

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1748

67th Legislature
2022 Regular Session

Passed by the House March 8, 2022
Yeas 97 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate February 25,
2022
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1748** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1748

AS AMENDED BY THE SENATE

Passed Legislature - 2022 Regular Session

State of Washington

67th Legislature

2022 Regular Session

By Representatives Entenman, Leavitt, Valdez, Callan, Gregerson, Peterson, Shewmake, Wylie, Sullivan, Simmons, Riccelli, and Harris-Talley; by request of Department of Social and Health Services

Prefiled 01/04/22. Read first time 01/10/22. Referred to Committee on Housing, Human Services & Veterans.

1 AN ACT Relating to aged, blind, or disabled program eligibility
2 for victims of human trafficking; amending RCW 74.04.805 and
3 74.62.030; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 74.04.805 and 2020 c 322 s 1 are each amended to
6 read as follows:

7 (1) The department is responsible for determining eligibility for
8 referral for essential needs and housing support under RCW
9 43.185C.220. Persons eligible are persons who:

10 (a) Have been determined to be eligible for the pregnant women
11 assistance program under RCW 74.62.030 or are incapacitated from
12 gainful employment by reason of bodily or mental infirmity that will
13 likely continue for a minimum of ninety days. The standard for
14 incapacity in this subsection, as evidenced by the ninety-day
15 duration standard, is not intended to be as stringent as federal
16 supplemental security income disability standards;

17 (b) Are citizens or aliens lawfully admitted for permanent
18 residence or otherwise residing in the United States under color of
19 law, or are victims of human trafficking as defined in RCW 74.04.005;

20 (c) (i) Have furnished the department with their social security
21 number. If the social security number cannot be furnished because it

1 has not been issued or is not known, an application for a number must
2 be made prior to authorization of benefits, and the social security
3 number must be provided to the department upon receipt;

4 (ii) This requirement does not apply to victims of human
5 trafficking as defined in RCW 74.04.005 if they have not been issued
6 a social security number;

7 (d) (i) Have countable income as described in RCW 74.04.005 at or
8 below four hundred twenty-eight dollars for a married couple or at or
9 below three hundred thirty-nine dollars for a single individual; or

10 (ii) Have income that meets the standard established by the
11 department, who are eligible for the pregnant women assistance
12 program;

13 (e) Do not have countable resources in excess of those described
14 in RCW 74.04.005; and

15 (f) Are not eligible for federal aid assistance, other than basic
16 food benefits transferred electronically and medical assistance.

17 (2) Recipients of aged, blind, or disabled assistance program
18 benefits who meet other eligibility requirements in this section are
19 eligible for a referral for essential needs and housing support
20 services within funds appropriated for the department of commerce.

21 (3) Recipients of pregnant women assistance program benefits who
22 meet other eligibility requirements in this section are eligible for
23 referral for essential needs and housing support services, within
24 funds appropriated for the department of commerce, for twenty-four
25 consecutive months from the date the department determines pregnant
26 women assistance program eligibility.

27 (4) The following persons are not eligible for a referral for
28 essential needs and housing support:

29 (a) Persons who refuse or fail to cooperate in obtaining federal
30 aid assistance, without good cause;

31 (b) Persons who refuse or fail without good cause to participate
32 in ~~((drug or alcohol))~~ substance use treatment if an assessment by a
33 certified ~~((chemical dependency counselor))~~ substance use disorder
34 professional indicates a need for such treatment. Good cause must be
35 found to exist when a person's physical or mental condition, as
36 determined by the department, prevents the person from participating
37 in ~~((drug or alcohol dependency))~~ substance use treatment, when
38 needed outpatient ~~((drug or alcohol))~~ treatment is not available to
39 the person in the county of ~~((his or her))~~ their residence or when

1 needed inpatient treatment is not available in a location that is
2 reasonably accessible for the person; and

3 (c) Persons who are fleeing to avoid prosecution of, or to avoid
4 custody or confinement for conviction of, a felony, or an attempt to
5 commit a felony, under the laws of the state of Washington or the
6 place from which the person flees; or who are violating a condition
7 of probation, community supervision, or parole imposed under federal
8 or state law for a felony or gross misdemeanor conviction.

9 (5) For purposes of determining whether a person is incapacitated
10 from gainful employment under subsection (1) of this section:

11 (a) The department shall adopt by rule medical criteria for
12 incapacity determinations to ensure that eligibility decisions are
13 consistent with statutory requirements and are based on clear,
14 objective medical information; and

15 (b) The process implementing the medical criteria must involve
16 consideration of opinions of the treating or consulting physicians or
17 health care professionals regarding incapacity, and any eligibility
18 decision which rejects uncontroverted medical opinion must set forth
19 clear and convincing reasons for doing so.

20 (6) For purposes of reviewing a person's continuing eligibility
21 and in order to remain eligible for the program, persons who have
22 been found to have an incapacity from gainful employment must
23 demonstrate that there has been no material improvement in their
24 medical or mental health condition. The department may discontinue
25 benefits when there was specific error in the prior determination
26 that found the person eligible by reason of incapacitation.

27 (7) The department must review the cases of all persons who have
28 received benefits under the essential needs and housing support
29 program for twelve consecutive months, and at least annually after
30 the first review, to determine whether they are eligible for the
31 aged, blind, or disabled assistance program.

32 **Sec. 2.** RCW 74.62.030 and 2018 c 48 s 2 are each amended to read
33 as follows:

34 (1)(a) The aged, blind, or disabled assistance program shall
35 provide financial grants to persons in need who:

36 (i) Are not eligible to receive federal aid assistance, other
37 than basic food benefits transferred electronically and medical
38 assistance;

1 (ii) Meet the eligibility requirements of subsection (3) of this
2 section; and

3 (iii) Are aged, blind, or disabled. For purposes of determining
4 eligibility for assistance for the aged, blind, or disabled
5 assistance program, the following definitions apply:

6 (A) "Aged" means age sixty-five or older.

7 (B) "Blind" means statutorily blind as defined for the purpose of
8 determining eligibility for the federal supplemental security income
9 program.

10 (C) "Disabled" means likely to meet the federal supplemental
11 security income disability standard. In making this determination,
12 the department should give full consideration to the cumulative
13 impact of an applicant's multiple impairments, an applicant's age,
14 and vocational and educational history.

15 In determining whether a person is disabled, the department may
16 rely on, but is not limited to, the following:

17 (I) A previous disability determination by the social security
18 administration or the disability determination service entity within
19 the department; or

20 (II) A determination that an individual is eligible to receive
21 optional categorically needy medicaid as a disabled person under the
22 federal regulations at 42 C.F.R. Parts 435, Secs. 201(a)(3) and 210.

23 (b) The following persons are not eligible for the aged, blind,
24 or disabled assistance program:

25 (i) Persons who are not able to engage in gainful employment due
26 primarily to ~~((alcohol or drug addiction))~~ a substance use disorder.
27 These persons shall be referred to appropriate assessment, treatment,
28 or shelter ~~((, or supplemental security income referral services as~~
29 ~~authorized under chapter 74.50 RCW))~~ services. Referrals shall be
30 made at the time of application or at the time of eligibility review.
31 This subsection may not be construed to prohibit the department from
32 granting aged, blind, or disabled assistance benefits to ~~((alcoholics~~
33 ~~and drug addicts))~~ persons with a substance use disorder who are
34 incapacitated due to other physical or mental conditions that meet
35 the eligibility criteria for the aged, blind, or disabled assistance
36 program; or

37 (ii) Persons for whom there has been a final determination of
38 ineligibility based on age, blindness, or disability for federal
39 supplemental security income benefits.

1 (c) Persons may receive aged, blind, or disabled assistance
2 benefits and essential needs and housing program support under RCW
3 43.185C.220 concurrently while pending application for federal
4 supplemental security income benefits. The monetary value of any
5 aged, blind, or disabled assistance benefit that is subsequently
6 duplicated by the person's receipt of supplemental security income
7 for the same period shall be considered a debt due the state and
8 shall by operation of law be subject to recovery through all
9 available legal remedies.

10 (2) The pregnant women assistance program shall provide financial
11 grants to persons who:

12 (a) Are not eligible to receive federal aid assistance other than
13 basic food benefits or medical assistance; and

14 (b) Are pregnant and in need, based upon the current income and
15 resource standards of the federal temporary assistance for needy
16 families program, but are ineligible for federal temporary assistance
17 for needy families benefits for a reason other than failure to
18 cooperate in program requirements; and

19 (c) Meet the eligibility requirements of subsection (3) of this
20 section.

21 (3) To be eligible for the aged, blind, or disabled assistance
22 program under subsection (1) of this section or the pregnant women
23 assistance program under subsection (2) of this section, a person
24 must:

25 (a) Be a citizen or alien lawfully admitted for permanent
26 residence or otherwise residing in the United States under color of
27 law, or be a victim of human trafficking as defined in RCW 74.04.005;

28 (b) Meet the income and resource standards described in RCW
29 74.04.805(1) (d) and (e);

30 (c) (i) Have furnished the department (~~(his or her)~~) with their
31 social security number. If the social security number cannot be
32 furnished because it has not been issued or is not known, an
33 application for a number shall be made prior to authorization of
34 benefits, and the social security number shall be provided to the
35 department upon receipt;

36 (ii) This requirement does not apply to victims of human
37 trafficking as defined in RCW 74.04.005 if they have not been issued
38 a social security number;

39 (d) Not have refused or failed without good cause to participate
40 in (~~(drug or alcohol)~~) substance use treatment if an assessment by a

1 certified (~~chemical dependency counselor~~) substance use disorder
2 professional indicates a need for such treatment. Good cause must be
3 found to exist when a person's physical or mental condition, as
4 determined by the department, prevents the person from participating
5 in (~~drug or alcohol dependency~~) substance use treatment, when
6 needed outpatient (~~drug or alcohol~~) treatment is not available to
7 the person in the county of (~~his or her~~) their residence or when
8 needed inpatient treatment is not available in a location that is
9 reasonably accessible for the person; and

10 (e) Not have refused or failed to cooperate in obtaining federal
11 aid assistance, without good cause.

12 (4) Referrals for essential needs and housing support under RCW
13 43.185C.220 shall be provided to persons found eligible under RCW
14 74.04.805.

15 (5) No person may be considered an eligible individual for
16 benefits under this section with respect to any month if during that
17 month the person:

18 (a) Is fleeing to avoid prosecution of, or to avoid custody or
19 confinement for conviction of, a felony, or an attempt to commit a
20 felony, under the laws of the state of Washington or the place from
21 which the person flees; or

22 (b) Is violating a condition of probation, community supervision,
23 or parole imposed under federal or state law for a felony or gross
24 misdemeanor conviction.

25 (6) The department must share client data for individuals
26 eligible for essential needs and housing support with the department
27 of commerce and designated essential needs and housing support
28 entities as required under RCW 43.185C.230.

29 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2022.

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