

**WAC 182-526-0085 Determining if a hearing right exists.** (1) A person or entity has a right to a hearing only if a law or program rule gives that right.

(2) Some programs may require a person or entity to go through an informal administrative process before requesting or having a hearing. The notice of the agency's action includes information about this requirement if it applies.

(3) Program rules and statutes may limit the time a person or entity has to request a hearing. The deadline for filing the request for hearing varies by the program involved. Hearing requests should be submitted right away to protect the right to a hearing, even if the parties are also trying to resolve the dispute informally. The notice of the agency's action contains information about this requirement.

(4) If the health care authority (HCA) hearing representative or the administrative law judge (ALJ) questions the person's or entity's right to a hearing, the ALJ or review judge (RJ) must address whether the hearing right exists.

(5) If on appeal of the initial order the HCA hearing representative or the review judge questions the right to a hearing, the review judge decides whether the hearing right exists.

(6) If the ALJ or RJ decides that the person or entity does not have a right to a hearing, the ALJ or RJ enters an order dismissing the hearing.

(7) If the ALJ or RJ decides that a person or entity has a right to a hearing, the hearing proceeds.

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 17-05-066, § 182-526-0085, filed 2/13/17, effective 3/16/17. Statutory Authority: 2011 1st sp.s. c 15 § 53, chapters 74.09, 34.05 RCW, and 10-08 WAC. WSR 13-02-007, § 182-526-0085, filed 12/19/12, effective 2/1/13.]