

**Chapter 388-440 WAC  
EXCEPTION TO RULE**

Last Update: 4/4/14

**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 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 either

(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 and/or the client is at serious risk of institutionalization.

(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.

[Statutory Authority: RCW 74.08.090 and 74.09.520. WSR 14-09-015, § 388-440-0001, filed 4/4/14, effective 5/5/14. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.04.510, and 2011 1st sp.s. c 15. WSR 13-18-006, § 388-440-0001, filed 8/22/13, effective 10/1/13. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057. WSR 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. WSR 00-03-034, § 388-440-0001, filed 1/12/00, effective 2/12/00; WSR 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.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.04.510, and 2011 1st sp.s. c 15. WSR 13-18-006, § 388-440-0005, filed 8/22/13, effective 10/1/13. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, and 74.08.090. WSR 07-18-053, § 388-440-0005, filed 8/31/07, effective 10/1/07; WSR 00-03-034, § 388-440-0005, filed 1/12/00, effective 2/12/00; WSR 98-16-044, § 388-440-0005, filed 7/31/98, effective 9/1/98.]