



EXPEDITED RULE MAKING

CR-105 (June 2024) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: August 01, 2024

TIME: 10:27 AM

WSR 24-16-088

Agency: Health Care Authority

Title of rule and other identifying information: (describe subject) WAC 182-526-0020, Good cause

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The agency is amending WAC 182-526-0020 to clarify the meaning of good cause for applicants and recipients with rights to adjudicative proceedings.

Reasons supporting proposal: The agency is amending WAC 182-526-0020 to incorporate by reference the meaning of "good cause" provided in RCW 74.09.741.

Statutory authority for adoption: RCW 41.05.021, 41.05.160

Statute being implemented: RCW 41.05.021, 41.05.160, RCW 74.09.741

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

Name of proponent: (person or organization) Health Care Authority

- Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Brian Jensen	PO Box 42716, Olympia, WA 98504-2716	360-725-0815
Implementation:	Kerry Breen	PO Box 42700, Olympia, WA 98504-2700	1-844-728-5212
Enforcement:	Kerry Breen	PO Box 42700, Olympia, WA 98504-2700	1-844-728-5212

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): The expedited rule-making process is appropriate because the agency is amending WAC 182-526-0020 to incorporate by reference provisions of RCW 74.09.741.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

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Agency: Health Care Authority
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Other:

BEGINNING (date/time) August 2, 2024, 8:00 AM **AND RECEIVED BY** (date/time) October 7, 2024, 11:59 PM

Date: August 1, 2024

Name: Wendy Barcus

Title: HCA Rules Coordinator

Signature:



WAC 182-526-0020 Good cause. (1) Good cause is a substantial reason or legal justification allowing the administrative law judge (ALJ) to grant a party's request or to excuse their action or inaction, including granting a continuance or excusing a failure to appear at an administrative proceeding.

(2) To determine if there is good cause, the administrative law judge may consider the provisions of Superior Court Civil Rule 60 as a guideline. Good cause may include, but is not limited to, the following examples:

(a) The party who requested the hearing ignored a notice because ((he or she)) the party was in the hospital or was otherwise prevented from responding; or

(b) The party who requested the hearing could not respond to the notice because it was written in a language that ((he or she)) the party did not understand.

(3) For applicants and recipients with rights to adjudicative proceedings, good cause for failing to meet a hearing deadline is further addressed in RCW 74.09.741.

(4) The requestor bears the burden to show why a request should be granted or an action excused.