



# PREPROPOSAL STATEMENT OF INQUIRY

## CR-101 (October 2017) (Implements RCW 34.05.310)

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: November 28, 2023

TIME: 2:12 PM

WSR 23-24-017

**Agency:** Department of Social and Health Services, Office of the Secretary, BOA

**Subject of possible rule making:** The department is considering amending WAC 388-02-0020, "What does good cause mean?", 388-02-0085, "Do you have a right to a hearing?", and other related rules as may be required to incorporate "good cause" provisions of RCW 74.08.080(2)(a) into the general hearing rules of the Board of Appeals at the Department of Social and Health Services. During this rulemaking, the department may make additional changes that are necessary to improve clarity.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 34.05.220, 43.17.060, 43.20A.075 and 74.08.080(2).

**Reasons why rules on this subject may be needed and what they might accomplish:** "Good cause" for late-filed hearing requests in public assistance cases is not further defined in agency regulations, but only in the statute that went in to effect on July 1, 2023. This rulemaking would bring that definition into the agency rules.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** Chapter 10-08 WAC, Office of Administrative Hearings (OAH) Model rules of procedure. OAH has not reported any request for, or intent to pursue, rulemaking pertaining to RCW 74.08.080(2).

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) DSHS welcomes the public to take part in developing the rules. Anyone interested should

contact the staff person identified below. At a later date, DSHS will file a proposal with the Office of the Code Reviser with a notice of proposed rulemaking. A copy of the proposal will be sent to everyone on the mailing list and to 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:**

Name: Marc Lampson	(If necessary) Name:
Address: PO Box 45803, Olympia WA 98504	Address:
Phone: 360-664-6092	Phone:
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TTY: 711 Relay service	TTY:
Email: <a href="mailto:marcus.lampson@dshs.wa.gov">marcus.lampson@dshs.wa.gov</a>	Email:
Web site:	Web site:
Other:	Other:

Additional comments:

**Date:** November 28, 2023

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**