

WAC 388-825-145 Will my benefits continue if I request an administrative hearing? (1) If you request an administrative hearing regarding the department's decision to transfer you from a residential habilitation center to the community under RCW 71A.20.080, the rules in WAC 388-825-155 apply.

(2) If you request an administrative hearing regarding the department's decision to reduce or terminate your services, and you request the hearing before the date specified on the notice of the action, and none of the conditions in WAC 388-825-150 applies, the department will not reduce or terminate those services unless and until an administrative law judge issues an initial order or a review judge issues a final order that reduces or terminates those services. This subsection also applies to the department's decision to disenroll you from a DDA home and community based services waiver under WAC 388-845-0060.

(3) The department will take no action until there is a final decision on your appeal of the department's decision to remove or transfer you to another residential service unless one or more of the conditions in WAC 388-825-150 applies.

(4) The department will take no action until there is a final decision on your appeal to terminate your provider of choice unless one or more of the circumstances described in WAC 388-825-150 applies.

(5) After the administrative hearing, you may have to pay back up to sixty days of the continued benefits you get if the administrative hearing decision determines your benefits should be less than the continued benefits you have received.

[Statutory Authority: 42 C.F.R. 431.232(d) and RCW 71A.12.030. WSR 15-15-101, § 388-825-145, filed 7/15/15, effective 8/15/15. Statutory Authority: RCW 71A.12.030 and Title 71A RCW. WSR 08-04-072, § 388-825-145, filed 2/4/08, effective 3/6/08. Statutory Authority: RCW 71A.12.030, 71A.20.080, and Title 71A RCW. WSR 06-10-055, § 388-825-145, filed 5/1/06, effective 6/1/06. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-145, filed 8/19/05, effective 9/19/05.]