**RULE-MAKING ORDER**  
**PERMANENT RULE ONLY**  

**CR-103P (December 2017)**  
(Implements RCW 34.05.360)

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**Agency:** Health Care Authority  

**Effective date of rule:**  
- Permanent Rules  
  - ☒ 31 days after filing.  
  - ☐ Other (specify) _______ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)  

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**  
- ☐ Yes  
  - ☒ No  
  - If Yes, explain:

**Purpose:** The agency is amending WAC 182-526-0195 to change subsection (4) to specify that the administrative law judge has discretion to grant or deny an agency or managed care organization request for a prehearing conference.

**Citation of rules affected by this order:**  
- New:  
- Repealed:  
- Amended: 182-526-0195  
- Suspended:

**Statutory authority for adoption:** RCW 41.05.021, 41.05.160

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**  
- Adopted under notice filed as WSR 21-15-057 on July 15, 2021 (date).  
- Describe any changes other than editing from proposed to adopted version: None

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If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

- Name:  
- Address:  
- Phone:  
- Fax:  
- TTY:  
- Email:  
- Web site:  
- Other:
Note: If any category is left blank, it will be calculated as zero. No descriptive text.

Count by whole WAC sections only, from the WAC number through the history note. A section may be counted in more than one category.

<table>
<thead>
<tr>
<th>The number of sections adopted in order to comply with:</th>
<th>New</th>
<th>Amended</th>
<th>Repealed</th>
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<tbody>
<tr>
<td>Federal statute:</td>
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<td>Federal rules or standards:</td>
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<td>Recently enacted state statutes:</td>
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<th>The number of sections adopted at the request of a nongovernmental entity:</th>
<th>New</th>
<th>Amended</th>
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<th>The number of sections adopted on the agency’s own initiative:</th>
<th>New</th>
<th>Amended</th>
<th>Repealed</th>
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<tr>
<th>The number of sections adopted in order to clarify, streamline, or reform agency procedures:</th>
<th>New</th>
<th>Amended</th>
<th>Repealed</th>
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<tr>
<td>Negotiated rule making:</td>
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<td>Pilot rule making:</td>
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<td>Other alternative rule making:</td>
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Date Adopted: August 27, 2021
Name: Wendy Barcus
Title: HCA Rules Coordinator

Signature: 

Wendy Barcus
WAC 182-526-0195 Prehearing conferences. (1) Unlike a prehearing meeting, a prehearing conference is a formal proceeding conducted on the record by an administrative law judge (ALJ) to address issues and prepare for a hearing.
   (a) The ALJ must make an audio record of the prehearing conference.
   (b) An ALJ may conduct the prehearing conference in person, by telephone, or in any other manner acceptable to the parties.
(2) All parties must attend the prehearing conference. If the party who requested the hearing does not attend the prehearing conference, the ALJ may enter an order of default and an order dismissing the hearing.
(3) The ALJ may require a prehearing conference. Any party may request a prehearing conference.
(4) The ALJ must grant the appellant's, and may grant the managed care organization's or the agency representative's, first request for a prehearing conference if it is filed with the office of administrative hearings (OAH) at least seven business days before the scheduled hearing date.
(5) When the ALJ grants a party's request for a prehearing conference, the ALJ must continue the previously scheduled hearing when necessary to comply with notice requirements in this section.
(6) The ALJ may grant additional requests for prehearing conferences.
(7) The office of administrative hearings (OAH) must schedule prehearing conferences for all cases which concern:
   (a) Provider and vendor overpayment hearings.
   (b) Estate recovery and predeath liens.
   (c) Notice of violation disputes under chapter 182-51 WAC.
   (d) Notice of violation disputes under chapter 182-70 WAC.
(8) During a prehearing conference the parties and the ALJ may:
   (a) Simplify or clarify the issues to be decided during the hearing;
   (b) Agree to the date, time, and place of the hearing;
   (c) Identify any accommodation or safety issues;
   (d) Agree to postpone the hearing;
   (e) Allow the parties to make changes in their own documents, including the notice or the hearing request;
   (f) Agree to facts and documents to be entered during the hearing;
   (g) Set a deadline to exchange names and phone numbers of witnesses and documents before the hearing;
   (h) Schedule additional prehearing conferences;
   (i) Resolve the dispute;
   (j) Consider granting a stay if authorized by law or program rule; or
   (k) Rule on any procedural issues and substantive motions raised by any party.
(9) After the prehearing conference, the ALJ must enter a written order describing:
   (a) The actions taken at the prehearing conference;
   (b) Any changes to the documents;
(c) A statement of the issue or issues identified for the hearing;
(d) Any agreements reached; and
(e) Any ruling of the ALJ.

(10) OAH must serve the prehearing order on the parties at least fourteen calendar days before the scheduled hearing.

(11) A party may object to the prehearing order by notifying OAH in writing within ten calendar days after the mailing date of the order. The ALJ must issue a ruling on the objection within five days from the date a party files an objection.

(12) If no objection is made to the prehearing order, the order determines how the hearing is conducted, including whether the hearing will be in person or held by telephone conference or other means, unless the ALJ changes the order for good cause.

(13) The ALJ may take further appropriate actions to address other concerns raised by the parties.