

**RCW 71A.10.050 Appeal of department actions—Right to.** (1) An applicant or recipient or former recipient of a developmental disabilities service under this title from the department of social and health services has the right to appeal the following department actions:

- (a) A denial of an application for eligibility under RCW 71A.16.040;
- (b) An unreasonable delay in acting on an application for eligibility, for a service, or for an alternative service under RCW 71A.18.040;
- (c) A denial, reduction, or termination of a service;
- (d) A claim that the person owes a debt to the state for an overpayment;
- (e) A disagreement with an action of the secretary under RCW 71A.10.060 or 71A.10.070;
- (f) A decision to return a resident of an [a] habilitation center to the community; and
- (g) A decision to change a person's placement from one category of residential services to a different category of residential services.

The adjudicative proceeding is governed by the Administrative Procedure Act, chapter 34.05 RCW.

(2) This subsection applies only to an adjudicative proceeding in which the department action appealed is a decision to return a resident of a habilitation center to the community. The resident or his or her representative may appeal on the basis of whether the specific placement decision is in the best interests of the resident. When the resident or his or her representative files an application for an adjudicative proceeding under this section the department has the burden of proving that the specific placement decision is in the best interests of the resident.

(3) When the department takes any action described in subsection (1) of this section it shall give notice as provided by RCW 71A.10.060. The notice must include a statement advising the recipient of the right to an adjudicative proceeding and the time limits for filing an application for an adjudicative proceeding. Notice of a decision to return a resident of a habilitation center to the community under RCW 71A.20.080 must also include a statement advising the recipient of the right to file a petition for judicial review of an adverse adjudicative order as provided in chapter 34.05 RCW. [1989 c 175 s 138; 1988 c 176 s 105.]

**Effective date—1989 c 175:** See note following RCW 34.05.010.