WAC 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.
(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   (b) The finding is rescinded following judicial review;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.

[Statutory Authority: Chapters 18.51 and 74.42 RCW and 42 C.F.R. 489.52. WSR 08-20-062, § 388-97-0780, filed 9/24/08, effective 11/1/08.]