

# FINAL BILL REPORT

## SSB 5729

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Synopsis as Enacted

**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.).

**Senate Committee on Human Services, Reentry & Rehabilitation**  
**House Committee on Housing, Human Services & Veterans**

**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 DSHS, has the right to an adjudicative proceeding. A current or former recipient who is 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, has the right to an adjudicative proceeding.

An applicant or recipient has no right to an adjudicative proceeding when the sole basis for 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 Procedure Act (APA) and relevant statutes.

The applicant or recipient must file the application for an adjudicative proceeding with the secretary of 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.

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*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.*

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 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:** When an applicant or recipient of public assistance or any medical service program under current law is aggrieved by a decision by 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 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.

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.

If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

**Votes on Final Passage:**

Senate	49	0	
House	98	0	(House amended)
Senate	49	0	(Senate concurred)

**Effective:** July 1, 2023