

# Chapter 388-440 WAC

## EXCEPTION TO RULE

### WAC

388-440-0001 Exceptions to rule.  
388-440-0005 How am I informed of the decision on my request to the department for an exception to rule?

**WAC 388-440-0001 Exceptions to rule.** (1) The secretary of the department, or designee, authorizes department staff to request an exception to a rule in the Washington Administrative Code (WAC) for individual cases, except as noted in subsection (5) of this section, when:

- (a) The exception would not contradict a specific provision of federal law or state statute; and
- (b) The client's situation differs from the majority; and
- (c) It is in the interest of overall economy and the client's welfare; and
- (d) It increases opportunities for the client to function effectively; or
- (e) A client has an impairment or limitation that significantly interferes with the usual procedures required to determine eligibility and payment.

(2) The secretary or the secretary's designee makes the final decision on all requests for exceptions to a rule.

(3) Clients have no fair hearing rights as defined under chapter 388-02 WAC regarding exception to rule decisions by department staff.

(4) Clients who do not agree with a decision on an exception to rule may file a complaint according to chapter 388-426 WAC.

(5) This section does not apply to requests for noncovered medical or dental services or related equipment. See WAC 388-501-0160.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 04-05-010, § 388-440-0001, filed 2/6/04, effective 3/8/04. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. 00-03-034, § 388-440-0001, filed 1/12/00, effective 2/12/00; 98-16-044, § 388-440-0001, filed 7/31/98, effective 9/1/98.]

**WAC 388-440-0005 How am I informed of the decision on my request to the department for an exception to rule?** (1) You will receive the decision in writing within ten days when department staff:

- (a) Decides not to file the exception to rule request; or
- (b) Decides to approve or deny the exception to rule request.

(2) The notice includes information on how to file a complaint as specified in chapter 388-426 WAC.

(3) This section does not apply to notification requirements for exceptions to rules concerning noncovered medical or dental services or related equipment. See WAC 388-501-0160.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.-090. 07-18-053, § 388-440-0005, filed 8/31/07, effective 10/1/07; 00-03-034, § 388-440-0005, filed 1/12/00, effective 2/12/00; 98-16-044, § 388-440-0005, filed 7/31/98, effective 9/1/98.]