



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: July 02, 2024

TIME: 10:44 AM

WSR 24-14-118

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

Subject of possible rule making: The department is considering amending WAC 388-02-0217 – When do ALJs conduct the hearing and enter the hearing decision as an initial order or a final order? and other related rules as may be required to clarify 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, 34.05.220(4), 43.17.060, and 43.20A.075

Reasons why rules on this subject may be needed and what they might accomplish: Cases involving food assistance may concern eligibility, disqualification, or overpayments. Amending this rule will clarify that in all food assistance overpayment cases, ALJs will enter initial orders and, if necessary, a review judge with the DSHS Board of Appeals will enter final orders in those same cases.

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 WAC 388-02-0217

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:

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(If necessary)

Name:
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Additional comments:

Date: July 2, 2024

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature: