a safe and timely manner, when necessary. |  |  |
| WAC 388-877-0910(13) | Document all crisis response contacts, including: |  |  |
| WAC 388-877-0910(13)(a) | The date, time, and location of the initial contact; |  |  |
| WAC 388-877-0910(13)(b) | The source of referral or identity of caller; |  |  |
| WAC 388-877-0910(13)(c) | The nature of the crisis; |  |  |
| WAC 388-877-0910(13)(d) | Whether the individual has a crisis plan and any attempt to obtain a copy; |  |  |
| WAC 388-877-0910(13)(e) | The time elapsed from the initial contract to the face-to-face response; |  |  |
| WAC 388-877-0910(13)(f) | The outcome, including: |  |  |
| WAC 388-877-0910(13)(f)(i) | The basis for a decision not to respond in person; |  |  |
| WAC 388-877-0910(13)(f)(ii) | Any follow up contacts made; and |  |  |
| WAC 388-877-0910(13)(f)(iii) | Any referrals made, including referrals to emergency medical services; and |  |  |
| WAC 388-877-0910(13)(g) | The name of the staff person(s) who responded to the crisis. |  |  |
| **WAC 388-877-0915** | **Crisis mental health services-Stabilization services.** |  |  |
|  | Crisis mental health stabilization services include short-term (less than two weeks per episode) face-to-face assistance with life skills training and understanding of medication effects on an individual. Stabilization services may be provided to an individual as a follow-up to crisis services provided or to any individual determined by a mental health professional to need additional stabilization services. In addition to meeting the general requirements for crisis services in WAC 388-877-0900, an agency certified to provide crisis stabilization services must: |  |  |
| WAC 388-877-0915(1) | Ensure the services are provided by a mental health professional, or under the supervision of a mental health professional; |  |  |
| WAC 388-877-0915(2) | Ensure the services are provided in a setting that provides for the safety of the individual and agency staff; |  |  |
| WAC 388-877-0915(3) | Have a written plan for training, staff back-up, information sharing, and communication for staff members who are providing stabilization services in an individual's private home or in a nonpublic setting; |  |  |
| WAC 388-877-0915(4) | Have a protocol for requesting a copy of an individual's crisis plan; |  |  |
| WAC 388-877-0915(5) | Ensure that a staff member responding to a crisis is able to be accompanied by a second trained individual when services are provided in the individual's home or other nonpublic location; |  |  |
| WAC 388-877-0915(6) | Ensure that any staff member who engages in home visits is provided by their employer with a wireless telephone, or comparable device, for the purpose of emergency communication as described in RCW 71.05.710; |  |  |
| WAC 388-877-0915(7) | Have a written protocol that allows for the referral of an individual to a voluntary or in-voluntary treatment facility; |  |  |
| WAC 388-877-0915(8) | Have a written protocol for the transportation of an individual in a safe and timely manner, when necessary; and |  |  |
| WAC 388-877-0915(9) | Document all crisis stabilization response contacts, including identification of the staff person(s) who responded. |  |  |
| **WAC 388-877-0920** | **Crisis mental health services-Peer support services.** |  |  |
|  | Crisis mental health peer support services assist an individual in exercising control over their own life and recovery process through the practice of peer counselors sharing their own life experiences related to mental illness to build alliances that enhance the individual's ability to function. |  |  |
| WAC 388-877-0920(1) | Peer support services are intended to augment and not supplant other necessary mental health services. |  |  |
| WAC 388-877-0920(2) | In addition to meeting the general requirements for crisis services in WAC 388-877-0900, an agency certified to provide crisis peer support services must: |  |  |
| WAC 388-877-0920(2)(a) | Ensure services are provided by a person recognized by the division of behavioral health and recovery (DBHR) as a peer counselor, as defined in WAC 388-877-0200, under the supervision of a mental health professional; |  |  |
| WAC 388-877-0920(2)(b) | Ensure services provided by a peer counselor are within the scope of the peer counselor's training and credential; |  |  |
| WAC 388-877-0920(2)(c) | Ensure that a peer counselor responding to a crisis is accompanied by a mental health professional; |  |  |
| WAC 388-877-0920(2)(d) | Ensure that any staff member who engages in home visits is provided by their employer with a wireless telephone, or comparable device, for the purpose of emergency communication; and |  |  |
| WAC 388-877-0920(2)(e) | Ensure peer counselors receive annual training that is relevant to their unique working environment. |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Section VII** | | | |
|  | **OPIOID TREATMENT PROGRAMS** |  |  |
| **WAC 388-877-1000** | **Opioid treatment programs (OTP)-General** |  |  |
| WAC 388-877-1000(1) | Opioid treatment program services include the dispensing of an opioid treatment medication, along with a comprehensive range of medical and rehabilitative services, when clinically necessary, to an individual to alleviate the adverse medical, psychological, or physical effects incident to opioid use disorder. These services include withdrawal management treatment and maintenance treatment. |  |  |
| WAC 388-877-1000(2) | An agency must meet all the certification requirements in WAC 388-877-1005 in or-der to provide opioid treatment program services and: |  |  |
| WAC 388-877-1000(2)(a) | Be licensed by the department as a behavioral health agency; |  |  |
| WAC 388-877-1000(2)(b) | Meet the applicable behavioral health agency licensure, certification, administration, personnel, and clinical requirements in WAC 388-877-0300 through 388-877-0680; and |  |  |
| WAC 388-877-1000(2)(c) | Have policies and procedures to support and implement the: |  |  |
| WAC 388-877-1000(20(c)(i) | General requirements in WAC 388-877-0420; and |  |  |
| WAC 388-877-1000(2)(c)(ii) | Program-specific requirements in WAC 388-877-1000 through 388-877-1025. |  |  |
| WAC 388-877-1000(3) | An agency providing opioid treatment program services must ensure that the agency's individual record system complies with all federal and state reporting requirements relevant to opioid drugs approved for use in treatment of opioid use disorder. |  |  |
| WAC 388-877-1000(4) | An agency must: |  |  |
| WAC 388-877-1000(4)(a) | Use ASAM criteria for admission, continued services, and discharge planning and decisions; |  |  |
| WAC 388-877-1000(4)(b) | Provide education to each individual admitted, totaling no more than fifty percent of treatment services, on: |  |  |
| WAC 388-877-1000(4)(b)(i) | Alcohol, other drugs, and substance use disorder; |  |  |
| WAC 388-877-1000(4)(b)(ii) | Relapse prevention; |  |  |
| WAC 388-877-1000(4)(b)(iii) | Blood borne pathogens; and |  |  |
| WAC 388-877-1000(4)(b)(iv) | Tuberculosis (TB) |  |  |
| WAC 388-877-1000(4)(c) | Provide education or information to each individual on : |  |  |
| WAC 388-877-1000(4)(c)(i) | Emotional, physical, and sexual abuse; |  |  |
| WAC 388-877-1000(4)(c)(ii) | Nicotine use disorder; |  |  |
| WAC 388-877-1000(4)(c)(iii) | The impact of substance use during pregnancy, risks to the fetus, and the importance of informing medical practitioners of substance use during pregnancy; and |  |  |
| WAC 388-877-1000(4)(c)(iv) | Family planning; and |  |  |
| WAC 388-877-1000(4)(d) | Have written procedures for: |  |  |
| WAC 388-877-1000(4)(d)(i) | Diversion control that contains specific measures to reduce the possibility of the diversion of controlled substances from legitimate treatment use, and assign specific responsibility to the medical and administrative staff members for carrying out the described diversion control measures and functions; |  |  |
| WAC 388-877-1000(4)(d)(ii) | Urinalysis and drug testing, to include obtaining: |  |  |
| WAC 388-877-1000(4)(d)(ii)(A) | Specimen samples from each individual, at least eight times within twelve consecutive months; |  |  |
| WAC 388-877-1000(4)(d)(ii)(B) | Random samples, without notice to the individual; |  |  |
| WAC 388-877-1000(4)(d)(ii)(C) | Samples in a therapeutic manner that minimizes falsification; |  |  |
| WAC 388-877-1000(4)(d)(ii)(D) | Observed samples, when clinically appropriate; and |  |  |
| WAC 388-877-1000(4)(d)(ii)(E) | Samples handled through proper chain of custody techniques. |  |  |
| WAC 388-877-1000(4)(d)(iii) | Laboratory testing; |  |  |
| WAC 388-877-1000(4)(d)(iv) | The response to medical and psychiatric emergencies; and |  |  |
| WAC 388-877-1000(4)(d)(v) | Verifying the identity of an individual receiving treatment services, including maintain-ing a file in the dispensary with a photograph of the individual and updating the photographs when the individual's physical appearance changes significantly. |  |  |
| WAC 388-877-1000(5) | An agency must ensure that an individual is not admitted to opioid treatment withdrawal management services more than two times in a twelve-month period following admission to services. |  |  |
| WAC 388-877-1000(6) | An agency providing services to a pregnant woman must have a written procedure to address specific issues regarding their pregnancy and prenatal care needs, and to provide referral information to applicable resources. |  |  |
| WAC 388-877-1000(7) | An agency providing youth opioid treatment program services must: |  |  |
| WAC 388-877-1000(7)(a) | Have a written procedure to assess and refer the youth to the department's child welfare services, when applicable; |  |  |
| WAC 388-877-1000(7)(b) | Ensure that a group counseling session with twelve to sixteen youths include a second staff member; |  |  |
| WAC 388-877-1000(7)(c) | Ensure that before admission the youth has had two documented attempts at short-term withdrawal management or drug-free treatment within a twelve-month period, with a waiting period of no less than seven days between the first and second short-term withdrawal management treatment; and |  |  |
| WAC 388-877-1000(7)(d) | Ensure that when a youth is admitted for maintenance treatment, written consent by a parent or if applicable, legal guardian or responsible adult designated by the relevant state authority, is obtained. |  |  |
| WAC 388-877-1000(8) | An agency providing opioid treatment program services must ensure: |  |  |
| WAC 388-877-1000(8)(a) | That notification to the federal Substance Abuse and Mental Health Services Administration (SAMHSA) and the department is made within three weeks of any replacement or other change in the status of the program, program sponsor (as defined in 42 C.F.R. Part 8), or medical director; |  |  |
| WAC 388-877-1000(8)(b) | Treatment is provided to an individual in compliance with 42 C.F.R. Part 8; |  |  |
| WAC 388-877-1000(8)(c) | The individual record system complies with all federal and state reporting requirements relevant to opioid drugs approved for use in treatment of opioid use disorder; and |  |  |
| WAC 388-877-1000(8)(d) | The death of an individual enrolled in an opioid treatment program is reported to the department within one business day. |  |  |
| **WAC 388-877-1005** | **Opioid treatment programs (OTP)-Agency certification requirements.** |  |  |
|  | An agency applying to provide opioid treatment program services must do all of the following: |  |  |
| WAC 388-877-1005(1) | Submit to the department documentation that the agency has communicated with the county legislative authority and if applicable, the city legislative authority or tribal authority, in order to secure a location for the new opioid treatment program that meets county, tribal or city land use ordinances. |  |  |
| WAC 388-877-1005(2) | Ensure that a community relations plan developed and completed in consultation with the county, city, or tribal authority or their designee, in order to minimize the impact of the opioid treatment programs upon the business and residential neighborhoods in which the program is located. The plan must include: |  |  |
| WAC 388-877-1005(2)(a) | Documentation of the strategies used to: |  |  |
| WAC 388-877-1005(2)(a)(i) | Obtain stakeholder input regarding the proposed location; |  |  |
| WAC 388-877-1005(2)(a)(ii) | Address any concerns identified by stakeholders; and |  |  |
| WAC 388-877-1005(2)(a)(iii) | Develop an ongoing community relations plan to address new concerns expressed by stakeholders; and |  |  |
| WAC 388-877-1005(2)(b) | For new applicants who operate opioid treatment programs in another state, copies of all survey reports written by their national accreditation body and state certification, if applicable, within the past six years. |  |  |
| WAC 388-877-1005(3) | Have concurrent approval to provide an opioid treatment program by: |  |  |
| WAC 388-877-1005(3)(a) | The Washington state department of health board of pharmacy; |  |  |
| WAC 388-877-1005(3)(b) | The federal Center for Substance Abuse Treatment (CSAT), Substance Abuse and Mental Health Administration (SAMHSA), as required by 42 C.F.R. Part 8 for certification as an opioid treatment program; and |  |  |
| WAC 388-877-1005(3)(c) | The federal Drug Enforcement Administration (DEA). |  |  |
| WAC 388-877-1005(4) | An agency must ensure that the opioid treatment program is provided to an individual in compliance with the applicable requirements in 42 C.F.R. Part 8 and 21 C.F.R. Part 1301. |  |  |
| WAC 388-877-1005(5) | The department may deny an application for certification when the applicant has not demonstrated in the past, the capability to provide the appropriate services to assist individuals using the program to meet goals established by the legislature. |  |  |
| **WAC 388-877-1010** | **Opioid treatment programs (OTP)-Agency staff requirements.** |  |  |
|  | In addition to meeting the agency administrative and personnel requirements in WAC 388-877-0400 through 388-877-0530, an agency providing substance use disorder opioid treatment program services must: |  |  |
| WAC 388-877-1010(1) | Appoint a program sponsor, as defined in 42 C.F.R. Part 8, who is responsible for no-tifying the federal Center for Substance Abuse Treatment (CSAT), Substance Abuse and Men-tal Health Services Administration (SAMHSA), the federal Drug Enforcement Administration (DEA), the department, and the Washington state board of pharmacy of any theft or significant loss of a controlled substance. |  |  |
| WAC 388-877-1010(2) | Ensure there is an appointed medical director who: |  |  |
| WAC 388-877-1010(2)(a) | Is licensed by department of health (DOH) to practice medicine and practices within their scope of practice; |  |  |
| WAC 388-877-1010(2)(b) | Is responsible for all medical services performed; and |  |  |
| WAC 388-877-1010(2)(c) | Ensures all medical services provided are in compliance with applicable federal, state, and local rules and laws. |  |  |
| WAC 388-877-1010(3) | Ensure all medical services provided are provided by an appropriate DOH-credentialed medical provider practicing within their scope of practice. |  |  |
| WAC 388-877-1010(4) | Ensure at least one staff member has documented training in: |  |  |
| WAC 388-877-1010(4)(a) | Family planning; |  |  |
| WAC 388-877-1010(4)(b) | Prenatal health care; and |  |  |
| WAC 388-877-1010(4)(c) | Parenting skills. |  |  |
| WAC 388-877-1010(5) | Ensure that at least one staff member is on duty at all times who has documented training in: |  |  |
| WAC 388-877-1010(5)(a) | Cardiopulmonary resuscitation (CPR); and |  |  |
| WAC 388-877-1010(5)(b) | Management of opioid overdose. |  |  |
| **WAC 388-877-1015** | **Opioid treatment programs (OTP)-Clinical record content and documentation requirements.** |  |  |
| WAC 388-877-1015 | In addition to the general clinical record content requirements in WAC 388-877-0640, an agency providing substance use disorder opioid treatment program services must maintain an individual's clinical record. The clinical record must contain: |  |  |
| WAC 388-877-1015(1) | Documentation that the agency made a good faith effort to review if the individual is enrolled in any other opioid treatment program and take appropriate action; |  |  |
| WAC 388-877-1015(2) | Documentation that the individual received a copy of the rules and responsibilities for treatment participants, including the potential use of interventions or sanction; |  |  |
| WAC 388-877-1015(3) | Documentation that the individual service plan was reviewed quarterly and semi-annually after two years of continuous treatment; |  |  |
| WAC 388-877-1015(4) | Documentation when an individual refuses to provide a drug testing specimen sample. The refusal is considered a positive drug screen specimen; |  |  |
| WAC 388-877-1015(5) | Documentation of the results and the discussion held with the individual regarding any positive drug screen specimens in the counseling session immediately following the notification of positive results; and |  |  |
| WAC 388-877-1015(6) | Documentation of all medical services (see WAC 388-877-1020 and 388-877-1025 regarding program physician responsibility and medication management). |  |  |
| **WAC 388-877-1020** | **Opioid treatment programs (OTP)-Program physician responsibility.** |  |  |
|  | An agency providing substance use disorder opioid treatment program services must ensure the program physician, or the medical practitioner under supervision of the program physician, performs and meets the following: |  |  |
| WAC 388-877-1020(1) | The program physician or medical practitioner under supervision of the program physician: |  |  |
| WAC 388-877-1020(1)(a) | Is responsible to verify an individual is currently addicted to an opioid drug and that the person became addicted at least twelve months before admission to treatment; or |  |  |
| WAC 388-877-1020(b) | May waive the twelve month requirement in (a) of this subsection upon receiving documentation that the individual: |  |  |
| WAC 388-877-1020(1)(b)(i) | Was released from a penal institution, if the release was within the previous six months; |  |  |
| WAC 388-877-1020(1)(b)(ii) | Is pregnant; or |  |  |
| WAC 388-877-1020(1)(b)(iii) | Was previously treated within the previous twenty-four months; |  |  |
| WAC 388-877-1020(2) | A physical evaluation must be completed on the individual before admission that includes the determination of opioid use disorder consistent with the current and applicable Diagnostic and Statistical Manual of Mental Disorders (DSM-5) criteria, and an assessment for appropriateness for Sunday and holiday take-home medication; |  |  |
| WAC 388-877-1020(3) | A review must be completed by the department of health prescription drug monitoring program data on the individual: |  |  |
| WAC 388-877-1020(3)(a) | At admission; |  |  |
| WAC 388-877-1020(3)(b) | Annually after the date of admission; and |  |  |
| WAC 388-877-1020(3)(c) | Subsequent to any incidents of concern; |  |  |
| WAC 388-877-1020(4) | All relevant facts concerning the use of the opioid drug must be clearly and adequately explained to each individual; |  |  |
| WAC 388-877-1020(5) | Current written and verbal information must be provided to pregnant individuals, be-fore the initial prescribed dosage regarding: |  |  |
| WAC 388-877-1020(5)(a) | The concerns of possible substance use disorder, health risks, and benefits the opioid treatment medication may have on the individual and the fetus; |  |  |
| WAC 388-877-1020(5)(b) | The risk of not initiating opioid treatment medication on the individual and the fetus; and |  |  |
| WAC 388-877-1020(5)(c) | Referral options to address neonatal abstinence syndrome for the baby. |  |  |
| WAC 388-877-1020(6) | Each individual voluntarily choosing to receive maintenance treatment must sign an informed consent to treatment; |  |  |
| WAC 388-877-1020(7) | Within fourteen days of admission, a medical examination must be completed that includes: |  |  |
| WAC 388-877-1020(7)(a) | Documentation of the results of serology and other tests; and |  |  |
| WAC 388-877-1020(7)(b) | An assessment for the appropriateness of take-home medications as required by 42 C.F.R. Part 8.12(i); |  |  |
| WAC 388-877-1020(8) | When exceptional circumstances exist for an individual to be enrolled with more than one opioid treatment program agency, justification granting permission must be documented in the individual's clinical record at each agency; |  |  |
| WAC 388-877-1020(9) | Each individual admitted to withdrawal management services must have an approved withdrawal management schedule that is medically appropriate; |  |  |
| WAC 388-877-1020(10) | Each individual administratively discharged from services must have an approved withdrawal management schedule that is medically appropriate; |  |  |
| WAC 388-877-1020(11) | An assessment for other forms of treatment must be completed for each individual who has two or more unsuccessful withdrawal management episodes within twelve consecutive months; and |  |  |
| WAC 388-877-1020(12) | An annual medical examination must be completed on each individual that includes the individual's overall physical condition and response to medication. |  |  |
| **WAC 388-877-1025** | **Opioid treatment programs (OTP)-Medication management.** |  |  |
|  | An agency providing substance use disorder opioid treatment program services must ensure the medication management requirements in this section are met. |  |  |
| WAC 388-877-1025(1) | An agency must use only those opioid treatment medications that are approved by the Food and Drug Administration under section 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) for use in the treatment of opioid use disorder. |  |  |
| WAC 388-877-1025(2) | An agency providing an opioid treatment program that is fully compliant with the procedures of an investigational use of a drug and other conditions set forth in the application may administer a drug that has been authorized by the Food and Drug Administration under an investigational new drug application under section 505(i) of the federal Food, Drug, and Cosmetic Act for investigational use in the treatment of opioid addition. The following opioid treatment medications are approved by the Food and Drug Administration for use in the treatment of opioid use disorder: |  |  |
| WAC 388-877-1025(2)(a) | Methadone; and |  |  |
| WAC 388-877-1025(2)(b) | Buprenorphine. |  |  |
| WAC 388-877-1025(3) | An agency providing opioid treatment program services must ensure that initial dosing requirements are met as follows: |  |  |
| WAC 388-877-1025(3)(a) | Methadone must be administered or dispensed only in oral form and is formulated in such a way as to reduce its potential for parenteral abuse; |  |  |
| WAC 388-877-1025(3)(b) | The initial dose of methadone must not exceed thirty milligrams and the total dose for the first day must not exceed forty milligrams, unless the program physician documents in the individual's record that forty milligrams did not suppress opioid abstinence symptoms; and |  |  |
| WAC 388-877-1025(3)(c) | The establishment of the initial dose must consider: |  |  |
| WAC 388-877-1025(3)(c)(i) | Signs and symptoms of withdrawal; |  |  |
| WAC 388-877-1025(3)(c)(ii) | Individual comfort; and |  |  |
| WAC 388-877-1025(3)(c)(iii) | Side effects from over medication. |  |  |
| WAC 388-877-1025(4) | An agency providing an opioid treatment program services must ensure that: |  |  |
| WAC 388-877-1025(4)(a) | Each opioid treatment medication used by the program is administered and dispensed in accordance with its approved product labeling; |  |  |
| WAC 388-877-1025(4)(b) | All dosing and administration decisions are made by a: |  |  |
| WAC 388-877-1025(4)(b)(i) | Program physician; or |  |  |
| WAC 388-877-1025(4)(b)(ii) | Medical practitioner under supervision of a program physician familiar with the most up-to-date product labeling; and |  |  |
| WAC 388-877-1025(4)(c) | Any significant deviations from the approved labeling, including deviations with regard to dose, frequency, or the conditions of use described in the approved labeling, are specifically documented in the individual's record. |  |  |
| WAC 388-877-1025(5) | An agency providing opioid treatment program services must ensure that all take-home medications are: |  |  |
| WAC 388-877-1025(5)(a) | Consistent with 42 C.F.R. Part 8.12 (i)(1) through (5) and are authorized only to stable individuals who: |  |  |
| WAC 388-877-1025(5)(a)(i) | Have received opioid treatment medication for a minimum of ninety days; and |  |  |
| WAC 388-877-1025(5)(a)(ii) | Have not had any positive drug screens in the last sixty days; |  |  |
| WAC 388-877-1025(5)(b) | Assessed and authorized, as appropriate, for a Sunday or legal holiday as identified in RCW 1.16.050; |  |  |
| WAC 388-877-1025(5)(c) | Assessed and authorized, as appropriate, when travel to the facility presents a safety risk for an individual or staff member due to inclement weather; and |  |  |
| WAC 388-877-1025(5)(d) | Not allowed in short-term withdrawal management or interim maintenance treatment. |  |  |
| WAC 388-877-1025(6) | All exceptions to take-home requirements must be submitted and approved by the state opioid treatment authority and Substance Abuse and Mental Health Services Administration (SAMHSA). |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Section VIII** | | | |
|  | **WITHDRAWAL MANAGEMENT SERVICES** |  |  |
| **WAC 388-877-1100** | **Withdrawal management services-Adult** |  |  |
|  | Substance use disorder withdrawal management services are provided to an individual to assist in the process of withdrawal from psychoactive substances in a safe and effective manner, in accordance with ASAM criteria. For secure withdrawal management and stabilization services for individuals who have been involuntarily committed, see WAC 388-877-1104. |  |  |
| WAC 388-877-1100(1) | A behavioral health agency certified for adult withdrawal management services may choose to also become certified to provide youth withdrawal management services (see WAC 388-877-1102). |  |  |
| WAC 388-877-1100(2) | An agency providing withdrawal management services to an individual must: |  |  |
| WAC 388-877-1100(2)(a) | Be a facility licensed by department of health under one of the following department of health chapters: |  |  |
| WAC 388-877-1100(2)(a)(i) | Hospital licensing regulations (chapter 246-320 WAC); |  |  |
| WAC 388-877-1100(2)(a)(ii) | Private psychiatric and alcoholism hospitals (chapter 246-322 WAC); |  |  |
| WAC 388-877-1100(2)(a)(iii) | Private alcohol and substance use disorder hospitals (chapter 246-324 WAC); or |  |  |
| WAC 388-877-1100(2)(a)(iv) | Residential treatment facility (chapter 246-337 WAC); |  |  |
| WAC 388-877-1100(2)(b) | Be licensed by the department as a behavioral health agency; |  |  |
| WAC 388-877-1100(2)(c) | Meet the applicable behavioral health agency licensure, certification, administration, personnel, and clinical requirements in WAC 388-877-0300 through 388-877-0680; and |  |  |
| WAC 388-877-1100(2)(d) | Have policies and procedures to support and implement the specific requirements in this section. |  |  |
| WAC 388-877-1100(3) | An agency must: |  |  |
| WAC 388-877-1100(3)(a) | Use ASAM criteria for admission, continued services, and discharge planning and decisions; |  |  |
| WAC 388-877-1100(3)(b) | Provide counseling to each individual that addresses the individual's: |  |  |
| WAC 388-877-1100(3)(b)(i) | Substance use disorder and motivation; and |  |  |
| WAC 388-877-1100(3)(b)(ii) | Continuing care needs and need for referral to other services; |  |  |
| WAC 388-877-1100(3)(c) | Maintain a list of resources and referral options that can be used by staff members to refer an individual to appropriate services; |  |  |
| WAC 388-877-1100(3)(d) | Post any rules and responsibilities for individuals receiving treatment, including information on potential use of increased motivation interventions or sanctions, in a public place in the facility; |  |  |
| WAC 388-877-1100(3)(e) | Provide tuberculosis screenings to individuals for the prevention and control of tuberculosis; and |  |  |
| WAC 388-877-1100(3)(f) | Provide HIV/AIDS information and include a brief risk intervention and referral as indicated. |  |  |
| WAC 388-877-1100(4) | Ensure that each staff member providing withdrawal management services to an individual, with the exception of licensed staff members and chemical dependency professionals, completes a minimum of forty hours of documented training before being assigned individual care duties. This personnel training must include the following topics: |  |  |
| WAC 388-877-1100(4)(a) | Substance use disorders; |  |  |
| WAC 388-877-1100(4)(b) | Infectious diseases, to include hepatitis and tuberculosis (TB); and |  |  |
| WAC 388-877-1100(4)(c) | Withdrawal screening, admission, and signs of trauma. |  |  |
| WAC 388-877-1100(5) | In addition to the general clinical record content requirements in WAC 388-877-0640, an agency providing substance use disorder withdrawal management services must maintain an individual's clinical record that contains: |  |  |
| WAC 388-877-1100(5)(a) | Documentation of a substance use disorder screening before admission; |  |  |
| WAC 388-877-1100(5)(b) | A voluntary consent to treatment form, or any release forms, signed and dated by the individual, or the individual's parent or legal guardian, except as authorized by law for protective custody and involuntary treatment; |  |  |
| WAC 388-877-1100(5)(c) | Documentation that the individual received HIV/AIDS information and a brief risk intervention and referral as indicated; and |  |  |
| WAC 388-877-1100(5)(d) | Documentation that a discharge summary, including a continuing care recommendation and a description of the individual's physical condition, was completed within seven working days of discharge. |  |  |
| **WAC 388-877-1102** | **Withdrawal management services-Youth** |  |  |
|  | Youth withdrawal management services are substance use disorder services provided to an individual seventeen years of age or younger. In addition to meeting the behavioral health agency licensure, certification, administration, personnel, and clinical requirements in WAC 388-877-0300 through 388-877-0680 and the adult withdrawal management requirements in WAC 388-877-1100, an agency providing youth withdrawal management services must do all of the following: |  |  |
| WAC 388-877-1102(1) | Admit youth only with the written permission of the youth's parent or, if applicable, the youth's legal guardian. If a youth meets the requirements of a child in need of services (CHINS), the youth may sign themselves into treatment. |  |  |
| WAC 388-877-1102(2) | Assess the individual's need for referral to the department's child welfare services. |  |  |
| WAC 388-877-1102(3) | Ensure the following for individuals who share a room: |  |  |
| WAC 388-877-1102(3)(a) | An individual fifteen years of age or younger must not room with an individual eighteen years of age or older; and |  |  |
| WAC 388-877-1102(3)(b) | An individual sixteen or seventeen years of age must be evaluated for clinical appropriateness before being placed in a room with an individual eighteen years of age or older. |  |  |
| WAC 388-877-1102(4) | Allow communication between the youth and the youth's parent or if applicable, a le-gal guardian, and facilitate the communication when clinically appropriate. |  |  |
| WAC 388-877-1102(5) | Notify the parent or legal guardian within two hours of any change in the status of the youth and document all notification and attempts of notification in the clinical record. |  |  |
| WAC 388-877-1102(6) | Discharge the youth to the care of the parent or legal guardian. For emergency dis-charge and when the parent or legal guardian is not available, the agency must contact the appropriate authority. |  |  |
| WAC 388-877-1102(7) | Ensure at least one adult staff member of each gender is present or available by phone at all times if co-educational treatment services are provided. |  |  |
| WAC 388-877-1102(8) | Ensure a staff member who demonstrates knowledge of adolescent development and substance use disorders is available at the facility or available by phone. |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Section IX** | | | |
|  | **SECURE WITHDRAWAL MANAGEMENT SERVICES** |  |  |
|  |  |  |  |
| **WAC 388-877-1104** | **Secure withdrawal management and stabilization services-Adults** |  |  |
|  | Secure withdrawal management and stabilization services are provided to an individual to assist in the process of withdrawal from psychoactive substances in a safe and effective manner, or medically stabilize an individual after acute intoxication, in accordance with ASAM criteria and chapters 71.05 and 71.34 RCW. |  |  |
| WAC 388-877-1104(1) | In addition to meeting the behavioral health agency licensure, certification, administration, personnel, and clinical requirements in WAC 388-877-0300 through 388-877-0680, an agency must: |  |  |
| WAC 388-877-1104(1)(a) | Meet the requirements for withdrawal management services in WAC 388-877-1100; and |  |  |
| WAC 388-877-1104(1)(b) | Designate a physician or chemical dependency professional as the professional per-son as defined in RCW 71.05.020 in charge of clinical services at that facility. |  |  |
| WAC 388-877-1104(2) | An agency certified to provide secure withdrawal management and stabilization services must have the following policies and procedures: |  |  |
| WAC 388-877-1104(2)(a) | Policies to ensure that services are provided in a secure environment. "Secure" means having: |  |  |
| WAC 388-877-1104(2)(a)(i) | All doors and windows leading to the outside locked at all times; |  |  |
| WAC 388-877-1104(2)(a)(ii) | Visual monitoring, either by line of sight or camera as appropriate to the individual; |  |  |
| WAC 388-877-1104(2)(a)(iii) | Adequate space to segregate violent or potentially violent persons from others; |  |  |
| WAC 388-877-1104(2)(a)(iv) | The means to contact law enforcement immediately in the event of an elopement from the facility; and |  |  |
| WAC 388-877-1104(2)(a)(v) | Adequate numbers of staff present at all times that are trained in facility security measures; |  |  |
| WAC 388-877-1104(2)(b) | Policies to ensure compliance with WAC 246-337-110 regarding seclusion and restraint; |  |  |
| WAC 388-877-1104(2)(c) | Procedures for admitting individuals needing secure withdrawal management and stabilization services seven days a week, twenty-four hours a day; |  |  |
| WAC 388-877-1104(2)(d) | Procedures to ensure that once an individual has been admitted, if a medical condition develops that is beyond the facility's ability to safely manage, the individual will be trans-ported to the nearest hospital for emergency medical treatment; |  |  |
| WAC 388-877-1104(2)(e) | Procedures to assure access to necessary medical treatment, including emergency life-sustaining treatment and medication; |  |  |
| WAC 388-877-1104(2)(f) | Procedures to assure at least daily contact between each in-voluntary individual and a chemical dependency professional or a trained professional person for the purpose of: |  |  |
| WAC 388-877-1104(2)(f)(i) | Observation; |  |  |
| WAC 388-877-1104(2)(f)(ii) | Evaluation |  |  |
| WAC 388-877-1104(2)(f)(ii) | Release from involuntary commitment to accept treatment on a voluntary basis; and |  |  |
| WAC 388-877-1104(2)(f)(iii) | Discharge from a facility to accept voluntary treatment upon referral; |  |  |
| WAC 388-877-1104(2)(f)(iv) | Procedures to assure the protection of individual and family rights as described in WAC 388-877-1122, rights related to antipsychotic medication in WAC 388-877-1124, and rights as described in chapters 71.05 and 71.34 RCW; |  |  |
| WAC 388-877-1104(2)(g) | Procedures to inventory and safeguard the personal property of the individual being detained, including a process to limit inspection of the inventory list by responsible relatives or other persons designated by the detained individual; |  |  |
| WAC 388-877-1104(2)(h) | Procedures to assure that a chemical dependency professional and licensed physician, physician assistant, or advanced registered nurse practitioner (ARNP) are available for consultation and communication with the direct patient care staff twenty-four hours a day, seven days a week; |  |  |
| WAC 388-877-1104(2)(i) | Procedures to warn an identified person and law enforcement when an adult has made a threat against an identified victim as explained in RCW 70.02.050 and in compliance with 42 C.F.R. Part 2; |  |  |
| WAC 388-877-1104(2)(j) | Procedures to ensure that individuals detained for up to fourteen, ninety, or one hundred and eighty additional days of treatment are evaluated by the professional staff of the facility in order to be prepared to testify that the individual's condition is caused by a substance use disorder and either results in likelihood of serious harm or the individual being gravely disabled. |  |  |
| WAC 388-877-1104(2)(k) | An agency providing secure withdrawal management and stabilization services must document that each individual has received evaluations to determine the nature of the disorder and the treatment necessary, including: |  |  |
| WAC 388-877-1104(3)(a) | A telephone screening reviewed by a nurse, as defined in chapter 18.79 RCW, or medical practitioner prior to admission that includes current level of intoxication, available medical history, and known medical risks; |  |  |
| WAC 388-877-1104(3)(b) | An evaluation by a chemical dependency professional within seventy-two hours of admission to the facility; and |  |  |
| WAC 388-877-1104(3)(c) | An assessment for substance use disorder and additional mental health disorders or conditions, using the global appraisal of individual needs - short screener (GAIN-SS) or its successor. |  |  |
| WAC 388-877-1104(4) | For individuals admitted to the secure withdrawal management and stabilization facility, the clinical record must contain: |  |  |
| WAC 388-877-1104(4)(a) | A statement of the circumstances under which the person was brought to the unit; |  |  |
| WAC 388-877-1104(4)(b) | The admission date and time; |  |  |
| WAC 388-877-1104(4)(c) | The date and time when the involuntary detention period ends; |  |  |
| WAC 388-877-1104(4)(d) | A determination of whether to refer to a designated crisis responder to initiate civil commitment proceedings; |  |  |
| WAC 388-877-1104(4)(e) | If an individual is admitted voluntarily and appears to meet the criteria for initial detention, documentation that an evaluation was performed by a designated crisis responder within the time period required in RCW 71.05.050, the results of the evaluation, and the disposition; |  |  |
| WAC 388-877-1104(4)(f) | Review of the client's current crisis plan, if applicable and available; and |  |  |
| WAC 388-877-1104(4)(g) | Review of the admission diagnosis and what information the determination was based upon. |  |  |
| WAC 388-877-1104(5) | An agency certified to provide secure withdrawal management and stabilization ser-vices must ensure the treatment plan includes all of the following: |  |  |
| WAC 388-877-1104(5)(a) | A protocol for safe and effective withdrawal management, including medications as appropriate; |  |  |
| WAC 388-877-1104(5)(b) | Discharge assistance provided by chemical dependency professionals, including facilitating transitions to appropriate voluntary or involuntary inpatient services or to less restrictive alternatives as appropriate for the individual. |  |  |
| WAC 388-877-1104(6) | An agency certified to provide secure withdrawal management and stabilization services must ensure that each staff member providing withdrawal management services to an individual, with the exception of licensed staff members and CDPs, completes a minimum of forty hours of documented training before being assigned individual care duties. This personnel training must include the following topics: |  |  |
| WAC 388-877-1104(6)(a) | Substance use disorders; |  |  |
| WAC 388-877-1104(6)(b) | Infectious diseases, to include hepatitis and tuberculosis (TB); and |  |  |
| WAC 388-877-1104(6)(c) | Withdrawal screening, admission, and signs of trauma. |  |  |
| **WAC 388-877-1106** | **Secure withdrawal management and stabilization services-Youth** |  |  |
|  | In addition to the requirements for secure withdrawal and stabilization services in WAC 388-877-1100, an agency certified to provide secure withdrawal management and stabilization services to youth must meet the following requirements: |  |  |
| WAC 388-877-1106(1) | Requirements for withdrawal management services for youth in WAC 388-877-1102; |  |  |
| WAC 388-877-1106(2) | Requirements for the posting of individual rights for minors in WAC 388-877-1120; and |  |  |
| WAC 388-877-1106(3) | Requirements for inpatient services for minors found in WAC 388-877-1128, 388-877-1130, and 388-877-1132. |  |  |
| **WAC 388-877-1108** | **Residential substance use disorder treatment services-General** |  |  |
|  | Residential treatment services provide substance use disorder treatment for an individual in a facility with twenty-four hours a day supervision. |  |  |
| WAC 388-877-1108(1) | Residential treatment services include: |  |  |
| WAC 388-877-1108(1)(a) | Intensive inpatient services, ASAM level 3.5; |  |  |
| WAC 388-877-1108(1)(b) | Recovery house treatment services, ASAM level 3.1; |  |  |
| WAC 388-877-1108(1)(c) | Long-term residential treatment services, ASAM level 3.1; and |  |  |
| WAC 388-877-1108(1)(d) | Youth residential services, ASAM levels 3.1, 3.5, and 3.7. |  |  |
| WAC 388-877-1108(2) | An agency certified to provide residential treatment services must: |  |  |
| WAC 388-877-1108(2)(a) | Be a facility licensed by department of health (DOH) and meet the criteria under one of the following DOH chapters: |  |  |
| WAC 388-877-1108(2)(a)(i) | Hospital licensing regulations (chapter 246-320 WAC); |  |  |
| WAC 388-877-1108(2)(a)(ii) | Private psychiatric and alcoholism hospitals (chapter 246-322 WAC); |  |  |
| WAC 388-877-1108(2)(a)(iii) | Private alcohol and substance use disorder hospitals (chapter 246-324 WAC); or |  |  |
| WAC 388-877-1108(2)(a)(iv) | Residential treatment facility (chapter 246-337 WAC); |  |  |
| WAC 388-877-1108(2)(b) | Be licensed by the department as a behavioral health agency; |  |  |
| WAC 388-877-1108(2)(c) | Meet the applicable behavioral health agency licensure, certification, administration, personnel, and clinical requirements in WAC 388-877-0300 through 388-877-0680; |  |  |
| WAC 388-877-1108(2)(d) | Have policies and procedures to support and implement the: |  |  |
| WAC 388-877-1108(2)(d)(i) | General requirements in WAC 388-877-0420; and |  |  |
| WAC 388-877-1108(2)(d)(ii) | Specific applicable requirements in WAC 388-877-1110 through 388-877-1116; |  |  |
| WAC 388-877-1108(2)(e) | Use ASAM criteria for admission, continued services, and discharge planning and decisions; |  |  |
| WAC 388-877-1108(2)(f) | Provide education to each individual admitted to the treatment facility on: |  |  |
| WAC 388-877-1108(2)(f)(i) | Substance use disorders; |  |  |
| WAC 388-877-1108(2)(f)(ii) | Relapse prevention; |  |  |
| WAC 388-877-1108(2)(f)(iii) | Blood borne pathogens; and |  |  |
| WAC 388-877-1108(2)(f)(iv) | Tuberculosis (TB); |  |  |
| WAC 388-877-1108(2)(g) | Provide education or information to each individual admitted on: |  |  |
| WAC 388-877-1108(2)(g)(i) | Emotional, physical, and sexual abuse; |  |  |
| WAC 388-877-1108(2)(g)(ii) | Nicotine use disorder; and |  |  |
| WAC 388-877-1108(2)(g)(iii) | The impact of substance use during pregnancy, risks to the fetus, and the importance of informing medical practitioners of chemical use during pregnancy; |  |  |
| WAC 388-877-1108(2)(h) | Maintain a list or source of resources, including self-help groups, and referral options that can be used by staff to refer an individual to appropriate services; |  |  |
| WAC 388-877-1108(2)(i) | Screen for the prevention and control of tuberculosis; |  |  |
| WAC 388-877-1108(2)(j) | Limit the size of group counseling sessions to no more than sixteen individuals; |  |  |
| WAC 388-877-1108(2)(k) | Have written procedures for: |  |  |
| WAC 388-877-1108(2)(k)(i) | Urinalysis and drug testing, including laboratory testing; and |  |  |
| WAC 388-877-1108(2)(k)(ii) | How agency staff members respond to medical and psychiatric emergencies; and |  |  |
| WAC 388-877-1108(2)(l) | The individual service plan is initiated with at least one goal identified by the individual during the initial assessment or at the first service session following the assessment. |  |  |
| WAC 388-877-1108(3) | An agency that provides services to a pregnant woman must: |  |  |
| WAC 388-877-1108(3)(a) | Have a written procedure to address specific issues regarding the woman's pregnancy and prenatal care needs; and |  |  |
| WAC 388-877-1108(3)(b) | Provide referral information to applicable resources. |  |  |
| WAC 388-877-1108(4) | An agency that provides an assessment to an individual under RCW 46.61.5056 must also meet the requirements for driving under the influence (DUI) assessment providers in WAC 388-877-0820. |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Section X** | | | |
|  | **RESIDENTIAL SUBSTANCE USE DISORDER TREATMENT SERVICES** |  |  |
| **WAC 388-877-1110** | **Residential substance use disorder treatment services-Intensive inpatient services.** |  |  |
| WAC 388-877-1110(1) | Intensive inpatient services are substance use disorder residential treatment services that provide a concentrated program of individual and group counseling, education, and activities for an individual who has completed withdrawal management and the individual's family to address overall functioning and to demonstrate aspects of recovery lifestyle. |  |  |
| WAC 388-877-1110(2) | In addition to meeting the applicable behavioral health agency licensure, certification, administration, personnel, and clinical requirements in WAC 388-877-0300 through 388-877-0680 and the residential treatment services requirements in WAC 388-877-1108, an agency certified to provide intensive inpatient services must: |  |  |
| WAC 388-877-1110(2)(a) | Complete the individual service plan within five days of admission; |  |  |
| WAC 388-877-1110(2)(b) | Conduct and document at least weekly, one face-to-face individual substance use disorder counseling session with the individual; |  |  |
| WAC 388-877-1110(2)(c) | Progress notes must include the date, time, duration, participant names, and a brief summary of the session and the name of the staff member who provided it; |  |  |
| WAC 388-877-1110(2)(d) | Document at least weekly, an individual service plan review which determines continued stay needs and progress towards goals; and |  |  |
| WAC 388-877-1110(2)(e) | Provide treatment services in line with ASAM 3.5 components appropriate to youth or adults. |  |  |
| **WAC 388-877-1112** | **Residential substance use disorder treatment services-Recovery house** |  |  |
| WAC 388-877-1112(1) | Recovery house services are substance use disorder residential treatment services that provide a program of care and treatment with social, vocational, and recreational activities to aid in individual adjustment to abstinence, relapse prevention, recovery skills development, and to aid in job training, employment, or participating in other types of community services. |  |  |
| WAC 388-877-1112(2) | In addition to meeting the behavioral health agency licensure, certification, administration, personnel, and clinical requirements in WAC 388-877-0300 through 388-877-0680 and the residential treatment services requirements in WAC 388-877-1108, an agency certified to provide recovery house services must: |  |  |
| WAC 388-877-1112(2)(a) | Provide no less than five hours per week of treatment services in line with ASAM lev-el 3.1; |  |  |
| WAC 388-877-1112(2)(b) | Progress notes should include the date, time, duration, participant names, and a brief summary of the session and the name of the staff member who provided it; and |  |  |
| WAC 388-877-1112(2)(c) | Conduct and document an individual service plan review at least monthly. |  |  |
| **WAC 388-877-1114** | **Residential substance use disorder treatment services-Long-term treatment services.** |  |  |
| WAC 388-877-1114(1) | Long-term treatment services are substance use disorder residential treatment services that provide a program for an individual needing consistent structure over a longer period of time to develop and maintain abstinence, develop recovery skills, and to improve overall health. |  |  |
| WAC 388-877-1114(2) | In addition to meeting the behavioral health agency licensure, certification, administration, personnel, and clinical requirements in WAC 388-877-0300 through 388-877-0680 and the residential treatment services requirements in WAC 388-877-1108 an agency certified to provide long-term treatment services must: |  |  |
| WAC 388-877-1114(2)(a) | Provide an individual a minimum of two hours each week of individual or group counseling; |  |  |
| WAC 388-877-1114(2)(b) | Provide no less than five hours per week of treatment services in line with ASAM 3.1 components; |  |  |
| WAC 388-877-1114(2)(c) | Progress notes should include the date, time, duration, participant names, and a brief summary of the session and the names of the staff member who provided it; |  |  |
| WAC 388-877-1114(2)(d) | Provide an individual, during the course of services, with: |  |  |
| WAC 388-877-1114(2)(d)(i) | Education on social and coping skills, relapse prevention, and recovery skills development; |  |  |
| WAC 388-877-1114(2)(d)(ii) | Social and recreational activities; |  |  |
| WAC 388-877-1114(2)(d)(iii) | Assistance in seeking employment, when appropriate; and |  |  |
| WAC 388-877-1114(2)(d)(iv) | Assistance with re-entry living skills to include seeking and obtaining safe housing; and |  |  |
| WAC 388-877-1114(2)(e) | Conduct and document an individual service plan review at least monthly. |  |  |
| **WAC 388-877-1116** | **Residential substance use disorder treatment services-Youth residential services.** |  |  |
|  | Youth residential services are substance use disorder residential treatment services pro-vided to an individual seventeen years of age or younger in accordance with ASAM criteria. In addition to meeting the behavioral health agency licensure, certification, administration, personnel, and clinical requirements in WAC 388-877-0300 through 388-877-0680 and the residential treatment services requirements in WAC 388-877-1108 an agency certified to provide youth residential services must do all of the following: |  |  |
| WAC 388-877-1116(1) | Ensure at least one adult staff member of each gender is present or on call at all times if co-educational treatment services are provided. |  |  |
| WAC 388-877-1116(2) | Ensure group counseling sessions with twelve to sixteen youths include a second adult staff member. |  |  |
| WAC 388-877-1116(3) | Ensure staff members are trained in safe and therapeutic techniques for dealing with a youth's behavior and emotional crisis, including: |  |  |
| WAC 388-877-1116(3)(a) | Verbal de-escalation; |  |  |
| WAC 388-877-1116(3)(b) | Crisis intervention; |  |  |
| WAC 388-877-1116(3)(c) | Anger management; |  |  |
| WAC 388-877-1116(3)(d) | Suicide assessment and intervention; |  |  |
| WAC 388-877-1116(3)(e) | Conflict management and problem solving skills; |  |  |
| WAC 388-877-1116(3)(f) | Management of assaultive behavior; |  |  |
| WAC 388-877-1116(3)(g) | Proper use of therapeutic physical intervention techniques; and |  |  |
| WAC 388-877-1116(3)(h) | Emergency procedures. |  |  |
| WAC 388-877-1116(4) | Provide group meetings to promote personal growth. |  |  |
| WAC 388-877-1116(5) | Provide leisure, and other therapy or related activities. |  |  |
| WAC 388-877-1116(6) | Provide seven or more hours of structured recreation each week that is led or super-vised by staff members. |  |  |
| WAC 388-877-1116(7) | Provide each youth one or more hours per day, five days each week, of supervised academic tutoring or instruction by a certified teacher when the youth is unable to attend school for an estimated period of four weeks or more. The agency must: |  |  |
| WAC 388-877-1116(7)(a) | Document the individual's most recent academic placement and achievement level; and |  |  |
| WAC 388-877-1116(7)(b) | Obtain school work from the individual's school, or when applicable, provide school work and assignments consistent with the individual's academic level and functioning. |  |  |
| WAC 388-877-1116(8) | Conduct random and regular room checks when an individual is in their room, and more often when clinically indicated. |  |  |
| WAC 388-877-1116(9) | Only admit youth with the written permission of the youth's parent or if applicable, le-gal guardian. In cases where the youth meets the requirements of a child in need of services (CHINS), the youth may sign themselves into treatment. |  |  |
| WAC 388-877-1116(10) | Assess the individual's need for referral to the department's child welfare services. |  |  |
| WAC 388-877-1116(11) | Ensure the following for individuals who share a room: |  |  |
| WAC 388-877-1116(11)(a) | An individual fifteen years of age or younger must not room with an individual eighteen years of age or older; and |  |  |
| WAC 388-877-1116(11)(b) | An individual sixteen or seventeen years of age must be evaluated for clinical appropriateness before being placed in a room with an individual eighteen years of age or older. |  |  |
| WAC 388-877-1116(12) | Allow communication between the youth and the youth's parent or if applicable, a legal guardian, and facilitate the communication when clinically appropriate. |  |  |
| WAC 388-877-1116(13) | Notify the parent or legal guardian within two hours of any change in the status of the youth and document all notifications and attempts of notifications in the clinical record. |  |  |
| WAC 388-877-1116(14) | Discharge the youth to the care of the youth's parent or if applicable, legal guardian. For emergency discharge and when the parent or legal guardian is not available, the agency must contact the appropriate authority. |  |  |
| WAC 388-877-1116(15) | Ensure each individual's clinical record: |  |  |
| WAC 388-877-1116(15)(a) | Contains any consent or release forms signed by the youth and their parent or legal guardian; |  |  |
| WAC 388-877-1116(15)(b) | Contains the parent's or other referring person's agreement to participate in the treatment process, as appropriate and if possible; and |  |  |
| WAC 388-877-1116(15)(c) | Documents any problems identified in specific youth assessment, including any referrals to school and community support services, on the individual service plan. |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Section XI** | | | |
|  | **MENTAL HEALTH INPATIENT SERVICES** |  |  |
| **WAC 388-877-1118** | **Mental health inpatient services-General** |  |  |
| WAC 388-877-1118(1) | Inpatient services include the following types of behavioral health services certified by the division of behavioral health and recovery: |  |  |
| WAC 388-877-1118(1)(a) | Evaluation and treatment services; |  |  |
| WAC 388-877-1118(1)(b) | Child long term inpatient program (CLIP); |  |  |
| WAC 388-877-1118(1)(c) | Crisis stabilization units; |  |  |
| WAC 388-877-1118(1)(d) | Triage services; and |  |  |
| WAC 388-877-1118(1)(e) | Competency evaluation and treatment services; |  |  |
| WAC 388-877-1118(2) | An agency providing inpatient services to an individual must: |  |  |
| WAC 388-877-1118(2)(a) | Be a facility licensed by department of health under one of the following department of health chapters: |  |  |
| WAC 388-877-1118(2)(a)(i) | Hospital licensing regulations (chapter 246-320 WAC); |  |  |
| WAC 388-877-1118(2)(a)(ii) | Private psychiatric and alcoholism hospitals (chapter 246-322 WAC); |  |  |
| WAC 388-877-1118(2)(a)(iii) | Private alcohol and substance use disorder hospitals (chapter 246-324 WAC); or |  |  |
| WAC 388-877-1118(2)(a)(iv) | Residential treatment facility (chapter 246-337 WAC); |  |  |
| WAC 388-877-1118(2)(b) | Be licensed by the department as a behavioral health agency; |  |  |
| WAC 388-877-1118(2)(c) | Meet the applicable behavioral health agency licensure, certification, administration, personnel, and clinical requirements in WAC 388-877-0100 through 388-877-0680; |  |  |
| WAC 388-877-1118(2)(d) | Meet the applicable inpatient services requirements in WAC 388-877-1118 through 388-877-1132; |  |  |
| WAC 388-877-1118(2)(e) | Have policies and procedures to support and implement the specific applicable pro-gram-specific requirements; and |  |  |
| WAC 388-877-1118(2)(f) | If applicable, have policies to ensure compliance with WAC 246-337-110 regarding seclusion and restraint. |  |  |
| WAC 388-877-1118(3) | The behavioral health agency providing inpatient services must document the development of an individualized annual training plan, to include at least: |  |  |
| WAC 388-877-1118(3)(a) | Least restrictive alternative options available in the community and how to access them; |  |  |
| WAC 388-877-1118(3)(b) | Methods of individual care; |  |  |
| WAC 388-877-1118(3)(c) | De-escalation training and management of assaultive and self-destructive behaviors, including proper and safe use of seclusion and restraint procedures; and |  |  |
| WAC 388-877-1118(3)(d) | The requirements of chapter 71.05 and 71.34 RCW, this chapter, and protocols developed by the division of behavioral health and recovery. |  |  |
| WAC 388-877-1118(4) | If contract staff are providing direct services, the facility must ensure compliance with the training requirements outlined in subsection (4) of this section. |  |  |
| **WAC 388-877-1120** | **Mental health inpatient services-Posting of individual rights for minors.** |  |  |
|  | A behavioral health agency providing inpatient services to minors must ensure that the rights listed in RCW 71.34.355 are prominently posted in the facility and provided in writing to the individual in a language or format that the individual can understand. |  |  |
| **WAC 388-877-1122** | **Mental health inpatient services-Rights of individuals receiving inpatient services.** |  |  |
|  | The behavioral health agency providing inpatient services must ensure that the rights listed in RCW 71.05.360 and 71.05.217 are prominently posted in the facility and provided in writing to the individual in a language or format that the individual can understand. |  |  |
| **WAC 388-877-1124** | **Mental health services-Rights related to antipsychotic medication.** |  |  |
|  | All individuals have a right to make an informed decision regarding the use of antipsychotic medication consistent with the provisions of RCW 71.05.215 and 71.05.217. The provider must develop and maintain a written protocol for the involuntary administration of antipsychotic medications, including all of the following requirements: |  |  |
| WAC 388-877-1124(1) | The clinical record must document all of the following: |  |  |
| WAC 388-877-1124(1)(a) | An attempt to obtain informed consent. |  |  |
| WAC 388-877-1124(1)(b) | The individual was asked if they wish to decline treatment during the twenty-four hour period prior to any court proceeding wherein the individual has the right to attend and is related to their continued treatment. The answer must be in writing and signed when possible. In the case of a child under the age of eighteen, the psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with a mental health professional with prescriptive authority must be able to explain to the court the probable effects of the medication. |  |  |
| WAC 388-877-1124(1)(c) | The reasons why any antipsychotic medication is administered over the individual's objection or lack of consent. |  |  |
| WAC 388-877-1124(2) | The psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with a mental health professional with prescriptive authority may administer antipsychotic medications over an individual's objections or lack of consent only when: |  |  |
| WAC 388-877-1124(2)(a) | An emergency exists, provided there is a review of this decision by a second psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with a mental health professional with prescriptive authority within twenty-four hours. An emergency exists if all of the following are true: |  |  |
| WAC 388-877-1124(2)(a)(i) | The individual presents an imminent likelihood of serious harm to self or others; |  |  |
| WAC 388-877-1124(2)(a)(ii) | Medically acceptable alternatives to administration of antipsychotic medications are not available or are unlikely to be successful; and |  |  |
| WAC 388-877-1124(2)(a)(iii) | In the opinion of the psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with a mental health professional with prescriptive authority, the individual's condition constitutes an emergency requiring that treatment be instituted before obtaining an additional concurring opinion by a second psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with a mental health professional with prescriptive authority. |  |  |
| WAC 388-877-1124(2)(b) | There is an additional concurring opinion by a second psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with a mental health professional with prescriptive authority, for treatment up to thirty days. |  |  |
| WAC 388-877-1124(2)(c) | For continued treatment beyond thirty days through the hearing on any one hundred eighty-day petition filed under RCW 71.05.217, provided the facility medical director or director's medical designee reviews the decision to medicate an individual. Thereafter, antipsychotic medication may be administered involuntarily only upon order of the court. The review must occur at least every sixty days. |  |  |
| WAC 388-877-1124(3) | The examining psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with a mental health professional with prescriptive authority must sign all one hundred eighty-day petitions for antipsychotic medications filed under the authority of RCW 71.05.217. |  |  |
| WAC 388-877-1124(4) | Individuals committed for one hundred eighty days who refuse or lack the capacity to consent to antipsychotic medications have the right to a court hearing under RCW 71.05.217 prior to the involuntary administration of antipsychotic medications. |  |  |
| WAC 388-877-1124(5) | In an emergency, antipsychotic medications may be administered prior to the court hearing provided that an examining psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with a mental health professional with prescriptive authority files a petition for an antipsychotic medication order the next judicial day. |  |  |
| WAC 388-877-1124(6) | All involuntary medication orders must be consistent with the provisions of RCW 71.05.217, whether ordered by a psychiatrist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, or physician or physician assistant in consultation with a mental health professional with prescriptive authority or the court. |  |  |
| **WAC 388-877-1126** | **Mental health inpatient services-Policies and procedures-Adult.** |  |  |
|  | In addition to meeting the agency licensure, certification, administration, personnel, and clinical requirements in WAC 388-877-0100 through 388-877-0680, and the applicable inpatient service requirements in WAC 388-877-1118 through 388-877-1132, an inpatient facility must implement all of the following administrative requirements: |  |  |
| WAC 388-877-1126(1) | Policies to ensure that services are provided in a secure environment. "Secure" means having: |  |  |
| WAC 388-877-1126(1)(a) | All doors and windows leading to the outside locked at all times; |  |  |
| WAC 388-877-1126(1)(b) | Visual monitoring, either by line of sight or camera as appropriate to the individual; |  |  |
| WAC 388-877-1126(1)(c) | Adequate space to segregate violent or potentially violent persons from others; |  |  |
| WAC 388-877-1126(1)(d) | The means to contact law enforcement immediately in the event of an elopement from the facility; and |  |  |
| WAC 388-877-1126(1)(e) | Adequate numbers of staff present at all times that are trained in facility security measures. |  |  |
| WAC 388-877-1126(2) | Designation of a professional person as defined in RCW 71.05.020 in charge of clinical services at that facility, as appropriate to the type of inpatient services. |  |  |
| WAC 388-877-1126(3) | Policies to ensure compliance with WAC 246-337-110 regarding seclusion and restraint. |  |  |
| WAC 388-877-1126(4) | A policy management structure that establishes: |  |  |
| WAC 388-877-1126(4)(a) | Procedures for admitting individuals needing treatment seven days a week, twenty-four hours a day, except that child long-term inpatient treatment facilities are exempted from this requirement; |  |  |
| WAC 388-877-1126(4)(b) | Procedures to assure access to necessary medical treatment, including emergency life-sustaining treatment and medication; |  |  |
| WAC 388-877-1126(4)(c) | Procedures to assure the protection of individual and family rights as described in this chapter and chapters 71.05 and 71.34 RCW; |  |  |
| WAC 388-877-1126(4)(d) | Procedures to inventory and safeguard the personal property of the individual being detained according to RCW 71.05.220; |  |  |
| WAC 388-877-1126(4)(e) | Procedures to assure that a mental health professional, chemical dependency professional, if appropriate, and physician, physician assistant, or psychiatric advanced registered nurse practitioner (ARNP) are available for consultation and communication with the direct patient care staff twenty-four hours a day, seven days a week; |  |  |
| WAC 388-877-1126(4)(f) | Procedures to warn an identified person and law enforcement when an adult has made a threat against an identified victim as explained in RCW 70.02.050 and in compliance with 42 C.F.R. Part 2; and |  |  |
| WAC 388-877-1126(4)(g) | Procedures to ensure that individuals detained for up to fourteen, ninety, or one hundred and eighty additional days of treatment are evaluated by the professional staff of the facility in order to be prepared to testify that the individual's condition is caused by a mental disorder or substance use disorder and either results in likelihood of serious harm or the individual being gravely disabled. |  |  |
| WAC 388-877-1126(5) | For individuals who have been involuntarily detained, the facility must obtain a copy of the petition for initial detention stating the evidence under which the individual was detained. |  |  |
| WAC 388-877-1126(6) | The facility must document that each individual has received evaluations to determine the nature of the disorder and the treatment necessary, including: |  |  |
| WAC 388-877-1126(6)(a) | A health assessment of the individual's physical condition to determine if the individual needs to be transferred to an appropriate hospital for treatment; |  |  |
| WAC 388-877-1126(6)(b) | Examination and medical evaluation within twenty-four hours of admission by a li-censed physician, advanced registered nurse practitioner, or physician assistant; |  |  |
| WAC 388-877-1126(6)(c) | Development of an initial treatment plan while in the facility; |  |  |
| WAC 388-877-1126(6)(d) | Consideration of less restrictive alternative treatment at the time of admission; and |  |  |
| WAC 388-877-1126(6)(e) | The admission diagnosis and what information the determination was based upon. |  |  |
| WAC 388-877-1126(7) | An individual who has been delivered to the facility by a peace officer for evaluation must be evaluated by a mental health professional within the following time frames: |  |  |
| WAC 388-877-1126(7)(a) | Three hours of an adult individual's arrival; |  |  |
| WAC 388-877-1126(7)(b) | Twelve hours of arrival for a child in an inpatient evaluation and treatment facility; or |  |  |
| WAC 388-877-1126(7)(c) | At any time for a child who has eloped from a child long-term inpatient treatment facility and is being returned to the facility. |  |  |
| WAC 388-877-1126(8) | If the mental health professional or chemical dependency professional and physician, physician assistant, or psychiatric advanced registered nurse practitioner determine that the needs of an adult individual would be better served by placement in a another type of service facility then the individual must be referred to an more appropriate placement in accordance with RCW 71.05.210. |  |  |
| WAC 388-877-1126(9) | The treatment plan must contain documentation of: |  |  |
| WAC 388-877-1126(9)(a) | Diagnostic and therapeutic services prescribed by the attending clinical staff; |  |  |
| WAC 388-877-1126(9)(b) | An individual service plan that meets the requirements of WAC 388-877-0620; |  |  |
| WAC 388-877-1126(9)(c) | Copies of advance directives, powers of attorney or letters of guardianship provided by the individual; |  |  |
| WAC 388-877-1126(9)(d) | A plan for discharge including a plan for follow-up where appropriate; |  |  |
| WAC 388-877-1126(9)(e) | Documentation of the course of treatment; and |  |  |
| WAC 388-877-1126(9)(f) | That a mental health professional or chemical dependency professional, as appropriate, has contact with each involuntary individual at least daily for the purpose of determining the need for continued involuntary treatment. |  |  |
| **WAC 388-877-1128** | **Mental health inpatient services—Policies and procedures—Minors.** |  |  |
|  | In addition to meeting the agency licensure, certification, administration, personnel, and clinical requirements in WAC 388-877-0100 through 388-877-0680 and the applicable inpatient services requirements in WAC 388-877-1118 through 388-877-1132, inpatient facilities serving minor children seventeen years of age and younger must develop and implement policies and procedures to address special considerations for serving children. These special considerations must include all of the following: |  |  |
| WAC 388-877-1128(1) | Procedures to ensure that adults are separated from minors who are not yet thirteen years of age. |  |  |
| WAC 388-877-1128(2) | Procedures to ensure that a minor who is at least age thirteen but not yet age eighteen is served with adults only if the minor's clinical record contains: |  |  |
| WAC 388-877-1128(2)(a) | Documentation that justifies such placement; and |  |  |
| WAC 388-877-1128(2)(b) | A professional judgment that placement in an inpatient facility that serves adults will not harm the minor. |  |  |
| WAC 388-877-1128(3) | Procedures to ensure examination and evaluation of a minor by a children's mental health specialist occurs within twenty-four hours of admission. |  |  |
| WAC 388-877-1128(4) | Procedures to ensure a facility that provides inpatient services for minors and is li-censed by the department of health under chapter 71.12 RCW, meets the following notification requirements if a minor's parent(s) brings the child to the facility for the purpose of behavioral health treatment or evaluation: |  |  |
| WAC 388-877-1128(4)(a) | Provide a written and oral notice to the minor's parent(s) or legal representative(s) of: |  |  |
| WAC 388-877-1128(4)(a)(i) | All current statutorily available treatment options available to the minor including, but not limited to, those provided in chapter 71.34 RCW; and |  |  |
| WAC 388-877-1128(4)(a)(ii) | A description of the procedures the facility will follow to utilize the treatment options; and |  |  |
| WAC 388-877-1128(4)(b) | Obtain and place in the clinical file, a signed acknowledgment from the minor's parent(s) that the notice required under (a) of this subsection was received. |  |  |
| WAC 388-877-1128(5) | Procedures that address provisions for evaluating a minor brought to the facility for evaluation by a parent(s). |  |  |
| WAC 388-877-1128(6) | Procedures to notify child protective services any time the facility has reasonable cause to believe that abuse, neglect, financial exploitation or abandonment of a minor has occurred. |  |  |
| WAC 388-877-1128(7) | Procedures to ensure a minor thirteen years or older who is brought to an inpatient facility or hospital for immediate behavioral health services is evaluated by the professional per-son in charge of the facility. The professional person must evaluate the minor's condition and determine the need for behavioral health inpatient treatment, and the minor's willingness to obtain voluntary treatment. The facility may detain or arrange for the detention of the minor up to twelve hours for evaluation by a designated crisis responder to commence detention proceedings. |  |  |
| WAC 388-877-1128(8) | Procedures to ensure that the admission of a minor thirteen years of age or older admitted without parental consent has the concurrence of the professional person in charge of the facility and written review and documentation no less than every one hundred eighty days. |  |  |
| WAC 388-877-1128(9) | Procedures to ensure that notice is provided to the parent(s) when a minor child is voluntarily admitted to inpatient treatment without parental consent within twenty-four hours of admission in accordance with the requirements of RCW 71.34.510 and within the confidentiality requirements of 42 C.F.R. Sec. 2.14. |  |  |
| WAC 388-877-1128(10) | Procedures to ensure a minor who has been admitted on the basis of a designated crisis responder petition for detention is evaluated by the facility providing seventy-two hour in-patient services to determine the minor's condition and either admit or release the minor. If the minor is not approved for admission, the facility must make recommendations and referral for further care and treatment as necessary. |  |  |
| WAC 388-877-1128(11) | Procedures for the examination and evaluation of a minor approved for inpatient admission to include: |  |  |
| WAC 388-877-1128(11)(a) | The needs to be served by placement in a secure withdrawal management or evaluation and treatment facility; |  |  |
| WAC 388-877-1128(11)(b) | Restricting the right to associate or communicate with a parent(s); and |  |  |
| WAC 388-877-1128(11)(c) | Advising the minor of rights in accordance with chapter 71.34 RCW. |  |  |
| WAC 388-877-1128(12) | Procedures to petition for fourteen-day commitment that are in accordance with RCW 71.34.730. |  |  |
| WAC 388-877-1128(13) | Procedures for commitment hearing requirements and release from further inpatient treatment that may be subject to reasonable conditions, if appropriate, and are in accordance with RCW 71.34.740. |  |  |
| WAC 388-877-1128(14) | Procedures for discharge and conditional release of a minor in accordance with RCW 71.34.770, provided that the professional person in charge gives the court written notice of the release within three days of the release. If the minor is on a one hundred eighty-day commitment, the children's long-term inpatient program (CLIP) administrator must also be notified. |  |  |
| WAC 388-877-1128(15) | Procedures to ensure rights of a minor undergoing treatment and posting of such rights are in accordance with RCW 71.34.355, 71.34.620, and 71.34.370. |  |  |
| WAC 388-877-1128(16) | Procedures for the release of a minor who is not accepted for admission or who is released by an inpatient facility that are in accordance with RCW 71.34.365. |  |  |
| WAC 388-877-1128(17) | Procedures to ensure treatment of a minor and all information obtained through treatment under this chapter are disclosed only in accordance with applicable state and federal law. |  |  |
| WAC 388-877-1128(18) | Procedures to make court records and files available that are in accordance with RCW 71.34.335. |  |  |
| WAC 388-877-1128(19) | Procedures to release behavioral health services information only in accordance with applicable state and federal statutes. |  |  |
| **WAC 388-877-1130** | **Mental health inpatient services—Treatment of a minor without consent of parent.** |  |  |
|  | An inpatient evaluation and treatment facility, approved inpatient substance use disorder facility, or secure withdrawal management and stabilization facility may admit a minor child who is at least thirteen years of age and not older than seventeen years of age without the consent of the minor's parent(s) if the requirements of RCW 71.34.500 through 71.34.530 are met. |  |  |
| **WAC 388-877-1132** | **Mental health inpatient services—Treatment of a minor without consent of mi-nor.** |  |  |
|  | An inpatient evaluation and treatment facility, approved inpatient substance use disorder facility, or secure withdrawal management and stabilization facility may admit, evaluate, and treat a minor child seventeen years of age or younger without the consent of the minor if the minor's parent(s) brings the minor to the facility, if the requirements of RCW 71.34.600 through 71.34.660 are met. |  |  |
| **WAC 388-877-1134** | **Mental health inpatient services—Evaluation and treatment services.** |  |  |
|  | In addition to meeting the agency licensure, certification, administration, personnel, and clinical requirements in WAC 388-877-0100 through 388-877-0680, and the applicable inpatient services requirements in WAC 388-877-1118 through 388-877-1132 an agency providing evaluation and treatment services must ensure: |  |  |
| WAC 388-877-1134(1) | Designation of a physician or other mental health professional as the professional person as defined in RCW 71.05.020 in charge of clinical services at that facility; and |  |  |
| WAC 388-877-1134(2) | A policy management structure that establishes: |  |  |
| WAC 388-877-1134(2)(a) | Procedures to assure appropriate and safe transportation for persons who are not approved for admission to his or her residence or other appropriate place; |  |  |
| WAC 388-877-1134(2)(b) | Procedures to detain arrested persons who are not approved for admission for up to eight hours so that reasonable attempts can be made to notify law enforcement to return to the facility and take the person back into custody; |  |  |
| WAC 388-877-1134(2)(c) | Procedures to assure the rights of individuals to make mental health advance directives, and facility protocols for responding to individual and agent requests consistent with RCW 71.32.150; |  |  |
| WAC 388-877-1134(2)(d) | Procedures to ensure that if the facility releases the individual to the community, the facility informs the peace officer of the release within a reasonable period of time after the re-lease if the peace officer has specifically requested notification and has provided contact information to the facility; |  |  |
| WAC 388-877-1134(2)(e) | Procedures to document that each individual has received evaluations to determine the nature of the disorder and the treatment necessary, including a psychosocial evaluation by a mental health professional; and |  |  |
| WAC 388-877-1134(2)(f) | For individuals who are being evaluated as dangerous mentally ill offenders under RCW 72.09.370(7), the professional person in charge of the evaluation and treatment facility must consider filing a petition for a ninety day less restrictive alternative in lieu of a petition for a fourteen-day commitment. |  |  |
| WAC 388-877-1136 | **Mental health inpatient services—Exception—Long-term certification.** |  |  |
| WAC 388-877-1136(1) | For adults: At the discretion of the division of behavioral health and recovery (DBHR), a facility may be granted an exception in order to allow the facility to be certified to provide treatment to adults on a ninety or one hundred eighty-day inpatient involuntary commitment orders. |  |  |
| WAC 388-877-1136(2) | For children: At the discretion of DBHR, a facility that is certified as a 'mental health inpatient evaluation and treatment facility' may be granted an exception to provide treatment to a child on a one hundred and eighty-day inpatient involuntary treatment order only until the child is discharged from his/her order to the community, or until a bed is available for that child in a child long-term inpatient treatment facility (CLIP). The child cannot be assigned by the CLIP placement team in accordance with RCW 71.34.100 to any facility other than a CLIP facility. |  |  |
| WAC 388-877-1136(3) | The exception certification may be requested by the facility, the director of DBHR or their designee, or the behavioral health organization for the facility's geographic area. |  |  |
| WAC 388-877-1136(4) | The facility receiving the long-term exception certification for ninety or one hundred eighty-day patients must meet all requirements found in WAC 388-877-1134. |  |  |
| WAC 388-877-1136(5) | The exception certification must be signed by the director of DBHR. The exception certification may impose additional requirements, such as types of consumers allowed and not allowed at the facility, reporting requirements, requirements that the facility immediately report suspected or alleged incidents of abuse, or any other requirements that the director of DBHR determines are necessary for the best interests of residents. |  |  |
| WAC 388-877-1136(6) | DBHR may make unannounced site visits at any time to verify that the terms of the exception certification are being met. Failure to comply with any term of the exception certification may result in corrective action. If DBHR determines that the violation places residents in imminent jeopardy, immediate revocation of the certification can occur. |  |  |
| WAC 388-877-1136(7) | Neither individuals nor facilities have fair hearing rights as defined under chapter 388-02 WAC regarding the decision to grant or not to grant exception certification. |  |  |
| **WAC 388-877-1138** | **Mental health inpatient services—Child long-term inpatient program (CLIP).** |  |  |
|  | In addition to meeting the agency licensure, certification, administration, personnel, and clinical requirements in WAC 388-877-0100 through 388-877-0680, the applicable inpatient services requirements in WAC 388-877-1118 through 388-877-1132, and the evaluation and treatment service requirements of 388-877-1134, child long-term inpatient treatment facilities must develop a written plan for assuring that services provided are appropriate to the develop-mental needs of children, including all of the following: |  |  |
| WAC 388-877-1138(1) | If there is not a child psychiatrist on the staff, there must be a child psychiatrist avail-able for consultation. |  |  |
| WAC 388-877-1138(2) | There must be a psychologist with documented evidence of skill and experience in working with children available either on the clinical staff or by consultation, responsible for planning and reviewing psychological services and for developing a written set of guidelines for psychological services. |  |  |
| WAC 388-877-1138(3) | There must be a registered nurse, with training and experience in working with psychiatrically impaired children, on staff as a full-time or part-time employee who must be responsible for all nursing functions. |  |  |
| WAC 388-877-1138(4) | There must be a social worker with experience in working with children on staff as a full-time or part-time employee who must be responsible for social work functions and the integration of these functions into the individual treatment plan. |  |  |
| WAC 388-877-1138(5) | There must be an educational/vocational assessment of each resident with appropriate educational/vocational programs developed and implemented or assured on the basis of that assessment. |  |  |
| WAC 388-877-1138(6) | There must be an occupational therapist available who has experience in working with psychiatrically impaired children responsible for occupational therapy functions and the integration of these functions into treatment. |  |  |
| WAC 388-877-1138(7) | There must be a recreational therapist available who has had experience in working with psychiatrically impaired children responsible for the recreational therapy functions and the integration of these functions into treatment. |  |  |
| WAC 388-877-1138(8) | Disciplinary policies and practices must be stated in writing and all of the following must be true: |  |  |
| WAC 388-877-1138(8)(a) | Discipline must be fair, reasonable, consistent and related to the behavior of the resident. Discipline, when needed, must be consistent with the individual treatment plan. |  |  |
| WAC 388-877-1138(8)(b) | Abusive, cruel, hazardous, frightening or humiliating disciplinary practices must not be used. Seclusion and restraints must not be used as punitive measures. Corporal punishment must not be used. |  |  |
| WAC 388-877-1138(8)(c) | Disciplinary measures must be documented in the medical record. |  |  |
| WAC 388-877-1138(9) | Residents must be protected from assault, abuse and neglect. Suspected or alleged incidents of non-accidental injury, sexual abuse, assault, cruelty or neglect to a child must be reported to a law enforcement agency or to the department of social and health services and comply with chapter 26.44 RCW. |  |  |
| WAC 388-877-1138(10) | Orientation material must be made available to any facility personnel, clinical staff or consultants informing practitioners of their reporting responsibilities and requirements. Appropriate local police and department phone numbers must be available to personnel and staff. |  |  |
| WAC 388-877-1138(11) | When suspected or alleged abuse is reported, the medical record must reflect the fact that an oral or written report has been made to the child protective services of DSHS or to a law enforcement agency. This note must include the date and time that the report was made, the agency to which it was made and the signature of the person making the report. Contents of the report need not be included in the medical record. |  |  |
| **WAC 388-877-1140** | **Mental health inpatient services—Crisis stabilization unit—Agency facility and administrative standards.** |  |  |
|  | In addition to meeting the agency licensure, certification, administration, personnel, and clinical requirements in WAC 388-877-0100 through 388-877-0680 and the applicable inpatient services requirements in WAC 388-877-1118 through 388-877-1132, an agency certified to provide crisis stabilization unit services must meet all of the following criteria: |  |  |
| WAC 388-877-1140(1) | Be licensed by the department of health. |  |  |
| WAC 388-877-1140(2) | If a crisis stabilization unit is part of a jail, the unit must be located in an area of the building that is physically separate from the general population. "Physically separate" means: |  |  |
| WAC 388-877-1140(2)(a) | Out of sight and sound of the general population at all times; |  |  |
| WAC 388-877-1140(2)(b) | Located in an area with no foot traffic between other areas of the building, except in the case of emergency evacuation; and |  |  |
| WAC 388-877-1140(2)(c) | Has a secured entrance and exit between the unit and the rest of the facility. |  |  |
| WAC 388-877-1140(3) | The professional person in charge of administration of the unit must be a mental health professional. |  |  |
| WAC 388-877-1140(4) | Have a policy management structure that establishes: |  |  |
| WAC 388-877-1140(4)(a) | Procedures to ensure that for persons who have been brought to the unit involuntarily by police, the stay is limited to twelve hours unless the individual has signed voluntarily into treatment; |  |  |
| WAC 388-877-1140(4)(b) | Procedures to ensure that within twelve hours of the time of arrival to the crisis stabilization unit, individuals who have been detained by a designated crisis responder under chapter 71.05 or 70.96B RCW are transferred to a certified evaluation and treatment facility; |  |  |
| WAC 388-877-1140(4)(c) | Procedures to assure appropriate and safe transportation of persons who are not approved for admission or detained for transfer to an evaluation and treatment facility, and if not in police custody, to their respective residence or other appropriate place; |  |  |
| WAC 388-877-1140(4)(d) | Procedures to detain arrested persons who are not approved for admission for up to eight hours so that reasonable attempts can be made to notify law enforcement to return to the facility and take the person back into custody; |  |  |
| WAC 388-877-1140(4)(e) | Procedures to detain arrested persons who are not approved for admission for up to eight hours so that reasonable attempts can be made to notify law enforcement to return to the facility and take the person back into custody; |  |  |
| WAC 388-877-1140(4)(f) | Procedures to detain arrested persons who are not approved for admission for up to eight hours so that reasonable attempts can be made to notify law enforcement to return to the facility and take the person back into custody; |  |  |
| WAC 388-877-1140(4)(g) | Procedures to detain arrested persons who are not approved for admission for up to eight hours so that reasonable attempts can be made to notify law enforcement to return to the facility and take the person back into custody; |  |  |
| WAC 388-877-1140(4)(g)(i) | Procedures to detain arrested persons who are not approved for admission for up to eight hours so that reasonable attempts can be made to notify law enforcement to return to the facility and take the person back into custody; |  |  |
| WAC 388-877-1140(4)(g)(ii) | Procedures to detain arrested persons who are not approved for admission for up to eight hours so that reasonable attempts can be made to notify law enforcement to return to the facility and take the person back into custody; |  |  |
| WAC 388-877-1140(4)(h) | Procedures to ensure that a mental health professional is on-site twenty-four hours a day, seven days a week; |  |  |
| WAC 388-877-1140(4)(i) | Procedures to ensure that a licensed physician, physician assistant, or psychiatric advanced registered nurse practitioner (ARNP) is available for consultation to direct care staff twenty-four hours a day, seven days a week; |  |  |
| WAC 388-877-1140(4)(j) | Procedures to ensure that the following requirements are met when an individual is brought to the facility by a peace officer under RCW 71.05.153: |  |  |
| WAC 388-877-1140(5) | Within twelve hours of arrival, a designated crisis responder (DCR) must determine if the individual meets detention criteria under chapter 71.05 RCW; and |  |  |
| WAC 388-877-1140 | If the facility releases the individual to the community, the facility must inform the peace officer of the release within a reasonable period of time after the release if the peace officer has specifically requested notification and has provided contact information to the facility; |  |  |
| WAC 388-877-1140 | Procedures to ensure the rights of persons to make mental health advance directives; |  |  |
| WAC 388-877-1140 | Procedures to establish unit protocols for responding to the provisions of the advanced directives consistent with RCW 71.32.150; and |  |  |
| WAC 388-877-1140 | Procedures to assure that restraint and seclusion are utilized only to the extent necessary to ensure the safety of patients and others, and in accordance with WAC 246-337-110, 246-322-180, and 246-320-745(6). |  |  |
| WAC 388-877-1140 | Prominently post within the crisis stabilization unit the rights stated in WAC 388-877-1122, Mental health inpatient services—Rights of individuals receiving inpatient services, and provide them in writing to the individual in a language or format that the individual can under-stand. |  |  |
|  | **MENTAL HEALTH INPATIENT SERVICES** |  |  |
| **WAC 388-877-1142** | **Mental health inpatient services—Crisis stabilization unit—Admission, assessment, and records.** |  |  |
| WAC 388-877-1142(1) | For persons who have been brought to the unit involuntarily by police: |  |  |
| WAC 388-877-1142(1)(a) | The clinical record must contain: |  |  |
| WAC 388-877-1142(1)(a)(i) | A statement of the circumstances under which the person was brought to the unit; |  |  |
| WAC 388-877-1142(1)(a)(ii) | The admission date and time; and |  |  |
| WAC 388-877-1142(1)(a)(iii) | The date and time when the twelve hour involuntary detention period ends; and |  |  |
| WAC 388-877-1142(1)(b) | The evaluation required in subsection (2)(b) of this section must be performed within three hours of arrival at the facility. |  |  |
| WAC 388-877-1142(2) | For all persons, the clinical record must contain: |  |  |
| WAC 388-877-1142(2)(a) | An assessment for substance use disorder and co-occurring mental health and sub-stance abuse disorder, utilizing the global appraisal of individual needs - short screener (GAIN-SS) or its successor; |  |  |
| WAC 388-877-1142(2)(b) | An evaluation by a mental health professional to include at a minimum: |  |  |
| WAC 388-877-1142(2)(b)(i) | Mental status examination; |  |  |
| WAC 388-877-1142(2)(b)(ii) | Assessment of risk of harm to self, others, or property; and |  |  |
| WAC 388-877-1142(2)(b)(iii) | Determination of whether to refer to a designated crisis responder (DCR) to initiate civil commitment proceedings; |  |  |
| WAC 388-877-1142(2)(c) | Documentation that an evaluation by a DCR was performed within the required time period, the results of the evaluation, and the disposition of the person; |  |  |
| WAC 388-877-1142(2)(d) | Review of the person's current crisis plan, if applicable and available; |  |  |
| WAC 388-877-1142(2)(e) | The admission diagnosis and what information the determination was based upon; |  |  |
| WAC 388-877-1142(2)(f) | Assessment and stabilization services provided by the appropriate staff; |  |  |
| WAC 388-877-1142(2)(g) | Coordination with the person's current treatment provider, if applicable; and |  |  |
| WAC 388-877-1142(2)(h) | A plan for discharge, including a plan for follow up that includes: |  |  |
| WAC 388-877-1142(2)(h)(i) | The name, address, and telephone number of the provider of follow-up services; and |  |  |
| WAC 388-877-1142(20(h)(ii) | The follow up appointment date and time, if known. |  |  |
| WAC 388-877-1142(3) | For persons admitted to the crisis stabilization unit on a voluntary basis, the clinical record must contain a crisis stabilization plan developed collaboratively with the person within twenty-four hours of admission that includes: |  |  |
| WAC 388-877-1142(3)(a) | Strategies and interventions to resolve the crisis in the least restrictive manner possible; |  |  |
| WAC 388-877-1142(3)(b) | Language that is understandable to the person and members of the person's support system; and |  |  |
| WAC 388-877-1142(3)(c) | Measurable goals for progress toward resolving the crisis and returning to an optimal level of functioning. |  |  |
| WAC 388-877-1142(4) | If antipsychotic medications are administered, the clinical record must document: |  |  |
| WAC 388-877-1142(4)(a) | The physician's attempt to obtain informed consent for antipsychotic medication; and |  |  |
| WAC 388-877-1142(4)(b) | The reasons why any antipsychotic medication is administered over the person's objection or lack of consent. |  |  |
| **WAC 388-877-1144** | **Mental health inpatient services—Triage—Agency facility and administrative requirements.** |  |  |
|  | Under chapter 71.05 RCW, the department certifies facilities to provide triage services that assess and stabilize an individual, or determine the need for involuntary commitment. The department does not require a facility licensed by the department of health (DOH) that was providing assessment and stabilization services under chapter 71.05 RCW as of April, 22, 2011, to relicense or recertify under these rules. A request for an exemption must be made to DOH and the department. |  |  |
| WAC 388-877-1144(1) | In addition to meeting the agency licensure, certification, administration, personnel, and clinical requirements in WAC 388-877-0100 through 388-877-0680 and the applicable inpatient services requirements in WAC 388-877-1118 through 388-877-1132, an agency certified to provide triage services must: |  |  |
| WAC 388-877-1144(1)(a) | Be licensed by the department of health (DOH) as a residential treatment facility; |  |  |
| WAC 388-877-1144(1)(b) | Meet the requirements for voluntary admissions under this chapter; |  |  |
| WAC 388-877-1144(1)(c) | Meet the requirements for involuntary admissions under this chapter if it elects to operate and be certified as a triage involuntary placement facility; |  |  |
| WAC 388-877-1144(1)(d) | Ensure that the facility and its services are accessible to individuals with disabilities, as required by applicable federal, state, and local laws; and |  |  |
| WAC 388-877-1144(1)(e) | Admit only individuals who are eighteen years of age and older. |  |  |
| WAC 388-877-1144(2) | If a triage facility is collocated in another facility, there must be a physical separation. Physically separate means the triage facility is located in an area with no resident foot traffic be-tween the triage facility and other areas of the building, except in case of emergencies. |  |  |
| WAC 388-877-1144(3) | A triage facility must have, at a minimum, all of the following: |  |  |
| WAC 388-877-1144(3)(a) | A designated person in charge of administration of the triage unit. |  |  |
| WAC 388-877-1144(3)(b) | A mental health professional (MHP) on-site twenty-four hours a day, seven days a week. |  |  |
| WAC 388-877-1144(3)(c) | A written program description that includes: |  |  |
| WAC 388-877-1144(3)(c)(i) | Program goals; |  |  |
| WAC 388-877-1144(3)(c)(ii) | Identification of service categories to be provided; |  |  |
| WAC 388-877-1144(3)(c)(iii) | Length of stay criteria; |  |  |
| WAC 388-877-1144(3)(c)(iv) | Identification of the ages or range of ages of individual populations to be served; |  |  |
| WAC 388-877-1144(3)(c)(v) | A statement that only an individual eighteen years of age or older may be admitted to the triage facility; and |  |  |
| WAC 388-877-1144(3)(c)(vi) | Any limitation or inability to serve or provide program services to an individual who: |  |  |
| WAC 388-877-1144(3)(c)(vi)(A) | Requires acute medical services; |  |  |
| WAC 388-877-1144(3)(c)(vi)(B) | Had limited mobility; |  |  |
| WAC 388-877-1144(3)(c)(vi)(C) | Has limited physical capacity for self-care; or |  |  |
| WAC 388-877-1144(3)(c)(vi)(D) | Exhibits physical violence. |  |  |
| WAC 388-877-1144(3)(d) | Written procedures to ensure a secure and safe environment. Examples of these procedures are: |  |  |
| WAC 388-877-1144(3)(d)(i) | Visual monitoring of the population environment by line of sight, mirrors or electronic means; |  |  |
| WAC 388-877-1144(3)(d)(ii) | Having sufficient staff available twenty-four hours a day, seven days a week to meet the behavioral management needs of the current facility population; and |  |  |
| WAC 388-877-1144(3)(d)(iii) | Having staff trained in facility security and behavioral management techniques. |  |  |
| WAC 388-877-1144(3)(e) | Written procedures to ensure that an individual is examined by an MHP within three hours of the individual's arrival at the facility. |  |  |
| WAC 388-877-1144(3)(f) | Written procedures to ensure that a designated crisis responder (DCR) evaluates a voluntarily admitted individual for involuntary commitment when the individual's behavior warrants a evaluation. |  |  |
| WAC 388-877-1144(3)(g) | A written declaration of intent and written procedures that are in accordance with WAC 246-337-110 if the triage facility declares intent to provide either seclusion or restraint or both. |  |  |
| WAC 388-877-1144(3)(g)(i) | The seclusion or restraint may only be used to the extent necessary for the safety of the individual or others and only used when all less restrictive measures have failed; and |  |  |
| WAC 388-877-1144(3)(g)(ii) | The facility must clearly document in the clinical record: |  |  |
| WAC 388-877-1144(3)(g)(ii)(A) | The threat of imminent danger; |  |  |
| WAC 388-877-1144(3)(g)(ii)(B) | All less restrictive measures that were tried and found to be ineffective; and |  |  |
| WAC 388-877-1144(3)(g)(ii)(C) | A summary of each seclusion and restraint event, including a debriefing with staff members and the individual regarding how to prevent the occurrence of similar incidents in the future. |  |  |
| WAC 388-877-1144(3)(h) | Written procedures to facilitate appropriate and safe transportation, if necessary, for an individual who is: |  |  |
| WAC 388-877-1144(3)(h)(i) | Not being held for either police custody, or police pick up, or both; |  |  |
| WAC 388-877-1144(3)(h)(ii) | Denied admission to the triage facility; or |  |  |
| WAC 388-877-1144(3)(h)(iii) | Detained for transfer to a certified evaluation and treatment facility. |  |  |
| WAC 388-877-1144(4) | The triage facility must document that each staff member has the following: |  |  |
| WAC 388-877-1144(4)(a) | Adequate training regarding the least restrictive alternative options available in the community and how to access them; |  |  |
| WAC 388-877-1144(4)(b) | Training that meets the requirements of RCW 71.05.720 on safety and violence; |  |  |
| WAC 388-877-1144(4)(c) | Training that meets the requirements of RCW 71.05.705 if the triage facility is per-forming outreach services; |  |  |
| WAC 388-877-1144(4)(d) | Adequate training regarding methods of health care as defined in WAC 246-337-005(19); and |  |  |
| WAC 388-877-1144(4)(e) | Adequate training regarding the proper and safe use of seclusion and restraint procedures if the triage facility employs these techniques. |  |  |
| WAC 388-877-1144(5) | The triage facility must ensure: |  |  |
| WAC 388-877-1144(5)(a) | Each clinical supervisor and each clinical staff member meets the qualifications of a mental health professional; |  |  |
| WAC 388-877-1144(5)(b) | A clinical staff member who does not meet the qualifications for an MHP is super-vised by an MHP if the staff member provides direct services to individuals; and |  |  |
| WAC 388-877-1144(5)(c) | A contracted staff member who provides direct services to individuals meets the requirements of this section. |  |  |
| **WAC 388-877-1146** | **Mental health inpatient services—Triage—Admission, assessment, and records.** |  |  |
|  | An agency certified to provide triage services must ensure the requirements in this section are met for each voluntary and involuntary admission. See WAC 388-877-1152(2) for additional requirements for an individual brought to a triage involuntary placement facility by a peace officer. See WAC 388-877-1152(3) for additional requirements for an individual involuntarily admitted to a triage involuntary placement facility based on a peace officer-initiated twelve-hour hold. |  |  |
| WAC 388-877-1146(1) | Each individual must be assessed for substance use disorder and co-occurring mental health and substance abuse disorder as measured by the global appraisal on individual need-short screen (GAIN-SS) as it existed on the effective date of this section, or such subsequent date consistent with the purposes of this section. The clinical record must contain the results of the assessment. |  |  |
| WAC 388-877-1146(2) | Each individual must be assessed by a mental health professional (MHP) within three hours of the individual's arrival at the facility. |  |  |
| WAC 388-877-1146(2)(a) | The assessment must include, at a minimum: |  |  |
| WAC 388-877-1146(2)(a)(i) | A brief history of mental health or substance abuse treatment; and |  |  |
| WAC 388-877-1146(2)(a)(ii) | An assessment of risk of harm to self, others, or grave disability. |  |  |
| WAC 388-877-1146(2)(b) | The MHP must request: |  |  |
| WAC 388-877-1146(2)(b)(i) | The names of treatment providers and the treatment provided; and |  |  |
| WAC 388-877-1146(2)(b)(ii) | Emergency contact information. |  |  |
| WAC 388-877-1146(2)(c) | The MHP must document all of the following in the individual's clinical record: |  |  |
| WAC 388-877-1146(2)(c)(i) | All the information obtained in (a) and (b) of this subsection. |  |  |
| WAC 388-877-1146(2)(c)(ii) | Sufficient information to demonstrate medical necessity. Medical necessity is defined in the state plan as "A term for describing a requested service which is reasonably calculated to prevent, diagnose, correct, cure, alleviate or prevent the worsening of conditions in the recipient that endanger life, or cause suffering or pain, or result in illness or infirmity, or threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and there is no other equally effective, more conservative or substantially less costly course of treatment available or suitable for the person requesting service. For the purpose of this chapter "course of treatment" may include mere observation, or where appropriate, no treatment at all." |  |  |
| WAC 388-877-1146(2)(c)(iii) | Sufficient clinical information to justify a provisional diagnosis using criteria in the cur-rent and applicable Diagnostic and Statistical Manual of Mental Disorders (DSM-5). |  |  |
| WAC 388-877-1146(3) | Each individual must receive a health care screening to determine the individual's health care needs. |  |  |
| WAC 388-877-1146(3)(a) | The health care screening instrument must be provided by a licensed health care provider defined in WAC 246-337-005(22). A licensed health care provider must be available to staff for staff consultation twenty-four hours a day, seven days a week. |  |  |
| WAC 388-877-1146(3)(b) | The individual's clinical record must contain the results of the health care screening. |  |  |
| WAC 388-877-1146(4) | A qualified staff member according to WAC 388-877-1144(4) must coordinate with the individual's current treatment provider, if applicable, to assure continuity of care during ad-mission and upon discharge. |  |  |
| WAC 388-877-1146(5) | Each individual's clinical record must: |  |  |
| WAC 388-877-1146(5)(a) | Contain a statement regarding the individual circumstances and events that led to the individual's admission to the facility; |  |  |
| WAC 388-877-1146(5)(b) | Document the admission date and time; |  |  |
| WAC 388-877-1146(5)(c) | Contain the results of the health care screening required in subsection (3) of this section; |  |  |
| WAC 388-877-1146(5)(d) | Document the date and time of a referral to a designated crisis responder (DCR), if a referral was made; |  |  |
| WAC 388-877-1146(5)(e) | Document the date and time of release, or date and time the twelve-hour hold ended; and |  |  |
| WAC 388-877-1146(5)(f) | Document any use of seclusion or restraint and include: |  |  |
| WAC 388-877-1146(5)(f)(i) | Documentation that the use of either seclusion, or restraint, or both, occurred only due to the individual being an imminent danger to self or others; and |  |  |
| WAC 388-877-1146(5)(f)(ii) | A description of the less restrictive measures that were tried and found to be ineffective. |  |  |
| WAC 388-877-1146(6) | A triage facility that declares any intent to provide seclusion, or restraint, or both, to an individual may do so only to the extent necessary for the safety of others and in accordance with WAC 246-322-180, 246-337-110, and 246-320-271. See also WAC 388-877-1144(3)(g). |  |  |
| WAC 388-877-1146(7) | A triage facility must document the efforts and services provided to meet the individual's triage stabilization plan. |  |  |
| WAC 388-877-1146(8) | A triage facility must document the date, time, and reason an individual's admission status changed from involuntary to voluntary. |  |  |
| **WAC 388-877-1148** | **Mental health inpatient services—Triage—Stabilization plan.** |  |  |
|  | A triage stabilization plan must be developed for each individual voluntarily or involuntarily admitted to a triage facility for longer than twenty-four hours. For an individual admitted twenty-four hours or less, the facility must document the results of the assessment performed by a mental health professional (MHP) required under WAC 388-877-1146. |  |  |
| WAC 388-877-1148(1) | The triage stabilization plan must: |  |  |
| WAC 388-877-1148(1)(a) | Be developed collaboratively with the individual within twenty-four hours of admission; |  |  |
| WAC 388-877-1148(1)(b) | Either improve or resolve the individual's crisis, or both in the least restrictive manner possible; |  |  |
| WAC 388-877-1148(1)(c) | Be written in a language that is understandable to the individual or the individual's support system, or both, if applicable; |  |  |
| WAC 388-877-1148(1)(d) | Be mindful of the individual's culture, life style, economic situation, and current mental and physical limitation; |  |  |
| WAC 388-877-1148(1)(e) | Have goals that are relevant to the presenting crisis and demonstrate how they impact the crisis by improving the individual's ability to function; |  |  |
| WAC 388-877-1148(1)(f) | Include any recommendation for treatment from the mental health professional (MHP) assessment provided with three hours of the individual's arrival at the facility; and |  |  |
| WAC 388-877-1148(1)(g) | Include: |  |  |
| WAC 388-877-1148(1)(g)(i) | The date and time the designated crisis responder (DCR) evaluated the individual in accordance with the detention criteria under chapter 71.05 RCW; and |  |  |
| WAC 388-877-1148(1)(g)(ii) | The DCR's determination of whether the individual should be detained. |  |  |
| WAC 388-877-1148(2) | The individual's clinical record must: |  |  |
| WAC 388-877-1148(2)(a) | Contain a copy of the triage stabilization plan; |  |  |
| WAC 388-877-1148(2)(b) | Contain charting that demonstrates how requirements of the individual's triage stabilization were met; and |  |  |
| WAC 388-877-1148(1)(c) | Document the services provided to the individual. |  |  |
| **WAC 388-877-1150** | **Mental health inpatient services—Triage—Discharge.** |  |  |
|  | A triage facility must: |  |  |
| WAC 388-877-1150(1) | Provide discharge services for each individual: |  |  |
| WAC 388-877-1150(1)(a) | Voluntarily admitted to the facility; or |  |  |
| WAC 388-877-1150(1)(b) | Involuntarily admitted to the facility if the individual is not transferred to another facility; |  |  |
| WAC 388-877-1150(2) | Coordinate with the individual's current treatment provider, if applicable, to transition the individual back to the provider; and |  |  |
| WAC 388-877-1150(3) | Develop a discharge plan and follow-up services from the triage facility that includes: |  |  |
| WAC 388-877-1150(3)(a) | The name, address, and telephone number of the provider; |  |  |
| WAC 388-877-1150(3)(b) | The designated contact person; and |  |  |
| WAC 388-877-1150(3)(c) | The appointment date and time for the follow-up services, if appropriate. |  |  |
| **WAC 388-877-1152** | **Mental health inpatient services-Triage-Involuntary.** |  |  |
|  | An agency that elects to provide triage involuntary services must meet all of the following requirements: |  |  |
| WAC 388-877-1152(1) | The agency must have a memo of understanding developed in consultation with local law enforcement agencies, which details the population that the facility has capacity to serve. The memo of understanding must include, at a minimum, a description of the facility's: |  |  |
| WAC 388-877-1152(1)(a) | Capacity to serve individuals with any medication, medical, or accommodation needs; |  |  |
| WAC 388-877-1152(1)(b) | Capacity to serve individuals with behavioral management needs; |  |  |
| WAC 388-877-1152(1)(c) | Ability to provide either seclusion, or restraint, or both, to individuals; |  |  |
| WAC 388-877-1152(1)(d) | Notification procedures for discharge of individuals; and |  |  |
| WAC 388-877-1152(1)(e) | Procedures for notifying the appropriate law enforcement agency of an individual's re-lease, transfer, or hold for up to twelve hours to allow the peace officer to reclaim the individual. |  |  |
| WAC 388-877-1152(2) | Agencies must have written procedures to ensure all of the following for individuals brought to a triage involuntary placement facility by a peace officer: |  |  |
| WAC 388-877-1152(2)(a) | An individual detained by the designated crisis responder (DCR) under chapter 71.05 RCW with a confirmed admission date to an evaluation and treatment facility, may remain at the triage facility until admitted to the evaluation and treatment facility. |  |  |
| WAC 388-877-1152(2)(a)(i) | The individual may not be detained to the triage facility; and |  |  |
| WAC 388-877-1152(2)(a)(ii) | An individual who agrees to a voluntary stay must provide a signature that documents the agreement. |  |  |
| WAC 388-877-1152(2)(b) | The individual is examined by a mental health professional (MHP) within three hours of the individual's arrival at the facility, and the examination includes an assessment to deter-mine if a DCR evaluation is also required. |  |  |
| WAC 388-877-1152(2)(c) | If it is determined a DCR evaluation is required, the DCR must evaluate the individual within twelve hours of arrival. The DCR determines whether the individual: |  |  |
| WAC 388-877-1152(2)(c)(i) | Meets detention criteria under chapter 71.05 RCW; or |  |  |
| WAC 388-877-1152(2)(c)(ii) | Agrees to accept voluntary admission by providing their signature agreeing to voluntary treatment. |  |  |
| WAC 388-877-1152(3) | Agencies must ensure the clinical record includes all of the following for individuals involuntarily admitted to a triage involuntary placement facility based on a peace officer-initiated twelve-hour hold: |  |  |
| WAC 388-877-1152(3)(a) | The date and time the individual arrived at the facility and the date and time the ex-amination by the mental health professional (MHP) occurred. The examination must occur with-in three hours of the individual's arrival to the facility. |  |  |
| WAC 388-877-1152(3)(b) | The peace officer's: |  |  |
| WAC 388-877-1152(3)(b)(i) | Determination for cause to have the individual transported to the facility; |  |  |
| WAC 388-877-1152(3)(b)(ii) | Request to be notified if the individual leaves the facility and how the peace officer is to be contacted, or documentation of other person(s) permitted to be contacted, such as the shift supervisor of the law enforcement agency or dispatcher; and |  |  |
| WAC 388-877-1152(3)(b)(iii) | Request that the individual be held for the duration of the twelve hours to allow the peace officer sufficient time to return and make a determination as to whether or not to take the individual into custody. |  |  |
| WAC 388-877-1152(3)(c) | A copy of the evaluation if the individual is determined by a DCR to meet detention criteria under chapter 71.05 RCW. |  |  |
| **WAC 388-877-1154** | **Mental health inpatient services-Competency evaluation and restoration.** |  |  |
|  | A behavioral health agency may provide competency evaluation and restoration treatment services to individuals under chapter 10.77 RCW when the department's division of behavioral health and recovery (DBHR) certifies the services. |  |  |
| WAC 388-877-1154(1) | In addition to meeting the agency licensure, certification, administration, personnel, and clinical requirements in WAC 388-877-0100 through 388-877-0680 and the inpatient services requirements in WAC 388-877-1118 through 388-877-1132, an agency providing competency evaluation and restoration services must be licensed by the department of health as: |  |  |
| WAC 388-877-1154(1)(a) | A residential treatment facility consistent with chapter 246-337 WAC; |  |  |
| WAC 388-877-1154(1)(b) | A general hospital consistent with chapter 246-320 WAC; |  |  |
| WAC 388-877-1154(1)(c) | A private psychiatric hospital consistent with chapter 246-322 WAC; or |  |  |
| WAC 388-877-1154(1)(d) | An inpatient evaluation and treatment facility as provided in WAC 388-877-1134 and consistent with chapter 246-337 WAC. |  |  |
| WAC 388-877-1154(2) | The administrative policies and procedures must include: |  |  |
| WAC 388-877-1154(2)(a) | Designation of a psychiatrist as the professional person in charge of clinical services at the agency; |  |  |
| WAC 388-877-1154(2)(b) | Procedures to assure the protection of individual participant rights in WAC 388-877-1156; and |  |  |
| WAC 388-877-1154(2)(c) | Procedures to assure that seclusion and restraint are used only to the extent necessary to ensure the safety of the individual see WAC 388-877-1158. |  |  |
| WAC 388-877-1154(3) | The clinical record must include all of the following: |  |  |
| WAC 388-877-1154(3)(a) | A copy of the court order and charging documents. If the order is for competency restoration treatment and the competency evaluation was provided by a qualified expert or professional person who was not designated by the secretary, a copy of all previous court orders related to competency or criminal insanity provided by the state and a copy of any evaluation re-ports must be included. |  |  |
| WAC 388-877-1154(3)(b) | A copy of the discovery materials, including, at a minimum, a statement of the individual's criminal history. |  |  |
| WAC 388-877-1154(3)(c) | A copy of the individual's medical clearance information. |  |  |
| WAC 388-877-1154(3)(d) | All diagnostic and therapeutic services prescribed by the attending clinical staff members. |  |  |
| WAC 388-877-1154(3)(e) | Specific targets and strategies for restoring competency to include periodic assessments of gains on these targets. |  |  |
| WAC 388-877-1154(3)(f) | Participation of a multidisciplinary team that includes at a minimum: |  |  |
| WAC 388-877-1154(3)(f)(i) | A physician, advanced registered nurse practitioner (ARNP), or physician assistant certified (PA-C); |  |  |
| WAC 388-877-1154(3)(f)(ii) | A nurse, if the person in (f)(i) of this subsection is not an ARNP; and |  |  |
| WAC 388-877-1154(3)(f)(iii) | A mental health professional. |  |  |
| WAC 388-877-1154(3)(g) | Participation of other multidisciplinary team members, which may include a psychologist and chemical dependency professional. |  |  |
| WAC 388-877-1154(3)(h) | All assessments and justification for the use of seclusion or restraint. |  |  |
| WAC 388-877-1154(4) | The initial assessment must include: |  |  |
| WAC 388-877-1154(4)(a) | The individual’s: |  |  |
| WAC 388-877-1154(4)(a)(i) | Identifying information; |  |  |
| WAC 388-877-1154(4)(a)(ii) | Specific barriers to competence; |  |  |
| WAC 388-877-1154(4)(a)(iii) | Medical provider’s name or medical providers’ names; |  |  |
| WAC 388-877-1154(4)(a)(iv) | Medical concerns; |  |  |
| WAC 388-877-1154(4)(a)(v) | Medications currently taken; |  |  |
| WAC 388-877-1154(4)(a)(vi) | Brief mental health history; and |  |  |
| WAC 388-877-1154(4)(a)(vii) | Brief substance use history, including tobacco use; |  |  |
| WAC 388-877-1154(4)(b) | The identification of any risk of harm to self and others, including suicide and homicide; and |  |  |
| WAC 388-877-1154(4)(c) | Treatment recommendations or recommendations for additional program-specific assessment. |  |  |
| WAC 388-877-1154(5) | To determine the nature of the disorder and the treatment necessary, the agency must ensure that the individual receives the following assessments and document in the client's record the date provided: |  |  |
| WAC 388-877-1154(5)(a) | A health assessment of the individual's physical condition to determine if the individual needs to be transferred to an appropriate hospital for treatment; |  |  |
| WAC 388-877-1154(5)(b) | An examination and medical evaluation within twenty-four hours by a physician, advanced registered nurse practitioner, or physician assistant; |  |  |
| WAC 388-877-1154(5)(c) | A psychosocial evaluation by a mental health professional; and |  |  |
| WAC 388-877-1154(5)(d) | A competency to stand trial evaluation conducted by a licensed psychologist, or a copy of a competency to stand trial evaluation using the most recent competency evaluation, if an evaluation has already been conducted. |  |  |
| WAC 388-877-1154(6) | If a state hospital transfers an individual to an agency for competency restoration treatment, the agency must review the individual's completed admission assessment from the state hospital to assure it meets the requirements of subsection (3) of this section for initial assessments. The agency must update the assessment as needed. If the state hospital has not completed or has only partially completed an assessment for the individual, the agency must complete the assessment according to the requirements in subsections (2) and (3) of this section. |  |  |
| WAC 388-877-1154(7) | The agency must ensure the individual service plan is completed within seven days of admission and is updated every ninety days. |  |  |
| **WAC 388-877-1156** | **Mental health inpatient services—Competency evaluation and restoration—Rights.** |  |  |
| WAC 388-877-1156(1) | An agency providing competency evaluation and restoration treatment services must develop a statement of individual participant rights to ensure an individual's rights are protected. The statement must incorporate at a minimum all of the following. You have the right to: |  |  |
| WAC 388-877-1156(1)(a) | Receive services without regard to race, creed, national origin, religion, gender, sexual orientation, age or disability; |  |  |
| WAC 388-877-1156(1)(b) | Practice the religion of choice as long as the practice does not infringe on the rights and treatment of others or the treatment services and, as an individual participant, the right to refuse participation in any religious practice; |  |  |
| WAC 388-877-1156(1)(c) | Reasonable accommodation in case of sensory or physical disability, limited ability to communicate, limited English proficiency, or cultural differences; |  |  |
| WAC 388-877-1156(1)(d) | Respect, dignity and privacy, except that agency staff members may conduct reasonable searches to detect and prevent possession or use of contraband on the premises; |  |  |
| WAC 388-877-1156(1)(e) | Be free of sexual harassment; |  |  |
| WAC 388-877-1156(1)(f) | Be free of exploitation, including physical and financial exploitation; |  |  |
| WAC 388-877-1156(1)(g) | Have all clinical and personal information treated in accord with state and federal confidentiality rules and laws; |  |  |
| WAC 388-877-1156(1)(h) | Review your clinical record in the presence of the administrator or the administrator's designee and the opportunity to request amendments or corrections; |  |  |
| WAC 388-877-1156(1)(i) | Receive a copy of the agency complaint and grievance procedures upon request and to lodge a complaint or grievance with the agency if you believe your rights have been violated; and |  |  |
| WAC 388-877-1156(1)(j) | File a complaint with the department when you believe the agency has violated a Washington Administrative Code (WAC) requirement that regulates facilities. |  |  |
| WAC 388-877-1156(2) | Each agency must ensure the applicable individual participant rights described in subsection (1) of this section are: |  |  |
| WAC 388-877-1156(2)(a) | Provided in writing to each individual on or before admission; |  |  |
| WAC 388-877-1156(2)(b) | Posted in public areas; |  |  |
| WAC 388-877-1156(2)(c) | Available in alternative formats for an individual who is visually impaired; |  |  |
| WAC 388-877-1156(2)(d) | Translated to a primary or preferred language identified by an individual who does not speak English as the primary language, and who has a limited ability to read, speak, write, or understand English; and |  |  |
| WAC 388-877-1156(2)(e) | Available to any individual upon request. |  |  |
| WAC 388-877-1156(3) | Each agency must ensure all research concerning an individual whose cost of care is publicly funded is done in accordance with chapter 388-04 WAC, the protection of human re-search subjects, and other applicable state and federal rules and laws. |  |  |
| WAC 388-877-1156(4) | In addition to the requirements in this section, each agency enrolled as either a medicare or medicaid provider, or both, must ensure an individual seeking or participating in competency evaluation or restoration treatment services, or the person legally responsible for the individual is informed of the medicaid rights at time of admission in a manner that is understandable to the individual or legally responsible person. |  |  |
| **WAC 388-877-1158** | **Mental health inpatient services—Competency evaluation and restoration—Seclusion and restraint.** |  |  |
| WAC 388-877-1158(1) | An individual receiving either competency evaluation or restoration treatment services, or both has the right to be free from seclusion and restraint, including chemical restraint except as otherwise provided in this section or otherwise provided by law. The agency must do all of the following: |  |  |
| WAC 388-877-1158(1)(a) | Develop, implement, and maintain policies and procedures to ensure that seclusion and restraint procedures are used only to the extent necessary to ensure the safety of an individual and in accordance with WAC 246-322-180 or 246-337-110, whichever is applicable. |  |  |
| WAC 388-877-1158(1)(b) | Ensure that the use of seclusion or restraint occurs only when there is imminent danger to self or others and less restrictive measures have been determined to be ineffective to protect the individual or other from harm and the reasons for the determination are clearly documented in the individual's clinical record. |  |  |
| WAC 388-877-1158(1)(c) | Ensure staff members notify and receive authorization by a physician, physician assistant (PA) or advanced registered nurse practitioner (ARNP) within one hour of initiating an individual's seclusion or restraint. |  |  |
| WAC 388-877-1158(1)(d) | Ensure the individual is informed of the reasons for use of seclusion or restraint and the specific behaviors which must be exhibited in order to gain release from a seclusion or restraint procedure. |  |  |
| WAC 388-877-1158(1)(e) | Ensure that an appropriate clinical staff member observes the individual at least every fifteen minutes and the observation is recorded in the individual's clinical record. |  |  |
| WAC 388-877-1158(1)(f) | If the use of seclusion or restraint exceeds twenty-four hours, ensure that a physician has assessed the individual and has written a new order if the intervention will be continued. This procedure must be repeated for each twenty-four hour period that seclusion or restraint is used. |  |  |
| WAC 388-877-1158(2) | The agency must ensure all assessments and justification for the use of either seclusion or restraint, or both, are documented in the individual's clinical record. |  |  |
|  |  |  |  |