

SHB 2667 - S COMM AMD

By Committee on Human Services & Corrections

ADOPTED 03/02/2018

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 74.04.805 and 2013 2nd sp.s. c 10 s 3 are each  
4 amended to read as follows:

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

8 (a) Are incapacitated from gainful employment by reason of bodily  
9 or mental infirmity that will likely continue for a minimum of ninety  
10 days. The standard for incapacity in this subsection, as evidenced by  
11 the ninety-day duration standard, is not intended to be as stringent  
12 as federal supplemental security income disability standards;

13 (b) Are citizens or aliens lawfully admitted for permanent  
14 residence or otherwise residing in the United States under color of  
15 law;

16 (c) Have furnished the department their social security number.  
17 If the social security number cannot be furnished because it has not  
18 been issued or is not known, an application for a number must be made  
19 prior to authorization of benefits, and the social security number  
20 must be provided to the department upon receipt;

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

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

26 (f) Are not eligible for:

27 (~~(i) ((The aged, blind, or disabled assistance program;~~  
28 ~~(ii)))~~) The pregnant women assistance program; or

29 ~~((iii)))~~ (ii) Federal aid assistance, other than basic food  
30 benefits transferred electronically and medical assistance.

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

5       (3) The following persons are not eligible for a referral for  
6 essential needs and housing support:

7       ~~(a) ((Persons who are unemployable due primarily to alcohol or~~  
8 ~~drug addiction, except as provided in subsection (3) of this~~  
9 ~~subsection. These persons must be referred to appropriate assessment,~~  
10 ~~treatment, shelter, or supplemental security income referral services~~  
11 ~~as authorized under chapter 74.50 RCW. Referrals must be made at the~~  
12 ~~time of application or at the time of eligibility review. This~~  
13 ~~subsection may not be construed to prohibit the department from~~  
14 ~~making a referral for essential needs and housing report for persons~~  
15 ~~who have a substance abuse addiction who are incapacitated due to~~  
16 ~~other physical or mental conditions that meet the eligibility~~  
17 ~~criteria for a referral for essential needs and housing support;~~

18       ~~(b))~~ Persons who refuse or fail to cooperate in obtaining  
19 federal aid assistance, without good cause;

20       ~~((e))~~ (b) Persons who refuse or fail without good cause to  
21 participate in drug or alcohol treatment if an assessment by a  
22 certified chemical dependency counselor indicates a need for such  
23 treatment. Good cause must be found to exist when a person's physical  
24 or mental condition, as determined by the department, prevents the  
25 person from participating in drug or alcohol dependency treatment,  
26 when needed outpatient drug or alcohol treatment is not available to  
27 the person in the county of his or her residence or when needed  
28 inpatient treatment is not available in a location that is reasonably  
29 accessible for the person; and

30       ~~((d))~~ (c) Persons who are fleeing to avoid prosecution of, or  
31 to avoid custody or confinement for conviction of, a felony, or an  
32 attempt to commit a felony, under the laws of the state of Washington  
33 or the place from which the person flees; or who are violating a  
34 condition of probation, community supervision, or parole imposed  
35 under federal or state law for a felony or gross misdemeanor  
36 conviction.

37       ~~((3))~~ (4) For purposes of determining whether a person is  
38 incapacitated from gainful employment under subsection (1) of this  
39 section:

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

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

10 ~~((4))~~ (5) For purposes of reviewing a person's continuing  
11 eligibility and in order to remain eligible for the program, persons  
12 who have been found to have an incapacity from gainful employment  
13 must demonstrate that there has been no material improvement in their  
14 medical or mental health condition. The department may discontinue  
15 benefits when there was specific error in the prior determination  
16 that found the person eligible by reason of incapacitation.

17 ~~((5))~~ (6) The department must review the cases of all persons  
18 who have received benefits under the essential needs and housing  
19 support program for twelve consecutive months, and at least annually  
20 after the first review, to determine whether they are eligible for  
21 the aged, blind, or disabled assistance program.

22 **Sec. 2.** RCW 74.62.030 and 2013 2nd sp.s. c 10 s 2 are each  
23 amended to read as follows:

24 (1)(a) ~~((Effective November 1, 2011,))~~ The aged, blind, or  
25 disabled assistance program shall provide financial grants to persons  
26 in need who:

27 (i) Are not eligible to receive federal aid assistance, other  
28 than basic food benefits transferred electronically and medical  
29 assistance;

30 (ii) Meet the eligibility requirements of subsection (3) of this  
31 section; and

32 (iii) Are aged, blind, or disabled. For purposes of determining  
33 eligibility for assistance for the aged, blind, or disabled  
34 assistance program, the following definitions apply:

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

36 (B) "Blind" means statutorily blind as defined for the purpose of  
37 determining eligibility for the federal supplemental security income  
38 program.

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

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

8 (I) A previous disability determination by the social security  
9 administration or the disability determination service entity within  
10 the department; or

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

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

16 (i) Persons who are not able to engage in gainful employment due  
17 primarily to alcohol or drug addiction. These persons shall be  
18 referred to appropriate assessment, treatment, shelter, or  
19 supplemental security income referral services as authorized under  
20 chapter 74.50 RCW. Referrals shall be made at the time of application  
21 or at the time of eligibility review. This subsection may not be  
22 construed to prohibit the department from granting aged, blind, or  
23 disabled assistance benefits to alcoholics and drug addicts who are  
24 incapacitated due to other physical or mental conditions that meet  
25 the eligibility criteria for the aged, blind, or disabled assistance  
26 program; or

27 (ii) Persons for whom there has been a final determination of  
28 ineligibility for federal supplemental security income benefits.

29 (c) Persons may receive aged, blind, or disabled assistance  
30 benefits and essential needs and housing program support under RCW  
31 43.185C.220 concurrently while pending application for federal  
32 supplemental security income benefits. The monetary value of any  
33 aged, blind, or disabled assistance benefit that is subsequently  
34 duplicated by the person's receipt of supplemental security income  
35 for the same period shall be considered a debt due the state and  
36 shall by operation of law be subject to recovery through all  
37 available legal remedies.

38 (2) (~~Effective November 1, 2011,~~) The pregnant women assistance  
39 program shall provide financial grants to persons who:

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

3 (b) Are pregnant and in need, based upon the current income and  
4 resource standards of the federal temporary assistance for needy  
5 families program, but are ineligible for federal temporary assistance  
6 for needy families benefits for a reason other than failure to  
7 cooperate in program requirements; and

8 (c) Meet the eligibility requirements of subsection (3) of this  
9 section.

10 (3) To be eligible for the aged, blind, or disabled assistance  
11 program under subsection (1) of this section or the pregnant women  
12 assistance program under subsection (2) of this section, a person  
13 must:

14 (a) Be a citizen or alien lawfully admitted for permanent  
15 residence or otherwise residing in the United States under color of  
16 law;

17 (b) Meet the income and resource standards described in RCW  
18 74.04.805(1) (d) and (e);

19 (c) Have furnished the department his or her social security  
20 number. If the social security number cannot be furnished because it  
21 has not been issued or is not known, an application for a number  
22 shall be made prior to authorization of benefits, and the social  
23 security number shall be provided to the department upon receipt;

24 (d) Not have refused or failed without good cause to participate  
25 in drug or alcohol treatment if an assessment by a certified chemical  
26 dependency counselor indicates a need for such treatment. Good cause  
27 must be found to exist when a person's physical or mental condition,  
28 as determined by the department, prevents the person from  
29 participating in drug or alcohol dependency treatment, when needed  
30 outpatient drug or alcohol treatment is not available to the person  
31 in the county of his or her residence or when needed inpatient  
32 treatment is not available in a location that is reasonably  
33 accessible for the person; and

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

36 (4) (~~Effective November 1, 2011,~~) Referrals for essential needs  
37 and housing support under RCW 43.185C.220 shall be provided to  
38 persons found eligible under RCW 74.04.805.

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

4 (a) Is fleeing to avoid prosecution of, or to avoid custody or  
5 confinement for conviction of, a felony, or an attempt to commit a  
6 felony, under the laws of the state of Washington or the place from  
7 which the person flees; or

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

11 (6) The department must share client data for individuals  
12 eligible for essential needs and housing support with the department  
13 of commerce and designated essential needs and housing support  
14 entities as required under RCW 43.185C.230.

15 **Sec. 3.** RCW 43.185C.230 and 2013 2nd sp.s. c 10 s 5 are each  
16 amended to read as follows:

17 The department, in collaboration with the department of social  
18 and health services, shall:

19 (1) Develop a mechanism through which the department and local  
20 governments or community-based organizations can verify a person has  
21 been determined eligible by the department of social and health  
22 services and remains eligible for the essential needs and housing  
23 support program; and

24 (2) Provide a secure and current list of individuals eligible for  
25 the essential needs and housing support program to designated  
26 entities within each county. The list must be updated at least  
27 monthly and include, as available and applicable, the eligible  
28 individual's:

29 (a) Name;

30 (b) Address;

31 (c) Phone number;

32 (d) Shelter location; and

33 (e) Case manager contact information.

34 NEW SECTION. **Sec. 4.** Sections 1 and 2 of this act are necessary  
35 for the immediate preservation of the public peace, health, or  
36 safety, or support of the state government and its existing public  
37 institutions, and take effect immediately."

**SHB 2667** - S COMM AMD

By Committee on Human Services & Corrections

**ADOPTED 03/02/2018**

1        On page 1, line 4 of the title, after "programs;" strike the  
2 remainder of the title and insert "amending RCW 74.04.805, 74.62.030,  
3 and 43.185C.230; and declaring an emergency."

EFFECT: Essential needs and housing support (HEN) program services for eligible aged, blind, or disabled assistance program recipients are provided within funds appropriated for the department of commerce.

--- END ---