

WAC 246-10-102 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adjudicative clerk's office" means the unit with responsibility for: Docketing; service of orders; and maintaining custody of the adjudicative proceeding record, whose address is:

Department of Health
Adjudicative Clerk's Office
P.O. Box 47879
Olympia, WA 98504-7879

(2) "Adjudicative proceeding" or "hearing" means a proceeding required by statute or constitutional right and conducted under the rules of this chapter, which provides an opportunity to be heard by the department prior to the entry of an order under this chapter.

(3) "Adjudicative service unit" means the unit responsible for conducting adjudicative proceedings.

(4) "Brief adjudicative proceeding" means an adjudicative proceeding or hearing, the scope or conduct of which is limited as provided in this chapter.

(5) "Department" means the Washington state department of health and, where appropriate, the secretary of the Washington state department of health or the secretary's designee.

(6) "Docket" or "docketing" means the list or calendar of causes set to be heard at a specified time, prepared by the adjudicative clerk's office for the use of the department.

(7) "Filing" means receipt by the adjudicative clerk's office.

(8) "Initiating document" means a written agency document which initiates action and which creates the right to an adjudicative proceeding. Initiating documents may be a statement of charges, notice of intent to deny, order, or any other document indicating the action or proposed action to be taken.

(9) "License" has the same meaning as defined in RCW 34.05.010, and includes any license, certification, registration, permit, approval, or any similar form of authorization required by law to be obtained from the department.

(10) "Presiding officer" means the person who is assigned to conduct an adjudicative proceeding. The presiding officer may be an employee of the department who is authorized to issue an initial or final decision as designee of the secretary, or an administrative law judge employed by the office of administrative hearings.

(11) "Presiding officer for brief adjudicative proceedings" means an employee of the department who is authorized to conduct brief adjudicative proceedings.

(12) "Program" means the administrative unit within the department responsible for implementation of a particular agency responsibility, statute, or rule.

(13) "Prompt adjudicative proceeding" means a hearing conducted at the request of the respondent following summary action taken in accord with this chapter.

(14) "Protective order" means an order issued under this chapter which limits the use of, access to, or disclosure of information or evidence.

(15) "Recipient of benefits" means an individual who has qualified for benefits administered by the department.

(16) "Respondent" means a person eligible to request an adjudicative proceeding in a program under the jurisdiction of the department who is named in an initiating document.

(17) "Review officer" means the person who is designated to issue final orders upon receiving a petition for review of an initial order pursuant to RCW 34.05.464, and final orders of default when the respondent has failed to timely respond to an initiating document.

(18) "Secretary" means the secretary of the department of health or his or her designee.

(19) "Show cause hearing" means a hearing authorized under RCW 18.130.135 and WAC 246-10-307 for the limited purpose of determining whether a summary action taken by the disciplining authority shall remain in effect pending a full administrative hearing.

(20) "Summary action" means an agency action to address an immediate threat to the public health, safety, or welfare and shall include, but is not limited to, a cease and desist order, an order of summary suspension, or an order of summary restriction of a license.

[Statutory Authority: RCW 43.70.040, 34.05.220, 34.05.410, 18.130.050, and 34.05.413 through 34.05.476. WSR 18-18-049, § 246-10-102, filed 8/29/18, effective 9/29/18. Statutory Authority: RCW 18.130.135 and 43.70.040. WSR 09-03-089, § 246-10-102, filed 1/20/09, effective 2/20/09. Statutory Authority: RCW 18.155.040. WSR 97-12-089, § 246-10-102, filed 6/4/97, effective 7/5/97. Statutory Authority: RCW 43.70.040. WSR 94-04-079, § 246-10-102, filed 1/31/94, effective 3/3/94; WSR 93-13-005 (Order 369), § 246-10-102, filed 6/3/93, effective 7/4/93.]