

Medical Care and the Office of the Washington Attorney General

May 6, 2026

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Introduction and Overview

- The views expressed in this presentation are mine alone – not those of the Office of the Washington Attorney General (“AGO”).
- This is an executive summary of the roles of the AGO.



Roadmap

- Background of the AGO and me
- The multiple roles of the AGO
 - Advising executive branch agencies
 - Representing executive branch agencies in court
 - Affirmative litigation on behalf of the State
 - Medicaid Fraud and Abuse Division



Background:

The AGO and Me

- The AGO employs about 800 attorneys and about 1,200 professional staff.
 - The Social and Health Services Division (Olympia) employs about 41 attorneys and 26 professional staff.
- The AGO has 13 offices throughout the state.
 - [2025 AGO Annual Report.indd](#)
- I have been with the AGO for more than 29 years.



Background:

Guiding Principles

- Centennial Accord (1989) and New Millennium Agreement (1999):
 - [Centennial Accord | GOIA](#)
 - [Millennium Agreement | GOIA](#)
- The AGO has a Tribal Consent & Consultation Policy, outlining our interactions with Tribes:
 - [Tribal Consent & Consultation Policy | Washington State](#)

Background:

Guiding Principles (continued)

- The Governor's Office of Indian Affairs issued its most recent annual report regarding the Centennial Accord in September 2025:
 - [2025 Centennial Accord](#)
 - The AGO “recognizes self-determination is core to Tribal sovereignty and must be integral in decision-making that affects Tribes, Tribal lands, and Tribal rights. The AGO also affirms that it is a priority to continue to strengthen the government-to-government relationship established between Tribes and the state and commits to a policy that requires the use of both consultation and consent as tools to further this engagement.”

Roles of the AGO:

Advising Executive Branch Agencies

- The “bread and butter” of the AGO:
 - “The attorney general shall be the legal adviser of the state officers, and shall perform such other duties as may be prescribed by law.” Washington Constitution, Article III, Section 21; *see also* RCW 43.10.030; RCW 43.10.040.
- Daily advice on matters such as (1) the meaning of federal and state statutes and regulations; (2) drafting, reviewing, and interpreting contracts; and (3) how to respond to outside groups, e.g., the Legislature, the federal government, advocacy groups, auditors, the media, and individuals



Roles of the AGO:

Advising Executive Branch Agencies (continued)

- Client agencies include (among others) the Health Care Authority; the Department of Social and Health Services; the Health Benefit Exchange; and the Department of Health



Roles of the AGO:

Representing Executive Branch Agencies in Court

- The AGO represents agencies when they are sued by outside parties (such as healthcare providers, advocacy groups, and individuals)
- “Defensive” litigation
- *Examples:*
 - Pharmacy trade associations sued the Health Care Authority over allegedly low Medicaid payment rates
 - Client advocacy groups sued the Health Care Authority over an alleged lack of in-home services to children

Roles of the AGO:

Representing Executive Branch Agencies in Court

- The AGO also represents agencies when they decide to pursue legal action against an outside party (such as healthcare providers or the federal government)
- “Plaintiff” litigation
- *Example:* The Health Care Authority, joined by the Swinomish Indian Tribal Community, challenged the federal government over funding for dental services

Roles of the AGO:

Affirmative Litigation

- Separately elected statewide official:
 - Washington Constitution, Article III, Sections 1, 3; RCW 43.01.010
- Access to reproductive health services
- Access to gender-affirming care
- Federal funding for public health and for behavioral health services
- Immigration issues, including healthcare
- Planned Parenthood
- [Washington Attorney General's Federal Litigation Tracker | Washington State](#)

Thank You!

- I appreciate the opportunity to talk with you today.
- Please contact me if you have any questions or comments:
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