

388-97-0780 Finalizing the preliminary finding

(1)

The preliminary finding becomes a final finding when: (a) The department notifies the individual of a preliminary finding and the individual does not ask for an administrative hearing within the time frame provided under WAC 388-97-0740; (b) The individual requested an administrative hearing to appeal the preliminary finding and the administrative law judge: (i) Dismisses the appeal following withdrawal of the appeal or default; (ii) Dismisses the appeal for failure to comply with the time limits under WAC 388-97-0760; or (iii) Issues an initial order upholding the finding; or (c) The board of appeals reverses an administrative law judge's initial order and issues a final order upholding the preliminary finding.

(a)

The department notifies the individual of a preliminary finding and the individual does not ask for an administrative hearing within the time frame provided under WAC 388-97-0740;

(b)

The individual requested an administrative hearing to appeal the preliminary finding and the administrative law judge: (i) Dismisses the appeal following withdrawal of the appeal or default; (ii) Dismisses the appeal for failure to comply with the time limits under WAC 388-97-0760; or (iii) Issues an initial order upholding the finding; or

(i)

Dismisses the appeal following withdrawal of the appeal or default;

(ii)

Dismisses the appeal for failure to comply with the time limits under WAC 388-97-0760; or

(iii)

Issues an initial order upholding the finding; or

(c)

The board of appeals reverses an administrative law judge's initial order and issues a final order upholding the preliminary finding.

(2)

A final finding is permanent, except under the circumstances described in (3).

(3)

A final finding may be removed from the department's registry and, as appropriate, any other department lists under the following circumstances: (a) The department determines the finding was made in error; (b) The finding is rescinded following judicial review; (c) At least one year after a single finding of neglect has been finalized, the department may remove the finding of neglect from the department's registry or department lists based upon a written petition by the individual and in accordance with requirements of federal law, 42 U.S.C. 1396r(g)(1)(D); or (d) The department is notified of the individual's death.

(a)

The department determines the finding was made in error;

(b)

The finding is rescinded following judicial review;

(c)

At least one year after a single finding of neglect has been finalized, the department may remove the finding of neglect from the department's registry or department lists

based upon a written petition by the individual and in accordance with requirements of federal law, 42 U.S.C. 1396r(g)(1)(D); or

(d)

The department is notified of the individual's death.