

## WSR 26-03-020

## PROPOSED RULES

## HEALTH CARE AUTHORITY

[Filed January 12, 2026, 10:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 25-23-041.

Title of Rule and Other Identifying Information: WAC 182-526-0025 Use and location of the office of administrative hearings, 182-526-0110 Process after a hearing is requested, 182-526-0290 Reinstating a hearing after an order of default or an order of dismissal, and 182-526-0575 How to request review of an initial order.

Hearing Location(s): On February 24, 2026, at 10:00 a.m. The health care authority (HCA) holds public hearings virtually without a physical meeting place. Virtual public hearings are held via Microsoft Teams webinar. To attend, you must register in advance at <https://events.gcc.teams.microsoft.com/event/faf7ef0b-7f04-4b2a-b308-2bc0575f5bb4@11d0e217-264e-400a-8ba0-57dcc127d72d>. After registering, you will receive a confirmation email containing information about joining the public hearing. You will be able to join the public hearing through most standard internet browsers; you do not need to install Microsoft Teams.

Date of Intended Adoption: Not sooner than February 25, 2026.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email [arc@hca.wa.gov](mailto:arc@hca.wa.gov), fax 360-586-9727, beginning January 13, 2026, 8:00 a.m., by February 24, 2026, 11:59 p.m.

Assistance for Persons with Disabilities: Contact Jessica Nguyen, phone 360-725-1174, fax 360-586-9727, telecommunication relay service 711, email [arc@hca.wa.gov](mailto:arc@hca.wa.gov), by February 6, 2026.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: HCA is amending its administrative hearing rules to clarify the role of HCA presiding officers and to clarify contact information for, and the role of, the office of administrative hearings.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: RCW 41.05.021 and 41.05.160.

Statute Being Implemented: RCW 41.05.021 and 41.05.160.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Brian Jensen, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-0815; Implementation and Enforcement: Kerry Breen, P.O. Box 42700, Olympia, WA 98504-2700, 1-844-728-5212.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules review committee or applied voluntarily.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules adopt, amend, or repeal a procedure, practice, or requirement relating to agency hearings; or a filing or related process requirement for applying to an agency for a license or permit.

Scope of exemption for rule proposal:

Is fully exempt.

January 12, 2026  
Wendy Barcus  
Rules Coordinator

**RDS-6858.1**

AMENDATORY SECTION (Amending WSR 17-05-066, filed 2/13/17, effective 3/16/17)

**WAC 182-526-0025 Use and location of the office of administrative hearings.** (1) The health care authority (HCA) may use administrative law judges employed by the office of administrative hearings (OAH) to conduct administrative hearings and issue initial orders in accordance with RCW 34.05.425 (1)(c).

(2) In some situations, HCA may use presiding officers employed by HCA to conduct administrative hearings and issue final orders in accordance with RCW 34.05.425 (1)(a) and (b). When HCA uses HCA-employed presiding officers to conduct administrative hearings, HCA's presiding officer has all the duties and responsibilities set forth in this chapter relating to administrative law judges and the office of administrative hearings. The notice of hearing will identify whether the case is to be heard by OAH or an HCA-employed presiding officer.

(3) ~~((a))~~ OAH headquarters location is:

Office of Administrative Hearings  
2420 Bristol Court S.W.  
P.O. Box 42488  
Olympia, WA 98504-2488  
~~((360-664-8717))~~ 360-407-2700 or 800-583-8271  
fax: 360-664-8721

~~((b) The headquarters office is open from 8:00 a.m. to 5:00 p.m. Monday through Friday, except legal holidays.))~~

(4) OAH field offices are at the following locations:

**Olympia**

Office of Administrative Hearings  
2420 Bristol Court S.W.  
P.O. Box 42489  
Olympia, WA 98504-2489  
360-407-2700  
1-800-583-8271  
fax: 360-586-6563

**~~((Seattle~~**

~~Office of Administrative Hearings  
One Union Square  
600 University Street, Suite 1500  
Mailstop: TS-07  
Seattle, WA 98101-1129  
206-389-3400  
1-800-845-8830  
fax: 206-587-5135))~~

**Tacoma**

Office of Administrative Hearings  
(~~(949 Market Street, Suite 500)~~) 4301 S. Pine Street, Suite 200  
Tacoma, WA (~~(98402)~~) 98409  
253-476-6888  
fax: 253-593-2200

**Spokane**

Office of Administrative Hearings  
16201 E. Indiana Avenue, Suite (~~(5600)~~) 3000  
Spokane Valley, WA 99216  
(~~(509-456-3975)~~) 509-742-5747  
(~~(1-800-366-0955)~~)  
fax: (~~(509-456-3997)~~) 509-456-3980

(5) All OAH facilities are closed to the public. Access is by appointment only. Contact OAH at the telephone numbers listed in subsection (4) of this section or by visiting OAH's website: oah.wa.gov/contact-us/offices-appointment-only.

(6) Contact the Olympia field office, under subsection (~~(+2)~~) (3) of this section, if unable to identify the correct field office.

(~~(+6)~~) (7) Further hearing information can be obtained at the OAH website: (~~(www.oah.wa.gov)~~) oah.wa.gov.

AMENDATORY SECTION (Amending WSR 17-05-066, filed 2/13/17, effective 3/16/17)

**WAC 182-526-0110 Process after a hearing is requested.** (1) After a hearing is requested, in accordance with WAC 182-526-0025, the office of administrative hearings (OAH) must send a copy of the hearing request to the health care authority (HCA) or HCA's authorized agent who made the decision on HCA's behalf, unless OAH received the hearing request from HCA or HCA's authorized agent.

(2) OAH sends the hearing request to HCA or HCA's authorized agent within four business days of OAH receiving the request.

(3) OAH must serve all parties with a notice of hearing, which advises the parties of the hearing date, time, and location. This document is called the notice of hearing. In appropriate cases, OAH also serves a written notice of a prehearing conference.

(4) If HCA, in its sole discretion, chooses to use presiding officers employed by HCA to conduct the administrative hearing and issue the final order in a particular case, the notice of hearing will identify that the case is to be heard by an HCA-employed presiding officer and advise the parties of the hearing date and time.

(5) Before the hearing or prehearing conference is held by OAH or by an HCA-employed presiding officer:

(a) The HCA hearing representative may contact any other party to try to resolve the dispute or gather information; and

(b) The party who requested the hearing may contact the HCA hearing representative to try to resolve the dispute or gather information.

AMENDATORY SECTION (Amending WSR 17-24-103, filed 12/5/17, effective 1/5/18)

**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 ((the office of administrative hearings (OAH) or the board of appeals (BOA) for nursing home rates cases)) OAH.

(b) ((BOA forwards any)) If the order was issued by the health care authority (HCA), the petition to vacate ((to OAH except for nursing home rates cases)) 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 ((twenty-one)) 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, ((or if the BOA receives a petition to vacate in a nursing home rates case,)) OAH or ((BOA)) 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 BOA in a nursing home rates case,)) 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.

AMENDATORY SECTION (Amending WSR 17-05-066, filed 2/13/17, effective 3/16/17)

**WAC 182-526-0575 How to request review of an initial order.** (1)

A party must make the request for review of an initial order in writing and file the request with the board of appeals (BOA) at the address given in WAC 182-526-0030 and within the deadlines set forth in WAC 182-526-0580.

(2) The request for review should identify the parts of the initial order with which the party disagrees and should identify the evidence in the hearing record supporting the party's position.

(3) The party seeking review should also send a copy of the review request to the other parties.

(4) After receiving a request for review of an initial order, BOA serves a copy on the other parties((~~r~~)) and their representatives((~~r~~ and the office of administrative hearings)). The other parties and their representatives may respond as described in WAC 182-526-0590.