**PROPOSED RULE MAKING**

CR-102 (July 2022)
(Implements RCW 34.05.320)
Do NOT use for expedited rule making

**Agency:** Health Care Authority

- ☒ Original Notice
- ☐ Supplemental Notice to WSR _____
- ☐ Continuance of WSR _____

- ☒ Preproposal Statement of Inquiry was filed as WSR 22-14-018; or
- ☐ Expedited Rule Making--Proposed notice was filed as WSR _____; or
- ☐ Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or
- ☐ Proposal is exempt under RCW _____.

**Title of rule and other identifying information:** (describe subject) 182-526-0030, Contacting the board of appeals, 182-526-0580, Deadline for requesting review of an initial order by a review judge

**Hearing location(s):**

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Location: (be specific)</th>
<th>Comment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 27, 2022</td>
<td>10:00 AM</td>
<td>In response to the coronavirus disease 2019 (COVID-19) public health emergency, the Health Care Authority continues to hold public hearings virtually without a physical meeting place. This promotes social distancing and the safety of the residents of Washington State</td>
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<td>To attend the virtual public hearing, you must register in advance: <a href="https://us02web.zoom.us/webinar/register/WN_9Uo_ve5ETY2is3tDmG1Udw">https://us02web.zoom.us/webinar/register/WN_9Uo_ve5ETY2is3tDmG1Udw</a></td>
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<td>If the link above opens with an error message, please try using a different browser. After registering, you will receive a confirmation email containing information about joining the public hearing</td>
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**Date of intended adoption:** Not sooner than September 28, 2022 (Note: This is NOT the effective date)

Submit written comments to:

Name: HCA Rules Coordinator
Address: PO Box 42716, Olympia WA 98504-2716
Email: arc@hca.wa.gov
Fax: 360-586-9727
Other: By (date) September 27, 2022, by 11:59 PM

**Assistance for persons with disabilities:**
Contact Johanna Larson
Phone: 360-725-1349
Fax: 360-586-9727
TTY: Telecommunication Relay Services (TRS): 711
Email: Johanna. Larson@hca.wa.gov
Other: By (date) September 16, 2022

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The agency is amending WAC 182-526-0030 to update the Board of Appeals’ website address. The agency is amending WAC 182-526-0580 to specify the acceptable filing methods for a written review request of an initial order.

Reasons supporting proposal: See Purpose

Statutory authority for adoption: RCW 41.05.021, 41.05.160

Statute being implemented: RCW 41.05.021, 41.05.160

Is rule necessary because of a:

- Federal Law? ☐ Yes ☒ No
- Federal Court Decision? ☐ Yes ☒ No
- State Court Decision? ☐ Yes ☒ No

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

Type of proponent: ☐ Private ☐ Public ☒ Governmental

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

Name of agency personnel responsible for:

<table>
<thead>
<tr>
<th>Name</th>
<th>Office Location</th>
<th>Phone</th>
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<tbody>
<tr>
<td>Drafting: Brian Jensen</td>
<td>PO Box 42716, Olympia, WA 98504-2716</td>
<td>360-725-0815</td>
</tr>
<tr>
<td>Implementation: Kerry Breen</td>
<td>PO Box 42700, Olympia, WA 98504-2700</td>
<td>1-844-728-5212</td>
</tr>
<tr>
<td>Enforcement:     Kerry Breen</td>
<td>PO Box 42700, Olympia, WA 98504-2700</td>
<td>1-844-728-5212</td>
</tr>
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</table>

Is a school district fiscal impact statement required under RCW 28A.305.135? ☒ Yes ☐ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name: 
Address: 
Phone: 
Fax: 
TTY: 
Email: 
Other: 

Is a cost-benefit analysis required under RCW 34.05.328? ☐ Yes ☒ No

If yes, a preliminary cost-benefit analysis may be obtained by contacting:

Name: 
Address: 
Phone: 
Fax: 
TTY: 
Email: 
Other: 

No: Please explain: RCW 34.05.328 does not apply to Health Care Authority rules unless requested by the Joint Administrative Rules Review Committee or applied voluntarily.

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The Governor's Office for Regulatory Innovation and Assistance (ORIA) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). For additional information on exemptions, consult the exemption guide published by ORIA. Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.
☒ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:
☐ RCW 34.05.310 (4)(b)  ☐ RCW 34.05.310 (4)(e)
   (Internal government operations)  (Dictated by statute)
☐ RCW 34.05.310 (4)(c)  ☐ RCW 34.05.310 (4)(f)
   (Incorporation by reference)  (Set or adjust fees)
☐ RCW 34.05.310 (4)(d)  ☒ RCW 34.05.310 (4)(g)
   (Correct or clarify language)  ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(4) (does not affect small businesses).
☐ This rule proposal, or portions of the proposal, is exempt under RCW ______.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: Check one.
☒ The rule proposal is fully exempt (skip section 3). Exemptions identified above apply to all portions of the rule proposal.
☐ The rule proposal is partially exempt (complete section 3). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using this template from ORIA):
☐ The rule proposal is not exempt (complete section 3). No exemptions were identified above.

(3) Small business economic impact statement: Complete this section if any portion is not exempt.
If any portion of the proposed rule is not exempt, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?
☐ No    Briefly summarize the agency’s minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs.
☐ Yes   Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

   The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:
   Name:
   Address:
   Phone:
   Fax:
   TTY:
   Email:
   Other:

Date: August 22, 2022
Name: Wendy Barcus
Title: HCA Rules Coordinator
Signature:
AMENDATORY SECTION  (Amending WSR 21-18-063, filed 8/26/21, effective 9/26/21)

WAC 182-526-0030  Contacting the board of appeals. The information included in this section is current at the time of rule adoption, but may change. Current information and additional contact information are available on the health care authority's internet site, in person at the board of appeals (BOA) office, or by a telephone call to the BOA's main public number.

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<th>Board of Appeals</th>
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<td>Location</td>
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<td>Toll free telephone</td>
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AMENDATORY SECTION  (Amending WSR 17-05-066, filed 2/13/17, effective 3/16/17)

WAC 182-526-0580  Deadline for requesting review of an initial order by a review judge. (1) The board of appeals (BOA) must receive the written review request of an initial order on or before 5:00 p.m. on the ((twenty-first)) 21st calendar day after the initial order was served, unless an extension of the deadline is granted by the review judge.

(2) A party may file the written review request by physical mail, by facsimile transmission (fax), electronically by email, or in-person delivery. For the BOA contact information, see WAC 182-526-0030.

((2)) (3) A review judge may extend the deadline to request review if a party:
(a) Asks for more time before the deadline expires; and
(b) Gives a good reason for more time.

((3+)) (4) A review judge may accept a review request after the ((twenty-one)) 21 calendar day deadline only if:
(a) BOA receives the review request on or before the ((thirty-sixth)) 30th calendar day after the deadline; and
(b) A party shows good cause for missing the deadline.

((4+)) (5) The time periods provided by this section for requesting review of an initial order, including any extensions, does not count against a deadline, if any, for a review judge to enter the final order.

[ 1 ]  OTS-3970.1