

SENATE BILL REPORT

SB 5729

As of November 8, 2023

Title: An act relating to creating a good cause exception to administrative hearing deadlines for applicants or recipients of certain public assistance benefits.

Brief Description: Creating a good cause exception to administrative hearing deadlines for applicants or recipients of certain public assistance benefits.

Sponsors: Senators Nguyen, Das, Hasegawa, Kuderer, Nobles, Robinson, Saldaña, Stanford, Trudeau and Wilson, C..

Brief History:

Committee Activity: Human Services, Reentry & Rehabilitation: 1/20/22.

Brief Summary of Bill

- Provides a good cause exception to the 90-day deadline to request an adjudicative hearing for applicants and recipients of benefits from the Department of Social and Health Services or the Health Care Authority who are aggrieved by a decision of the agency or authority.
- Provides a definition of good cause to mean a substantive or legal justification for failing to meet a hearing deadline.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

Staff: Alison Mendiola (786-7488)

Background: Department of Social and Health Services. A public assistance applicant or recipient who is aggrieved of a decision by the Department of Social and Health Services (DSHS), or an authorized agency of DSHS, has the right to an adjudicative proceeding. A current or former recipient who is aggrieved by a DSHS claim that they owe a debt for an overpayment of assistance or food stamps or food stamp benefits transferred electronically,

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or both, has the right to an adjudicative proceeding.

An applicant or recipient has no right to an adjudicative proceeding when the sole basis for DSHS's decision is a state or federal law that requires an assistance adjustment for a class of recipients.

Adjudicative proceedings are governed by the Administrative Procedures Act (APA) and relevant statutes.

The applicant or recipient must file the application for an adjudicative proceeding with the secretary within 90 days of receiving the aggrieving decision.

The Health Care Authority. An applicant or recipient who is aggrieved by a decision of the Health Care Authority (HCA), or an authorized agency of the HCA, or a current or former recipient who is aggrieved by the HCA's claim that they owe a debt for overpayment of assistance has the right to an adjudicative proceeding.

An applicant or recipient has no right to an adjudicative proceeding when the sole basis for the HCA's decision is a state or federal law that requires an assistance adjustment for a class of recipients.

Adjudicative proceedings are governed by APA and relevant statutes.

The applicant or recipient must file an application for an adjudicative proceeding with the HCA within 90 days of receiving the aggrieving decision.

Summary of Bill: When an applicant or recipient of public assistance or any medical service program under current law is aggrieved by a decision by DSHS or the HCA and fails to meet the 90-day deadline to request an adjudicative proceeding, they are entitled to show that they had good cause for not meeting the 90-day deadline. This includes current or former recipients who are aggrieved by a claim by DSHS or the HCA that they owe a debt for an overpayment of assistance, including food stamps. Good cause means a substantive reason or legal justification for failing to meet a hearing deadline. Good cause to fail to meet a hearing deadline may include, but is not limited to military deployment, medical reasons, housing instability, language barriers, or domestic violence.

Appropriation: None.

Fiscal Note: Requested on January 10, 2022.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.