

WAC 388-71-05410 What are the client's rights if the department rejects their choice of individual provider? (1) If the department rejects the client's choice of individual provider, the client has a right to:

(a) An administrative hearing to appeal the decision, as described in chapter 388-02 WAC and Title 182 WAC; and

(b) Receive services from another currently contracted qualified individual provider or home care agency provider, or to receive services through other settings the client is eligible for.

(2) The hearing rights provided under this section are rights of the client and not the individual provider.

(3) Denying a request for increased work week limits for an individual provider is not a denial of choice of provider.

(4) For the purpose of an administrative hearing, a "DISQUALIFY" background check result on a Notification of Background Check Result letter from the department's background check central unit indicates a department background check showed a disqualifying crime or negative action under chapter 388-113 WAC. A "DISQUALIFY" result, if admitted into evidence, meets the department's burden to show the applicant has a disqualifying crime or negative action under chapter 388-113 WAC. A party appealing the department's decision to deny their choice of provider can rebut a "DISQUALIFY" result by introducing clear and convincing evidence that the Notification of Background Check Result letter is erroneous. This section does not grant a long-term care worker a right to an administrative hearing to contest the results of a background check or the denial or termination of a contract.

[Statutory Authority: RCW 74.08.090, 74.09.520, 43.43.832, 74.39A.270, 74.39A.056, 74.39A.074, 43.20A.710, 74.39A.525, 43.43.842, 74.39A.326, 74.39A.515, 74.39A.505, 18.88B.021, 43.43.837 and 2018 c 278. WSR 21-18-081, § 388-71-05410, filed 8/30/21, effective 10/1/21.]