WSR 26-11-032
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed May 15, 2026, 9:44 a.m.]

Subject of Possible Rule Making: The health care authority (agency) intends to adopt rules that will clarify that there is no hearing right to challenge a decision made by a department of social and health services (DSHS) operated facility or setting where the decision is related to the services and care provided to the resident and is based on the professional judgment of the DSHS employees. This is because no agency action has occurred, as that term is defined in chapter 34.05 RCW. Determinations of eligibility for specific programs are appealable as described in program rules.

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

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: This rule clarifies the pathway for clients to address concerns about provider care through the licensing, certification, or survey organization (e.g., department of health (DOH), DSHS' residential care services).

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DSHS, DOH, 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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