

**WAC 388-825-120 When can I appeal department decisions through an administrative hearing process?**

(1) Administrative hearings are governed by the Administrative Procedure Act (chapter 34.05 RCW), RCW 71A.10.050, the rules in this chapter and by chapters 388-02 and 182-526 WAC. If any provision in this chapter conflicts with chapters 388-02 or 182-526 WAC or WAC 388-440-0001(3), the provision in this chapter shall prevail.

(2) A client, former client, or applicant acting on the applicant's own behalf or through an authorized representative has the right to an administrative hearing.

(3) You have the right to an administrative hearing to dispute the following department actions:

- (a) Authorization, denial, reduction, or termination of services;
  - (b) Reduction or termination of a service that was initially approved through an exception to rule;
  - (c) Authorization, denial, or termination of eligibility;
  - (d) Authorization, denial, reduction, or termination of payment of SSP authorized by DDA set forth in chapter 388-827 WAC;
  - (e) Admission or readmission to, or discharge from, a residential habilitation center set forth in WAC 388-825-155;
  - (f) Refusal to abide by your request that we not send notices to any other person;
  - (g) Refusal to comply with your request to consult only with you;
  - (h) A decision to move you to a different type of residential service;
  - (i) Denial or termination of the provider of your choice or the denial of payment for any reason listed in WAC 388-825-375 through 388-825-395;
  - (j) An unreasonable delay to act on an application for eligibility or service;
  - (k) A claim the client, former client, or applicant owes an overpayment debt.
- (4) If you are not enrolled in a waiver and your request to be enrolled in a waiver is denied, your appeal rights are limited to those identified in WAC 388-845-4005.
- (5) If you are enrolled in a waiver and your request to be enrolled in a different waiver is denied, your appeal rights are limited to those identified in WAC 388-845-4005.

[Statutory Authority: RCW 71A.10.015, 71A.18.020, 71A.12.030, and Title 71A RCW. WSR 15-17-094, § 388-825-120, filed 8/18/15, effective 9/18/15. Statutory Authority: RCW 71A.12.030, 44.04.280, 2011 1st sp.s. c 30 and further amended state law, and chapter 71A.20 RCW. WSR 12-22-037, § 388-825-120, filed 11/1/12, effective 12/2/12. Statutory Authority: RCW 71A.12.030 and 71A.12.040. WSR 10-02-101, § 388-825-120, filed 1/6/10, effective 2/6/10. Statutory Authority: RCW 71A.12.030. WSR 06-19-037, § 388-825-120, filed 9/13/06, effective 10/14/06. Statutory Authority: RCW 71A.12.030, 71A.12.120. WSR 05-17-135, § 388-825-120, filed 8/19/05, effective 9/19/05. Statutory Authority: RCW 71A.12.030, 71A.10.020 and 2002 c 371. WSR 04-02-014, § 388-825-120, filed 12/29/03, effective 1/29/04. Statutory Authority: RCW 71A.16.010, 71A.16.030, 71A.12.030, chapter 71A.20 RCW, RCW 72.01.090, and 72.33.125. WSR 02-16-014, § 388-825-120, filed 7/25/02, effective 8/25/02; WSR 99-19-104, recodified as § 388-825-120, filed 9/20/99, effective 9/20/99. Statutory Authority: RCW 71A.16.020. WSR 91-17-005 (Order 3230), § 275-27-500, filed 8/9/91, effective 9/9/91. Statutory Authority: RCW 34.05.220 (1)(a) and 71.12.030 [71A.12.030].

WSR 90-04-074 (Order 2997), § 275-27-500, filed 2/5/90, effective 3/1/90. Statutory Authority: RCW 71.20.070. WSR 86-18-049 (Order 2418), § 275-27-500, filed 8/29/86. Statutory Authority: RCW 72.33.161. WSR 84-15-038 (Order 2122), § 275-27-500, filed 7/13/84. Statutory Authority: RCW 72.01.090, 72.33.040, 72.33.125 and 72.33.165. WSR 78-04-033 (Order 1280), § 275-27-500, filed 3/16/78; Order 1143, § 275-27-500, filed 8/11/76.]