

WSR 21-15-075
EMERGENCY RULES
DEPARTMENT OF

CHILDREN, YOUTH, AND FAMILIES

[Filed July 16, 2021, 12:44 p.m., effective July 18, 2021]

Effective Date of Rule: July 18, 2021.

Purpose: Amend WAC 110-15-0280 to align with department of children, youth, and family's (DCYF) chapter 110-03 WAC, Administrative hearings.

Citation of Rules Affected by this Order: Amending WAC 110-15-0280.

Statutory Authority for Adoption: RCW 43.216.905, 43.216.906.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: DCYF has conflicting rules regarding an administrative appeal process that impacts the general welfare. The emergency amendment will harmonize the conflicting rules. Observing the permanent rule-making time requirements for notice and comment would be contrary to the public interest. DCYF has begun permanent rule making to amend WAC 110-15-0280.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: July 16, 2021.

Brenda Villarreal
Rules Coordinator

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-0280 Right to request an administrative hearing. (1) WCCC consumers have a right to request ((a hearing under chapter 388-02 WAC)) administrative hearings on any action affecting WCCC benefits.

(2) Child care providers may request administrative hearings ((under chapter 388-02)) WAC only for WCCC overpayments. A provider's burden of proof is a preponderance of the evidence.

(3) To request a hearing, a consumer or provider:

- (a) Contacts the ((DSHS)) DCYF office which sent them the notice;
- or
- (b) Writes to the office of administrative hearings, P.O. Box 42489, Olympia, WA 98504-2489; and
- (c) Makes the request for a hearing within:
 - (i) Ninety days of the date a decision is received for consumers;
 - or
 - (ii) Twenty-eight days of the date a decision is received for providers.

(4) The office of administrative hearings administrative law judge enters initial or final orders as provided in ((WAC ~~388-02-0217~~)) chapter 110-03 WAC. Initial orders may be appealed to a DSHS review judge under chapter ((~~388-02~~)) 110-03 WAC.

(5) To request a hearing under the seasonal child care program, see WAC ((~~170-290-3860 and 170-290-3865~~)) 110-15-3860 and 110-15-3865.

[WSR 18-14-078, recodified as § 110-15-0280, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070 and 2017 3rd sp.s. c 1 § 615. WSR 17-23-033, § 170-290-0280, filed 11/7/17, effective 12/8/17. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0280, filed 4/15/16, effective 5/16/16. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0280, filed 10/28/09, effective 12/1/09.]

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.