



RULE-MAKING ORDER PERMANENT RULE ONLY

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

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: December 03, 2020

TIME: 12:44 PM

WSR 21-01-017

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

Citation of rules affected by this order:

New: WAC 388-875-0200, WAC 388-875-0210, WAC 388-875-0220, WAC 388-875-0230,
 Repealed: None
 Amended: None
 Suspended: None

Statutory authority for adoption: Chapter 10.77 RCW, RCW 10.77.074, RCW 72.01.090

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

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

Describe any changes other than editing from proposed to adopted version: WAC 388-875-0220; changed "may" to "must" in response to public comment.

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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___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	<u>4</u>	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	___	Repealed	___
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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	<u>4</u>	Amended	___	Repealed	___

Date Adopted: December 2, 2020

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



NEW SECTION

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

NEW SECTION

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

NEW SECTION

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

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

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

NEW SECTION

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

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

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

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

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

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

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

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