

WSR 24-14-118
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Office of the Secretary)
[Filed July 2, 2024, 10:44 a.m.]

Subject of Possible Rule Making: The department of social and health services (DSHS) is considering amending WAC 388-02-0217 When do ALJs conduct the hearing and enter the hearing decision as an initial order or a final order? and other related rules as may be required to clarify the general hearing rules of the board of appeals at DSHS. During this rule making, DSHS may make additional changes that are necessary to improve clarity.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.220, 34.05.220(4), 43.17.060, and 43.20A.075.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Cases involving food assistance may concern eligibility, disqualification, or overpayments. Amending this rule will clarify that in all food assistance overpayment cases, administrative law judges will enter initial orders and, if necessary, a review judge with the DSHS board of appeals will enter final orders in those same cases.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Chapter 10-08 WAC, office of administrative hearings (OAH) model rules of procedure. OAH has not reported any request for, or intent to, pursue rule making pertaining to WAC 388-02-0217

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Marc Lampson, P.O. Box 45803, Olympia, WA 98504, phone 360-664-6092, fax 360-664-6187, TTY 711 relay service, email marcus.lampson@dshs.wa.gov.

July 2, 2024
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