

WSR 23-24-017
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Office of the Secretary)
[Filed November 28, 2023, 2:12 p.m.]

Subject of Possible Rule Making: The department is considering amending WAC 388-02-0020 What does good cause mean?, 388-02-0085 Do you have a right to a hearing?, and other related rules as may be required to incorporate "good cause" provisions of RCW 74.08.080 (2) (a) into the general hearing rules of the board of appeals at the department of social and health services (DSHS). During this rule making, the department may make additional changes that are necessary to improve clarity.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 34.05.220, 43.17.060, 43.20A.075, and 74.08.080(2).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: "Good cause" for late-filed hearing requests in public assistance cases is not further defined in agency regulations, only in the statute that went in to effect on July 1, 2023. This rule making would bring that definition into the agency rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Chapter 10-08 WAC, Office of administrative hearings (OAH) model rules of procedure. OAH has not reported any request for, or intent to pursue, rule making pertaining to RCW 74.08.080(2).

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Marc Lampson, P.O. Box 45803, Olympia, WA 98504, phone 360-664-6092, fax 360-664-6185, TTY 711 relay service, email marcus.lampson@dshs.wa.gov.

November 28, 2023
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