

WAC 182-526-0320 Subpoenas. (1) An administrative law judge (ALJ), the health care authority hearing representative, and an attorney for a party may issue subpoenas. If a party is not represented by an attorney, that party may ask the ALJ to issue a subpoena on the party's behalf. The ALJ may schedule a prehearing conference to decide whether to issue a subpoena.

(2) An ALJ may deny a party's request for a subpoena. For example, an ALJ may deny a request for a subpoena when the ALJ determines that a witness has no actual knowledge regarding the facts or that the documents are not relevant.

(3) There is no cost when OAH issues a subpoena on behalf of a party, but the party may have to pay for:

- (a) Serving the subpoena;
- (b) Complying with the subpoena; and
- (c) Witness fees according to RCW 34.05.446(7).

(4) Any person who is at least eighteen years old and not a party to the hearing may serve a subpoena.

(5) Service of a subpoena is complete when the server:

- (a) Gives the witness a copy of the subpoena; or
- (b) Leaves a copy at the residence of the witness with a person over the age of eighteen.

(6) To prove that a subpoena was served on a witness, the person serving the subpoena must sign a written, dated statement including:

- (a) Who was served with the subpoena;
- (b) When the subpoena was served;
- (c) The address where the subpoena was served; and
- (d) The name, age, and address of the person who served the subpoena.

(7) A party may request that an ALJ quash (set aside) or change the requirements of a subpoena at any time before the deadline given in the subpoena.

(8) An ALJ may set aside or change a subpoena if it is unreasonable.

(9) Witnesses with safety or accommodation concerns should contact the office of administrative hearings (OAH) upon receipt of a subpoena.

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 17-05-066, § 182-526-0320, filed 2/13/17, effective 3/16/17. Statutory Authority: 2011 1st sp.s. c 15 § 53, chapters 74.09, 34.05 RCW, and 10-08 WAC. WSR 13-02-007, § 182-526-0320, filed 12/19/12, effective 2/1/13.]