

WSR 24-13-116

PERMANENT RULES

HEALTH CARE AUTHORITY

[Filed June 20, 2024, 8:26 a.m., effective July 21, 2024]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The health care authority is amending the rule to clarify that state agency use of the department of enterprise service's consolidated mail services is equivalent to use of United States mail to effect service.

Citation of Rules Affected by this Order: Amending WAC 182-526-0040.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Other Authority: RCW 43.19.710, 43.19.715.

Adopted under notice filed as WSR 24-09-007 on April 4, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: June 20, 2024.

Wendy Barcus
Rules Coordinator

OTS-5311.2

AMENDATORY SECTION (Amending WSR 21-18-063, filed 8/26/21, effective 9/26/21)

WAC 182-526-0040 Service of documents on another party. (1)

When the rules in this chapter or in other program rules or statutes require a party to serve copies of documents on other parties, the party must send copies of the documents to all other parties or their representatives.

(2) When sending documents to the office of administrative hearings (OAH) or the board of appeals (BOA), the party must file the documents at one of the locations listed in WAC 182-526-0025(2) for OAH or in WAC 182-526-0030 for BOA.

(3) When sending documents to the assigned OAH field office, the parties should use the address of the assigned OAH listed on the notice of hearing. If a field office has not been assigned, all written communication about the hearing must be sent to the OAH Olympia field office, which sends the communication to the correct office. Documents may be sent only as described in this section to accomplish service.

(4) Unless otherwise stated in law, a party may serve someone by:

- (a) Personal service (hand delivery);
- (b) First class, registered, or certified mail;
- (c) Fax;
- (d) Electronic service;
- (e) Commercial delivery service; ~~((e))~~
- (f) Legal messenger service; or
- (g) Department of enterprise services consolidated mail services

if the serving party is a state agency, including the agency and OAH. See RCW 43.19.710.

(5) A party must serve all other parties or their representatives whenever the party files a pleading, brief, or other document with ~~((the office of administrative hearings (OAH) or the board of appeals (BOA)))~~ OAH or BOA, or when required by law.

(6) Service is complete when:

- (a) Personal service is made;
- (b) Mail is properly stamped, addressed, and deposited in the United States mail;
- (c) Mail is placed in consolidated mail services to be mailed by United States mail first class, postage prepaid, by a state agency for outgoing mail delivery;

(d) A fax produces proof of transmission;

~~((d))~~ (e) Electronic service is sent;

~~((e))~~ (f) A parcel is delivered to a commercial delivery service with charges prepaid; or

~~((f))~~ (g) A parcel is delivered to a legal messenger service with charges prepaid.

(7) A party may prove service by providing any of the following:

- (a) A sworn statement;
- (b) The certified mail receipt signed by the person who received the envelope;
- (c) An affidavit or certificate of mailing;
- (d) A signed receipt from the person who accepted the commercial delivery service or legal messenger service package; or
- (e) Proof of fax or electronic service transmission.

(8) The OAH or BOA may serve documents, including notices, initial orders, and final orders, by email only if the other parties have agreed to accept electronically served documents.