

WAC 246-120-050 Request for a brief adjudicative proceeding.

(1) A health carrier or third-party administrator who has received written notification of an assessed civil penalty according to this chapter may request a brief adjudicative proceeding pursuant to chapter 34.05 RCW.

(2) The application for a brief adjudicative proceeding must:

(a) Be in writing;

(b) State the basis for contesting the civil penalty;

(c) Include a copy of the adverse notice;

(d) Be served on and received by the department within twenty-eight days of the health carrier or third-party administrator receiving the notice of a civil penalty; and

(e) Be served in a manner which shows proof of receipt at the following address:

Adjudicative Clerk Office
310 Israel Rd. S.E.
Olympia, WA 98504-7879

(3) If a health carrier or third-party administrator files a timely and sufficient application for a brief adjudicative proceeding, the secretary shall not implement the action for the civil penalty until the final order is entered. The presiding or reviewing officer may permit the secretary to implement part or all of the action while the proceedings are pending, if the health carrier or third-party administrator causes an unreasonable delay in the proceedings or for other good cause.

[Statutory Authority: RCW 70.290.060 and chapter 70.290 RCW. WSR 14-13-101, § 246-120-050, filed 6/17/14, effective 7/18/14.]