

WAC 388-02-0225 May an ALJ or review judge decide that a DSHS rule is invalid? (1) Neither an ALJ nor a review judge may decide that a DSHS rule is invalid or unenforceable. Only a court may decide this issue.

(2) If the validity of a DSHS rule is raised during the hearing, the ALJ or review judge may allow argument for court review.

[Statutory Authority: RCW 34.05.020. WSR 00-18-059, § 388-02-0225, filed 9/1/00, effective 10/2/00.]