

RCW 70.58A.550 Adjudicative proceedings. (1) This section governs any case in which the state registrar takes one of the following adverse actions:

(a) Denies or revokes registration of a report or application for an amendment;

(b) Withholds or denies issuance of a certification under this chapter; or

(c) Denies a request for data under RCW 70.58A.520.

(2) This section does not govern denied applications for delayed birth registration under RCW 70.58A.120, or amendments due to legal name change, adoption, or parentage, which require court orders.

(3) RCW 43.70.115 does not govern adjudications under this chapter.

(4) The department shall give written notice to the applicant when it denies or revokes registration of a report or application for certification, or withholds issuance of a certification. The written notice must state the reasons for the action and be served on the applicant or person to whom the record pertains. "Service" means posting in the United States mail, delivery to a commercial parcel delivery company, or personal service. Service by mail is complete upon deposit of the notice in the United States mail. Service by a commercial parcel delivery company is complete upon delivery to the commercial parcel delivery company, properly addressed, with charges prepaid.

(5) Except as otherwise provided in this subsection and in subsection (7) of this section, only revocation is effective twenty-eight days after service of the notice. The department may make the date the action is effective sooner than twenty-eight days after service when necessary to protect public health, safety, or welfare, or when deemed necessary by the state registrar for the security of the vital record. When the department does so, it shall state the effective date and the reasons supporting the effective date in the notice.

(6) Except as otherwise provided in subsection (7) of this section, denial of the registration of a report or application for an amendment under subsection (1)(a) of this section, and actions under subsection (1)(b) and (c) of this section, are effective immediately upon service of the notice.

(7) An applicant has the right to an adjudicative proceeding. The proceeding is governed by the administrative procedure act, chapter 34.05 RCW. The request for an adjudicative proceeding must be in writing, state the basis for contesting the adverse action, include a copy of the adverse notice, be served on and received by the department within twenty-eight days of service of the adverse notice, and be served in a manner that shows proof of receipt.

(8) If the department gives an applicant twenty-eight days' notice of revocation and the applicant or person to whom the record pertains files an appeal before its effective date, the department shall not implement the adverse action until the final order has been entered. The presiding or reviewing officer may permit the department to implement part or all of the adverse action while the proceedings are pending if the appellant causes an unreasonable delay in the proceeding, if the circumstances change so that implementation is in the public interest, or for other good cause.

(9) If the department gives an applicant less than twenty-eight days' notice of revocation and the applicant or person to whom the record pertains timely files a sufficient appeal, the department may

implement the adverse action on the effective date stated in the notice. The presiding or reviewing officer may order the department to stay implementation of part or all of the adverse action while the proceedings are pending if staying implementation is in the public interest or for other good cause.

(10) The department is authorized to adopt a brief adjudicative proceeding for proceedings under this chapter, in accordance with chapter 34.05 RCW. [2019 c 148 § 23.]