WSR 26-09-015
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed April 2, 2026, 3:14 p.m.]

Subject of Possible Rule Making: These rules clarify that residents of skilled nursing facilities and nursing facilities have the right to an administrative hearing under chapter 182-526 WAC related to transfers or discharges from such facilities and that the health care authority (agency) does not provide an administrative hearing right to residents of adult family homes, assisted living facilities, or enhanced services facilities.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160, 34.05.220, and 34.05.413.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule will clarify that the agency offers an administrative hearing only when authorized by statute or rule. This rule is needed to clarify the agency's subject matter jurisdiction of a resident's appeals related to transfer or discharge from an adult family home, assisted living facility, or enhanced services facilities. Under RCW 34.05.413, the agency is required to offer administrative hearing only when required by law. Because no law requires a hearing right for other facility types, the agency is issuing this rule to clarify when there is a right to an administrative hearing. During this review, the agency may identify additional related changes that improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Department of social and health services and the office of administrative hearings.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and 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 Melinda Froud, Rule-making Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1408, fax 360-586-9727, telecommunication relay services (TRS) 711, email Melinda.froud@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Annette Schuffenhauer, Program Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1254, fax 360-586-9727, TRS 711, email annette.schuffenhauer@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

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