



RULE-MAKING ORDER PERMANENT RULE ONLY

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

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: May 29, 2025

TIME: 8:03 AM

WSR 25-12-049

Agency: Health Care Authority, Public Employees Benefits Board (PEBB) Admin #2025.01.01

Effective date of rule:

Permanent Rules

- ☐ 31 days after filing.
☒ Other (specify) July 1, 2025 (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 purpose of this proposal is to make technical amendments in multiple sections within Chapter 182-16 WAC to support the Public Employees Benefits Board (PEBB) Program:

- Amend WAC 182-16-2040 to make a technical correction and clarify any subscriber aggrieved by a decision made by the PEBB wellness incentive program contracted vendor may appeal that decision to the PEBB Program.
- Amend WAC 182-16-2070 to include a statement that describes the appealing party or the appealing party's representative has read the notice of request and believes the contents of the brief adjudicative proceeding to be true and correct, and to add failure to provide documentation or reference to documentation, of decisions previously rendered may result in a rejection of the item being appealed.
- Amend WAC 182-16-2090 regarding a written initial order will be rendered within 10 days after the presiding officer receives the contents of the request for a brief adjudicative proceeding.

Citation of rules affected by this order:

New:

Repealed:

Amended: 182-16-2040, 182-16-2070, 182-16-2090

Suspended:

Statutory authority for adoption: RCW 41.05.021, RCW 41.05.160

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 25-09-085 on April 17, 2025 (date).

Describe any changes other than editing from proposed to adopted version: None

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.**

The number of sections adopted in order to comply with:

| | | | | | | |
|----------------------------------|-----|-------|---------|-------|----------|-------|
| Federal statute: | New | _____ | Amended | _____ | Repealed | _____ |
| Federal rules or standards: | New | _____ | Amended | _____ | Repealed | _____ |
| Recently enacted state statutes: | New | _____ | Amended | 3 | Repealed | _____ |

The number of sections adopted at the request of a nongovernmental entity:

| | | | | | |
|-----|-------|---------|-------|----------|-------|
| New | _____ | Amended | _____ | Repealed | _____ |
|-----|-------|---------|-------|----------|-------|

The number of sections adopted on the agency's own initiative:

| | | | | | |
|-----|-------|---------|----------|----------|-------|
| New | _____ | Amended | <u>3</u> | Repealed | _____ |
|-----|-------|---------|----------|----------|-------|

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

| | | | | | |
|-----|-------|---------|----------|----------|-------|
| New | _____ | Amended | <u>3</u> | Repealed | _____ |
|-----|-------|---------|----------|----------|-------|

The number of sections adopted using:

| | | | | | | |
|--------------------------------|-----|-------|---------|----------|----------|-------|
| Negotiated rule making: | New | _____ | Amended | _____ | Repealed | _____ |
| Pilot rule making: | New | _____ | Amended | _____ | Repealed | _____ |
| Other alternative rule making: | New | _____ | Amended | <u>3</u> | Repealed | _____ |

Date Adopted: May 29, 2025

Name: Wendy Barcus

Title: HCA Rules Coordinator

Signature:



AMENDATORY SECTION (Amending WSR 24-18-076, filed 8/29/24, effective 1/1/25)

WAC 182-16-2040 How can a subscriber appeal a decision regarding the administration of wellness incentive program requirements? (1) Any subscriber aggrieved by a decision made by the public employees benefits board (PEBB) wellness incentive program contracted vendor regarding the completion of the wellness incentive program requirements, or request for a reasonable alternative to a wellness incentive program requirement, may appeal that decision to the ~~((public employees benefits board (PEBB) wellness incentive program contracted vendor))~~ PEBB program.

(2) Any subscriber who disagrees with a decision in response to an appeal filed with the PEBB ~~((wellness incentive))~~ program ~~((contracted vendor))~~ may appeal the decision by submitting a request for a brief adjudicative proceeding to the PEBB appeals unit.

(a) The request for a brief adjudicative proceeding from a current or former employee must be received by the PEBB appeals unit no later than 30 days after the date of the denial notice. The contents of the request for a brief adjudicative proceeding are to be provided as described in WAC 182-16-2070.

(b) The request for a brief adjudicative proceeding from a retiree, a continuation coverage enrollee, a retired employee or retired school employee continuing PEBB health plan coverage when their employer group ceases participation, or a survivor must be received by the PEBB appeals unit no later than 60 days after the date of the denial notice. The contents of the request for a brief adjudicative proceeding are to be provided as described in WAC 182-16-2070.

(3) The PEBB appeals unit must notify the appellant in writing when the request for a brief adjudicative proceeding has been received.

(4) The brief adjudicative proceeding will be conducted by a presiding officer designated by the director.

(5) If a subscriber fails to timely request a brief adjudicative proceeding, the decision of the PEBB wellness incentive program contracted vendor becomes the authority's final order without further action.

AMENDATORY SECTION (Amending WSR 20-16-062, filed 7/28/20, effective 1/1/21)

WAC 182-16-2070 What should a written request for administrative review and a request for brief adjudicative proceeding contain? (1) A written request for administrative review of the employing agency decision and a request for brief adjudicative proceeding should contain the following:

~~((1))~~ (a) The name and mailing address of the party requesting an administrative review or the brief adjudicative proceeding;

~~((2))~~ (b) The name and mailing address of the appealing party's representative, if any;

~~((3))~~ (c) Documentation, or reference to documentation, of decisions previously rendered through the appeal process, if any;

~~((4))~~ (d) A statement identifying the specific portion of the decision being appealed and clarifying what is believed to be unlawful or in error;

~~((5))~~ (e) A statement of facts in support of the appealing party's position;

~~((6))~~ (f) Any information or documentation that the appealing party would like considered;

~~((7))~~ (g) The type of relief sought; ~~((and~~

~~(8))~~ (h) The signature of the appealing party or the appealing party's representative; and

(i) A statement that describes the appealing party or the appealing party's representative has read the notice of request for an appeal and believes the contents to be true and correct.

(2) Failing to provide documentation, or reference to documentation, of decisions previously rendered through the appeal process as described in subsection (1)(c) of this section, may result in a rejection of the item being appealed.

AMENDATORY SECTION (Amending WSR 20-16-062, filed 7/28/20, effective 1/1/21)

WAC 182-16-2090 Initial order. Unless a continuance has been granted, ~~((within ten days after the public employees benefits board (PEBB) appeals unit receives a request for a brief adjudicative proceeding,))~~ the presiding officer ~~((must))~~ will render a written initial order that addresses the issue or issues raised by the appellant in their appeal within 10 days after the presiding officer receives the contents of the request for a brief adjudicative proceeding. The presiding officer must serve a copy of the initial order on all parties and the initial order must contain information on how the appellant may request review of the initial order.