

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
OFFICE OF PROFESSIONAL STANDARDS

In the Matter of WIC Benefits) OPS No. 95-10-26-140 WIC
of:)
)
on behalf of) FINDINGS OF FACT,
) CONCLUSIONS OF LAW,
) AND FINAL ORDER
Respondent.)
_____)

Health Law Judge for the Department of Health, having reviewed the record in this case hereby issues the following:

I. FINDINGS OF FACT

1.1 _____ was a participant in the Women Infants and Children Supplemental Food Program (WIC) which is administered by the Department of Health through the Snohomish WIC Program.

1.2 On October 26, 1995, _____ submitted a Fair Hearing Request, on behalf of her child, _____, to the Department of Health, Office of Professional Standards.

1.3 On November 1, 1995, _____ Pregnancy Aid of Snohomish, submitted a memo stating that she was attempting to contact Ms _____ Ms. _____ further stated:

Client came in on October 6, 1995 and got WIC checks for GoodStart. GoodStart is a non-contract formula and is only provided if the client brings in a completed Request for Substitution form. The client brought the form in and therefore will continue to receive GoodStart for 6 months unless the physician decides the baby no longer needs it.

The coordinator thinks one of the staff may have told her she'd get a child's food package next month since the child will be one year old. The child's food package contains milk instead of formula. Children do get this food package unless their physician determines they need a special food package which provides formula for children over one year of age. It is standard information to let the client know that the food package

will change. A clinic staff person who hadn't read her chart may have incorrectly told her she wouldn't get GoodStart.

The client's next appointment is November 7, 1995. If I am unable to reach the client by then, the clinic staff will ask her at her next appointment if she still wants the fair hearing.

1.4 On November 2, 1995, a Notice of Fair Hearing was sent to the Respondent and the Program setting the hearing on November 15, 1995, in Everett, Washington.

1.5 On November 7, 1995, [redacted] submitted a Cancellation of Fair Hearing Request Form by FAX, to the Office of Professional Standards. In the memo Ms. [redacted] stated:

I am withdrawing my request because:
Baby is able to get goodstart til: March 96.

II. CONCLUSIONS OF LAW

2.1 The Department of Health has jurisdiction over [redacted] request for a hearing in this matter.

2.2 [redacted] withdrew her request for a hearing. This withdrawal constitutes grounds for dismissal of the case.

III. FINAL ORDER

3.1 Based upon the Findings of Fact and Conclusions of Law above, Health Law Judge, hereby orders the case DISMISSED.

THE PARTIES ARE FURTHER ADVISED, pursuant to RCW 34.05.461 and .470, that within ten (10) days of service of this Order you may file a petition for reconsideration with the Office of Professional Standards, Department of Health, P.O. Box 47872, Olympia, Washington 98504-7872. The petition shall state the specific grounds upon which relief is requested. The petition for reconsideration shall not stay

the effectiveness of this Final Order. The petition is deemed to have been denied if, within twenty (20) days of the date of its filing, the Department has not disposed of your petition or has not served you with written notice specifying the date by which action will be taken on your petition.

"Filing" means actual receipt of the document by the Office of Professional Standards. RCW 34.05.010(6). This Order was "served" upon you on the day it was deposited in the United States mail. RCW 34.05.010(18).

Proceedings for judicial review may be instituted by filing a petition in the Superior Court in accord with the procedures specified in Title 34 RCW, Part V, Judicial Review and Civil Enforcement. The petition for judicial review must be filed within thirty (30) days after you have been served with this Final Order, as provided by RCW 34.05.542.

DATED THIS 8TH DAY OF NOVEMBER, 1995.

/s/

Health Law Judge
Presiding Officer

I declare that today I served a copy of this document upon the following parties of record: _____
by mailing a copy properly addressed with postage prepaid.

DATED AT OLYMPIA WASHINGTON THIS _____ DAY OF NOVEMBER, 1995.

Office of Professional Standards