WSR 26-18-036
PERMANENT RULES
HEALTH CARE AUTHORITY
[Filed August 26, 2026, 3:25 p.m., effective September 26, 2026]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The health care authority is amending the rule to add to the factors an administrative law judge is to consider when determining whether to grant a hearing continuance and to add expectations regarding the timing of the administrative law judge's initial decision.

Citation of Rules Affected by this Order: Amending WAC 182-526-0280.

Statutory Authority for Adoption: RCW 41.05.021 and 41.05.160.

Adopted under notice filed as WSR 26-15-023 on July 7, 2026.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: August 26, 2026.

Wendy Barcus
Rules Coordinator

RDS-7222.1

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

WAC 182-526-0280 Continuing a hearing when an appellant is an applicant or recipient. (1) Any party may request a continuance under this section either orally or in writing.

(2) Before contacting the office of administrative hearings (OAH) to request a continuance, the party seeking the continuance must make a good faith effort to contact the other parties to find out if they agree to a continuance. The party making the request for a continuance must let OAH know whether the other parties agreed to the continuance.

(3) **Standard when less than ((~~sixty~~)) 60 days.** When a continuance request is made less than ((~~sixty~~)) 60 days from the date OAH received the hearing request:

(a) If all parties agree to the continuance, the ALJ must grant the request unless the ALJ holds a status conference, prehearing conference, or a hearing and finds that good cause for a continuance does not exist under WAC 182-526-0020.

(b) If the parties do not agree to the continuance, the ALJ must schedule a status conference, prehearing conference, or a hearing and

determine if good cause for a continuance exists under WAC 182-526-0020 and under the following factors:

(i) Why the party is requesting a continuance;

(ii) Why the other party or parties are objecting to the request;

(iii) Whether a continuance in the case has previously been granted at the request of the same party who is now requesting the continuance and, if so, whether it was for the same reason;

(iv) The extent to which the requesting or objecting parties could have prevented the need for delay;

(v) The number and duration of previous continuances in the case and who requested them;

(vi) The legal or factual complexity of the case;

(vii) The relative harm to the parties if the continuance is granted or denied, including:

(A) The risk of harm to the appellant if ((~~he or she~~)) the appellant is not receiving continued benefits; and

(B) The prejudice to the nonrequesting party, including whether that party prepared for the hearing, reserved time in anticipation of the hearing, or designated witnesses ready for the hearing, and the extent to which granting a continuance would waste the resources expended by the nonrequesting party in preparing for the hearing;

(viii) The impact of a continuance on the parties' ability to adequately prepare and present their cases;

(ix) How close to the scheduled hearing date the request was made and whether the requesting party had sufficient opportunity to raise the need for a continuance at an earlier time;

(x) Any need to provide accommodation, translation, or interpreter services; ((~~and~~

~~(x)~~)) (xi) The impact of a continuance on the ability of OAH to issue a timely initial decision; ((~~or~~

~~(xi)~~)) (xii) Whether the requesting party has a pattern of seeking continuances before OAH, and whether that pattern suggests an intent to delay rather than a genuine need for additional time; and

(xiii) Other relevant factors.

(c) If a party requests a continuance because of illness, medical need, or a medical appointment, the ALJ will consider:

(i) Whether the party has submitted supporting medical documentation; and

(ii) Whether the medical appointment was scheduled before or after the notice of hearing was issued.

The absence of supporting medical documentation weighs against granting the continuance.

(4) **Standard when ((~~sixty~~)) 60 days or greater.** When a continuance request is made ((~~sixty~~)) 60 days or more from the date OAH received the hearing request:

(a) The ALJ must not only consider whether there is good cause to continue the hearing but also must find a compelling reason for the continuance.

(b) Compelling reasons include:

(i) Medical evidence is required;

(ii) Extraordinary circumstances exist, such as the sudden unforeseen onset of an illness or adverse event that was beyond the party's ability to prevent;

(iii) The hearing format changes or the ALJ finds a compelling reason to change the way a witness appears at the hearing according to WAC 182-526-0360;

(iv) The appellant needs more time to prepare or present evidence or argument because the agency issued an amended notice under WAC 182-526-0260;

(v) The need for more time was caused by another party's action or inaction, considering the relative capacity and resources of the parties;

(vi) The need to provide accommodation, translation, or interpreter services;

(vii) A party received notice of the date or deadline ((~~thirty~~)) 30 days or more after OAH received the hearing request;

(viii) Whether the continuance is needed to allow for effective assistance of counsel of record; or

(ix) Other compelling reasons.

(c) If the same party has requested and received a continuance more than twice, that weighs against finding a compelling reason for an additional continuance request by the same party.

(5) The ALJ must notify all parties whether a continuance was granted or denied orally on the record, or must do so in writing within five business days of the status conference, prehearing conference, or hearing. If the ALJ grants a contested continuance request, the ALJ must issue an order detailing the grounds for the continuance.

(6) If the ALJ grants a continuance, OAH must serve a new notice of hearing on the parties at least ((~~fourteen~~)) 14 calendar days before the new hearing date, unless the parties agree to a shorter time period.

(7) Subject to the good cause and compelling reasons in this section, an ALJ must ordinarily issue a hearing decision no later than 90 days after:

(i) The date the enrollee filed an MCO appeal, not including the number of days the enrollee took to subsequently file for a state administrative hearing; or

(ii) For all other administrative hearings, the date the agency or OAH receives a request for an administrative hearing.