



RULE-MAKING ORDER PERMANENT RULE ONLY

**CR-103P (December 2017)
(Implements RCW 34.05.360)**

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 02, 2025

TIME: 3:08 PM

WSR 25-15-005

Agency: Department of Social and Health Services, Behavioral Health and Habilitation Administration

Effective date of rule:

Permanent Rules

- ☒ 31 days after filing.
☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- ☐ Yes ☒ No If Yes, explain:

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

Citation of rules affected by this order:

New: N/A
Repealed: WAC 388-881-015
Amended: WAC 388-881-010, 388-881-020, 388-881-025, 388-881-030, and 388-881-035
Suspended: N/A

Statutory authority for adoption: RCW 71.09.070, 71.09.090, 71.09.097, and 71.09.800

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 25-11-086 on May 21, 2025 (date).
Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Web site:
Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted on the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	<u>5</u>	Repealed	<u>1</u>
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The number of sections adopted using:

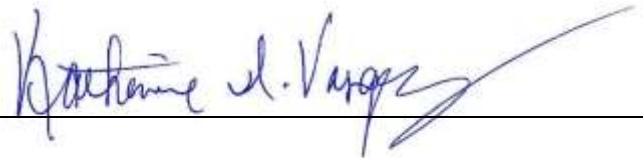
Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	<u>5</u>	Repealed	<u>1</u>

Date Adopted: July 2, 2025

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



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

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

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

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

WAC 388-881-020 External oversight—Professional standards. (1) The department ~~((shall))~~ must develop ~~((and governing body approve for use))~~ professional practice standards applicable to treatment programs for adults civilly committed ~~((adult))~~ for sex ((offenders)) offenses.
(2) Such standards ~~((shall))~~ must include provisions requiring:
(a) Staff competency, training, and supervision;
(b) Adequacy of treatment components and measures of progress;
(c) A treatment-supportive environment;
(d) Provision of medical services appropriate to a residential treatment setting; and
(e) Program oversight.

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

WAC 388-881-025 External oversight—Annual inspection of care (IOC). (1) An independent, annual, on-site inspection of care, performed according to professional standards approved under this chapter, ~~((shall))~~ will be conducted of the SCC at least annually. The inspection of care team will review at least the following:

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

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

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

- (a) Conduct an on-site and documentary inspection;
- (b) Prepare interim and final, and, as requested by the SCC (~~((superintendent or governing body))~~) chief executive officer, supplementary reports;
- (c) Receive and consider SCC program responses to all reports.
- (4) The IOC team (~~((shall))~~) must be of no fewer than (~~((four))~~) three and no more than six persons.
 - (a) At least one member of the IOC team must not be a DSHS employee; (~~((and))~~)
 - (b) At least one member must be a sex offender treatment provider (~~((or))~~) ; and
 - (c) At least one member must be a medical doctor.

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

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

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

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

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

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

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

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-881-015

External oversight—Governing body.