

HOUSE BILL REPORT

SSB 5729

As Passed House - Amended:

March 3, 2022

Title: An act relating to creating a good cause exception to administrative hearing deadlines for applicants or recipients of certain public assistance benefits.

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 History:

Committee Activity:

Housing, Human Services & Veterans: 2/17/22, 2/24/22 [DPA].

Floor Activity:

Passed House: 3/3/22, 98-0.

Brief Summary of Substitute Bill (As Amended by House)

- 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 (DSHS) or the Health Care Authority (HCA).
- Provides that applicants and recipients who are aggrieved by a decision of the DSHS or the HCA have one year from the aggrieving decision to request a hearing for good cause.
- Defines good cause as a substantive reason or legal justification for failing to meet a hearing deadline.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

HOUSE COMMITTEE ON HOUSING, HUMAN SERVICES & VETERANS

Majority Report: Do pass as amended. Signed by 9 members: Representatives Peterson, Chair; Taylor, Vice Chair; Gilday, Ranking Minority Member; Barkis, Assistant Ranking Minority Member; Bateman, Chopp, Donaghy, Jacobsen and Leavitt.

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 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 of the DSHS 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 Amended 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.

The DSHS or the HCA may not grant a hearing for good cause if the request for a hearing is filed more than one year after the aggrieving decision.

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.

A federal severability clause is included.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on July 1, 2023.

Staff Summary of Public Testimony:

(In support) There are times when people are not able to meet the strict 90-day deadline to file an appeal of a public assistance decision. This bill creates a good cause exception to the 90-day deadline. Oregon and California have a similar good cause exception to the 90-day deadline. This legislation is needed to make clarifications to the agencies. This bill is an opportunity to right a significant wrong for low-income families, people with disabilities, and elderly residents of the state. Public assistance applicants and recipients only rarely have access to judicial proceedings to fight for their rights. This bill is an opportunity to create a more just legal system for individuals who rely on public benefits. Currently, the law creates harsh consequences because there is no good cause exception to the 90-day deadline to request an administrative hearing. The term "good cause" is clearly defined in this bill. The bill does not create ambiguity.

(Opposed) Oregon and California do not have a good cause exception to the 90-day deadline in statute. The federal rules prevent an extension of the 90-day deadline. The DSHS must abide by the federal rules. There are cases where a single household receives both federal and state benefits. This bill would cause confusion for clients.

Persons Testifying: (In support) Antonio Ginatta, Columbia Legal Services; Lisa Brodoff, Seattle University School of Law; Sara Robbins, Seattle and King County Coalition on Homelessness; Jane Habegger; and Marcy Bowers, Statewide Poverty Action Network.

(Opposed) Ellen Nolan, Department of Social and Health Services.

Persons Signed In To Testify But Not Testifying: None.