
Housing, Human Services & Veterans Committee

SSB 5729

Brief Description: Creating a good cause exception to administrative hearing deadlines for applicants or recipients of certain public assistance benefits.

Sponsors: Senate Committee on Human Services, Reentry & Rehabilitation (originally sponsored by Senators Nguyen, Das, Hasegawa, Kuderer, Nobles, Robinson, Saldaña, Stanford, Trudeau and Wilson, C.).

Brief Summary of Substitute Bill

- Creates a good cause exception from the 90-day administrative hearing deadline for applicants and recipients who are aggrieved by a decision of the Department of Social and Health Services or the Health Care Authority.
- Defines good cause as a substantive reason or legal justification for failing to meet a hearing deadline.

Hearing Date: 2/17/22

Staff: Lena Langer (786-7192).

Background:

Department of Social and Health Services.

A public assistance applicant or recipient who is aggrieved of a decision by the Department of Social and Health Services (DSHS), or an authorized agency of the DSHS, has the right to an adjudicative proceeding. Current or former recipients who are aggrieved by a DSHS claim that they owe a debt for an overpayment of assistance or food stamps or food stamp benefits

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transferred electronically, or both, have the right to an adjudicative proceeding.

An applicant or recipient has no right to an adjudicative proceeding when the sole basis for the DSHS's decision is a state or federal law that requires an assistance adjustment for a class of recipients.

Adjudicative proceedings are governed by the Administrative Procedures Act (APA) and relevant statutes.

The applicant or recipient must file the application for an adjudicative proceeding with the secretary within 90 days of receiving the aggrieving decision.

The Health Care Authority.

An applicant or recipient who is aggrieved by a decision of the Health Care Authority (HCA), or an authorized agency of the HCA, or a current or former recipient who is aggrieved by the HCA's claim that they owe a debt for overpayment of assistance, has the right to an adjudicative proceeding.

An applicant or recipient has no right to an adjudicative proceeding when the sole basis for the HCA's decision is a state or federal law that requires an assistance adjustment for a class of recipients.

Adjudicative proceedings are governed by the APA and relevant statutes.

The applicant or recipient must file an application for an adjudicative proceeding with the HCA within 90 days of receiving the aggrieving decision.

Summary of Bill:

When an applicant or recipient of public assistance or any medical service program under current law is aggrieved by a decision by the DSHS or the HCA and fails to meet the 90-day deadline to request an adjudicative proceeding, they are entitled to show that they had good cause, to the extent allowed under federal law, for not meeting the 90-day deadline. This includes current or former recipients who are aggrieved by a claim by the DSHS or the HCA that they owe a debt for an overpayment of assistance, including food stamps.

Good cause means a substantive reason or legal justification for failing to meet a hearing deadline. Good cause to fail to meet a hearing deadline may include, but is not limited to military deployment, medical reasons, housing instability, language barriers, or domestic violence.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.