



# PREPROPOSAL STATEMENT OF INQUIRY

## CR-101 (October 2017) (Implements RCW 34.05.310)

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: April 07, 2021

TIME: 10:28 AM

WSR 21-08-091

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

**Subject of possible rule making:** The department is planning to create chapter 388-878 WAC, Outpatient Competency Restoration Program. This rulemaking is to develop rules for the conditions of participation in the outpatient competency restoration program, within the framework of the forensic mental health care system. This rulemaking will include but not be limited to detailing the eligibility requirements for a person to receive outpatient competency restoration, medication management, and regular urinalysis testing for defendants with substance use disorder. The department may add or amend other related rules as may be required.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 10.77.086

**Reasons why rules on this subject may be needed and what they might accomplish:** These rules are necessary to implement Engrossed Second Substitute Senate Bill 5444 (Chapter 326, Laws of 2019).

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** The Health Care Authority will be a partner in the development and promulgation of these rules.

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) DSHS welcomes the public to take part in developing the rules. Anyone interested should

contact the staff person identified below. At a later date, DSHS will file a proposal with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

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(If necessary)

Name:  
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Additional comments:

**Date:** April 7, 2021

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**