WAC 182-526-0290 Reinstating a hearing after an order of default or an order of dismissal. (1) If an order of default was entered under WAC 182-526-0284, or an order of dismissal was entered under WAC 182-526-0285, the appellant may file a petition (request) to vacate (set aside) the order.

(a) If the order was issued by the office of administrative hearings (OAH), the petition to vacate must be filed with OAH.

(b) If the order was issued by the health care authority (HCA), the petition to vacate must be filed with HCA or the board of appeals (BOA).

(c) The appellant must specify in the petition to vacate the reason why the order should be vacated.

(2) The petition to vacate must be filed within 21 calendar days of service (mailing) of the order to the parties. If the petition to vacate is not filed by the deadline, the order of default or order of dismissal becomes a final order by operation of law.

(3) If OAH or HCA receives a petition to vacate, OAH or HCA schedules a prehearing conference and serves all parties with a notice of a prehearing conference under WAC 182-526-0250.

(4) If the appellant fails to appear at the scheduled prehearing conference to address the petition to vacate:

(a) The order of default or order of dismissal becomes a final order by operation of law;

(b) OAH or HCA will issue an order disposing of the appellant's hearing request, stating that the order of default or order of dismissal became a final order by operation of law under RCW 34.05.440 (2) and (3) because the appellant failed to appear at the prehearing conference to address the petition to vacate, and including information about judicial review under WAC 182-526-0640;

(c) The appellant may seek judicial review of the final order of default or final order of dismissal to the superior court under WAC 182-526-0640.

(5) If the appellant appears for the scheduled prehearing conference:

(a) The ALJ or review judge will receive evidence and argument from the parties regarding whether:

(i) The petition to vacate was timely filed; and

(ii) The appellant has established good cause to excuse any default or dismissal and to reinstate the matter for hearing.

(b) If the petition to vacate was not filed timely, the ALJ or the review judge will issue an order disposing of the appellant's hearing request, stating that the order of default or order of dismissal became a final order by operation of law under RCW 34.05.440(1) because the appellant failed to timely file the petition to vacate, and including information about judicial review under WAC 182-526-0640. The appellant may seek judicial review of the final order of default or final order of dismissal to the superior court under WAC 182-526-0640.

(c) If the petition to vacate was timely filed, but the appellant does not establish good cause to excuse any default or dismissal, the ALJ must issue an initial order, including information about how to petition for review to the BOA, or the review judge must issue a final order dismissing the appeal.

(d) If the petition to vacate was timely filed and the appellant establishes good cause to excuse any default or dismissal, the ALJ or review judge vacates the order of default or order of dismissal and

the matter may proceed to hearing on the issues identified in the original request for hearing. The hearing may occur:

(i) Immediately following the prehearing conference if the parties agree; or

(ii) At a hearing date scheduled by OAH or BOA under WAC 182-526-0250 if the ALJ or review judge continues the hearing to a later date.

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 26-06-049, s 182-526-0290, filed 2/25/26, effective 3/28/26. Statutory Authority: RCW 41.05.021, 41.05.160, 42 C.F.R. Part 431, Subpart E. WSR 17-24-103, § 182-526-0290, filed 12/5/17, effective 1/5/18. Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 17-05-066, § 182-526-0290, 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, § 182-526-0290, filed 12/19/12, effective 2/1/13.]