H-0817.1

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SUBSTITUTE HOUSE BILL 1045**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**State of Washington 68th Legislature 2023 Regular Session**

**By** House Human Services, Youth, & Early Learning (originally sponsored by Representatives Berry, Peterson, Ryu, Simmons, Goodman, Bateman, Reed, Ramel, Pollet, Street, Senn, Doglio, Macri, Mena, Wylie, Gregerson, and Ormsby)

AN ACT Relating to creating the evergreen basic income pilot program; amending RCW 74.04.005, 43.216.1368, 43.185C.220, 74.04.805, 26.19.071, and 70.170.060; reenacting and amending RCW 10.101.010; adding a new section to chapter 43.216 RCW; adding a new chapter to Title 74 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  The legislature finds that economic inequality continues to widen the gap between the top few earners and working and low-income families, and between white Washingtonians and Washingtonians of color. The 2021 "Labor Market and Economic Report" produced by the Washington state employment security department paints a grim picture: Corporate profits increased by over 500 percent from 2000 to 2021. While everyday Washington residents filed more unemployment claims than ever with the onset of the COVID-19 pandemic, corporate profits in Washington grew by 23 percent between 2020 and 2021. The average monthly wage for black Washington workers in 2021 was 76.9 percent of what it was for Washington workers generally. Average pay for Asian Pacific Islanders in 2021 was 69.2 percent of the average for Washington workers generally; for Latino or Hispanic workers, the figure was 68.3 percent. In 2021, women workers in Washington made 65.7 percent of men's income. A guaranteed basic income would help Washingtonians struggling under the weight of historical inequities and present-day disparities.

The legislature further finds that 22 percent of Washington's adult population has a disability, and more than a quarter of a million of Washington residents have impairments related to mobility, cognition, dressing, and bathing that may prohibit participation in the workforce. A 2021 report generated by the centers for disease control and prevention about disability in Washington state urged that "everyone can play a role in supporting more inclusive state programs to help people with, or at risk for, disabilities."

The legislature also finds that certain major life transitions or conditions are associated with high economic instability, including being pregnant or a parent of a young child; experiencing homelessness; being an immigrant, refugee, or asylee; exiting from the foster care system, the juvenile justice system, or the criminal justice system; exiting a relationship or living situation due to domestic violence; or having a disability or behavioral health disorder. These priority populations disproportionately experience poverty.

The legislature further finds that climate change will spread disease faster than in the past, creating a new normal where interruption of the labor market, quarantines, and mass-disabling events like those seen during the COVID-19 pandemic become more common place.

Therefore, the legislature declares that all Washington households deserve basic financial security and that it is the goal of the state to ensure economic sustainability for all families. In 1997, the state legislature created WorkFirst, Washington's temporary assistance for needy families program, to aid the state's struggling families. Then in 2009, it created the working families' tax credit to provide additional assistance to Washington residents and then funded the program in 2021. These measures were taken because direct cash assistance is a proven way to support people and households struggling to cover essential expenses.

The department of social and health services recently completed a basic income feasibility study pointing strongly to the conclusion that Washington residents excluded from social and economic well-being would benefit from a statewide basic income program. The legislature finds that a direct cash assistance program with no restrictions or requirements for how recipients use the funds would help Washington residents struggling under the weight of unprecedented income inequalities.

NEW SECTION. **Sec.**  The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" or "board of directors" means the board of directors established in section 4 of this act.

(2) "Department" means the department of social and health services.

(3) "Disability" has the same meaning as "disabled" in RCW 74.62.030(1)(a)(iii)(C).

(4) "Fair market rent" means the fair market rents for a two-bedroom dwelling unit as published by the United States department of housing and urban development.

(5) "Federal poverty level" means the federal poverty guidelines updated periodically in the federal register by the United States department of health and human services.

(6) "Homelessness" means without a fixed, regular, and adequate nighttime residence.

(7) "Pilot" or "pilot program" means the evergreen basic income pilot program established under section 3 of this act.

(8)(a) "Resident" means a person who currently lives in Washington and:

(i) Intends to reside in the state, including persons without a fixed address;

(ii) Entered the state looking for a job; or

(iii) Entered the state with a job commitment.

(b) A person does not need to live in the state for a specific period of time prior to meeting the requirements in this subsection before being considered a resident.

NEW SECTION. **Sec.**  (1) The evergreen basic income pilot program is established within the department.

(2) No later than January 1, 2025, the department shall begin providing 24 monthly payments to participants who:

(a) Are at least 18 years of age or an emancipated minor;

(b) Are a resident of Washington state;

(c) Have reported gross income that does not exceed 200 percent of the federal poverty level;

(d) Are experiencing at least one of the following major life transitions or conditions associated with high economic instability:

(i) Are currently pregnant;

(ii) Are the parent of at least one child under the age of five;

(iii) Are experiencing homelessness;

(iv) Are an immigrant, refugee, or asylee;

(v) Are exiting from the foster care system;

(vi) Are exiting the juvenile justice system, or the criminal justice system and are referred by a law enforcement entity, the department of corrections, or the department of children, youth, and families;

(vii) Are exiting a relationship or living situation due to domestic violence as defined in RCW 7.105.010;

(viii) Have a disability; or

(ix) Have a behavioral health disorder as defined in RCW 71.05.020;

(e) Meet the eligibility requirements as established by the board of directors; and

(f) Are selected for participation in the pilot program.

(3) The board may modify eligibility requirements only if it will expand eligibility, provide more equitable participant representation in the pilot program, or respond to emergent trends or needs. Any changes to the eligibility requirements may only be made with public feedback.

(4) The monthly payment for pilot participants must be equal to 100 percent of the fair market rent in the county in which the participant lives at the time of application. Payment options must be available to both banked and unbanked participants.

(5) No more than 7,500 eligible participants may be selected for the pilot program. If the number of qualified applicants exceeds 7,500, participants shall be drawn using a stratified random sample from the pool of qualified applicants, using strata to align participants per region with the share of people living in poverty in Washington state that reside in that region. Additional strata based on eligibility criteria for the pilot program may be used to facilitate subgroup analysis in the pilot program evaluation, if recommended by the department and contracted evaluator entity or entities.

(6) Qualified applicants in excess of the limit in subsection (5) of this section may serve in a control group for data collection purposes. Control group participants will be compensated at a rate of $25 per hour up to a maximum of $250 per person.

(7) The board of directors shall establish a simple and low-barrier application process that allows for self-attestation of income and life transition or condition. The application must be available in multiple languages and formats, including paper, online, and in-person assistance.

(8) The board of directors may not exclude participation in the pilot program due to, or request information regarding, a person's immigration status, citizenship status, or place of birth, except that an applicant qualifying for the pilot program based on subsection (2)(d)(iv) of this section may be required to indicate on the application that the applicant meets the criteria.

(9) The department shall provide funding to tribal entities and community-based organizations that serve and are substantially governed by marginalized populations to pay the costs associated with program outreach, assistance completing applications, and related activities that directly support the goal of encouraging application and participation by people of color.

(10) The department shall contract with a third-party vendor to process and approve applications and provide all aspects of operations, including: Eligibility determination, enrollment, cash dispersion, administration of control group participant compensation, and reimbursement of public benefits lost due to participation in the pilot program. The third-party vendor shall share administrative data on pilot program operations with the contracted evaluator entity or entities to support the program evaluation.

(11) The pilot program shall offer participants ongoing benefit counseling that includes an analysis of whether and how any other public benefits may be impacted and ensures informed consent.

(12) The pilot program shall reimburse any pilot participant for the loss of other public benefits due to participation in the pilot.

(13) The pilot program shall develop easy, efficient, and clearly communicated reenrollment plans for participants to immediately reenroll in any benefits lost due to participation in the evergreen basic income pilot program.

NEW SECTION. **Sec.**  (1) A board of directors is established as a collaboration of the state, tribal nations, and community partners to administer the evergreen basic income pilot program. The board is responsible for:

(a) Providing strategic direction, oversight, and accountability of the evergreen basic income pilot program;

(b) Establishing policies for all phases of the pilot, including design, development, outreach, eligibility, enrollment, and data collection and use;

(c) Coordinating with the pilot program's management and administrative team, regional directors, evaluation team, and community partners for the operation, coordination, and evaluation of the pilot program;

(d) Providing financial and other support to the network of community-based organizations that possess the knowledge and expertise to best serve their residents;

(e) Upholding a targeted universalism approach and ensuring benefits reach the priority populations;

(f) Managing public and private resources to maximize the impact of a basic income benefit for recipients; and

(g) Reviewing and approving the final report required under section 6(2) of this act.

(2) The board of directors must consist of at least 18 members appointed by the secretary of the department of social and health services as follows:

(a) Two representatives of the department of social and health services, one of whom must be a tribal liaison for the department;

(b) At least one representative of a federally recognized tribe from each of the four regions established by the department's office of Indian policy;

(c) One representative of a federally recognized tribe whose reservation is largely urban;

(d) One representative of a federally recognized tribe whose reservation is largely rural; and

(e) Ten representatives from community-based organizations, with at least one representative from each of the priority populations identified in section 3(2)(d) of this act.

(3) The board of directors must select a chair from among its members.

NEW SECTION. **Sec.**  (1) To ensure statewide distribution of participants in the pilot program, each of the following regions must be allotted a maximum number of eligible participants:

(a) The Salish region comprised of Clallam and Jefferson counties, the reservations of the Hoh, Jamestown S'Klallam, Lower Elwha Klallam, Makah, and Quileute tribes, and the portion of the Quinault Indian Nation that is located within the borders of Jefferson county;

(b) The Thurston-Mason region comprised of Kitsap, Mason, and Thurston counties, the reservations of the Nisqually, Port Gamble S'Klallam, Skokomish, Squaxin Island, and Suquamish tribes, and the portion of the Confederated Tribes of the Chehalis Reservation that is located within the borders of Thurston county;

(c) The great rivers region comprised of Cowlitz, Grays Harbor, Lewis, Pacific, and Wahkiakum counties, the reservations of the Cowlitz and Shoalwater Bay tribes, and the portions of the Confederated Tribes of the Chehalis Reservation and the Quinault Indian Nation that are located within the borders of Grays Harbor county;

(d) The north sound region comprised of Island, San Juan, Skagit, Snohomish, and Whatcom counties and the reservations of the Lummi, Nooksack, Samish, Sauk-Suiattle, Stillaguamish, Swinomish, Tulalip, and Upper Skagit tribes;

(e) The southwest region comprised of Clark, Klickitat, and Skamania counties and the portions of the Confederated Tribes and Bands of the Yakama Nation and Cowlitz Indian Tribe located within the boundaries of Clark and Klickitat counties;

(f) The King and Pierce region comprised of King and Pierce counties and the reservations of the Muckleshoot, Puyallup, and Snoqualmie tribes;

(g) The north central region comprised of Chelan, Douglas, Grant, and Okanogan counties and the portion of the Confederated Tribes of the Colville Reservation located within the boundaries of Okanogan county;

(h) The greater Columbia region comprised of Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla, Whitman, and Yakima counties and the portion of the Confederated Tribes and Bands of the Yakama Nation located within the boundaries of Yakima county; and

(i) The Spokane region comprised of Adams, Ferry, Lincoln, Pend Oreille, Stevens, and Spokane counties, the reservations of the Kalispel and Spokane tribes, and the portion of the Confederated Tribes of the Colville Reservation located within the boundaries of Ferry county.

(2) The maximum number of eligible participants per region is to be determined according to the share of people living in poverty in Washington state that reside in that region.

NEW SECTION. **Sec.**  (1) The department must collect data directly from participants in the pilot program and control group. Data collected may include such topics as: Age, gender, race, ethnicity, geographic location, life transitions or conditions the participant is experiencing, household composition, health, education, caregiving, work participation, income, assets, household spending, power and autonomy, belonging, mobility, and economic success. The department may not collect data or request information or proof regarding a person's immigration status, citizenship status, or place of birth except as allowed under section 3 of this act. Participants and control group members must have access to any of their individual data collected. Directly collected data shall be used for program monitoring and evaluation purposes by the department and contracted evaluator entities. Directly collected data must be anonymized before sharing with any additional noncontracted entities unless the participant consents to their identity being shared.

(2) By December 1, 2026, and in compliance with RCW 43.01.036, the department shall submit a report to the legislature and the governor that evaluates the pilot program and makes recommendations for an ongoing basic income program, including the appropriate amount of basic income and length of assistance to be provided. The evaluation shall:

(a) Include a cost-benefit analysis;

(b) Align with research justice principles and recognize that all forms of knowledge, including cultural, spiritual, experiential, and mainstream, have equal value;

(c) Evaluate the well-being change for participants in the pilot program compared to their peers, including economic well-being, power, autonomy, sense of belonging, and mobility; and

(d) Be developed with input from community partners.

(3) The department shall contract with a third-party organization to design and implement the program evaluation, with consultation from the department, including the research and data analysis division, and the board of directors established in section 4 of this act. This contracted evaluator shall be responsible for: Evaluation design; directly collecting data from participants and control group members as described in subsection (1) of this section; analyzing administrative and supplemental data; performing cost-benefit analyses; soliciting and incorporating input from community partners; and preparing the report as described in subsection (2) of this section. The department shall also subcontract with the department's research and evaluation division for consultation on data and evaluation. Areas of consultation may include: Data quality monitoring; identifying prioritized populations as identified in section 3(2)(d) of this act; evaluation design; and use of administrative data for program evaluation. Both the third-party evaluator and the department's research and data analysis division are considered contracted evaluator entities as referenced in this chapter.

NEW SECTION. **Sec.**  (1) As allowable by federal and state law, state agencies shall minimize, to the greatest extent possible, the impact of cash assistance provided under the pilot program on public assistance eligibility and benefit amounts including, but not limited to:

(a) Other cash assistance programs, including the temporary assistance for needy families program, the state family assistance program, and the refugee cash assistance program;

(b) Food assistance programs, including the basic food program, the food assistance program, the free and reduced-price lunch program, the women, infants, and children program, and the food distribution program on Indian reservations;

(c) Child care subsidies, including the working connections child care program as provided for in RCW 43.216.136; the early childhood education and assistance program as provided for in RCW 43.216.510; and head start and tribal head start programs;

(d) Assistance programs administered by the department of commerce, including the low-income heating and electric assistance program and the essential needs and housing support program as provided for in RCW 43.185C.220;

(e) Disability benefits, including the aged, blind, or disabled assistance program as provided for in RCW 74.62.030;

(f) Medical assistance programs, including medicaid and eligibility for hospital charity care; and

(g) Legal assistance programs, including indigent defense services, as provided for in chapter 10.101 RCW.

(2) By December 1, 2023, state agencies shall complete any actions required to comply with this section, which may include rule making, coordinating with federal regulatory agencies, and proposing changes to existing state law, and provide a summary of their analysis and actions to the department.

**Sec.**  RCW 74.04.005 and 2020 c 136 s 1 are each amended to read as follows:

For the purposes of this title, unless the context indicates otherwise, the following definitions shall apply:

(1) "Aged, blind, or disabled assistance program" means the program established under RCW 74.62.030.

(2) "Applicant" means any person who has made a request, or on behalf of whom a request has been made, to any county or local office for assistance.

(3) "Authority" means the health care authority.

(4) "County or local office" means the administrative office for one or more counties or designated service areas.

(5) "Department" means the department of social and health services.

(6) "Director" means the director of the health care authority.

(7) "Essential needs and housing support program" means the program established in RCW 43.185C.220.

(8) "Federal aid assistance" means the specific categories of assistance for which provision is made in any federal law existing or hereafter passed by which payments are made from the federal government to the state in aid or in respect to payment by the state for public assistance rendered to any category of needy persons for which provision for federal funds or aid may from time to time be made, or a federally administered needs-based program.

(9) "Income" means:

(a) All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient during the month of application or after applying for or receiving public assistance. The department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him or her to decrease his or her need for public assistance or to aid in rehabilitating him or her or his or her dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance. In addition, for cash assistance the department may disregard income pursuant to RCW 74.08A.230 and 74.12.350. Furthermore, any cash assistance a person receives from the evergreen basic income pilot program as provided for in section 3 of this act or any guaranteed basic income program operated by a government or private entity may not be considered in determining a person's initial or ongoing eligibility for public assistance.

(b) If, under applicable federal requirements, the state has the option of considering property in the form of lump sum compensatory awards or related settlements received by an applicant or recipient as income or as a resource, the department shall consider such property to be a resource.

(10) "Need" means the difference between the applicant's or recipient's standards of assistance for himself or herself and the dependent members of his or her family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt income received by or available to the applicant or recipient and the dependent members of his or her family.

(11) "Public assistance" or "assistance" means public aid to persons in need thereof for any cause, including services, medical care, assistance grants, disbursing orders, work relief, benefits under RCW 74.62.030 and 43.185C.220, and federal aid assistance.

(12) "Recipient" means any person receiving assistance and in addition those dependents whose needs are included in the recipient's assistance.

(13) "Resource" means any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent. The department may by rule designate resources that an applicant may retain and not be ineligible for public assistance because of such resources. Exempt resources shall include, but are not limited to:

(a) A home that an applicant, recipient, or their dependents is living in, including the surrounding property;

(b) Household furnishings and personal effects;

(c) One motor vehicle, other than a motor home, used and useful having an equity value not to exceed ten thousand dollars;

(d) A motor vehicle necessary to transport a household member with a physical disability. This exclusion is limited to one vehicle per person with a physical disability;

(e) All other resources, including any excess of values exempted, not to exceed six thousand dollars or other limit as set by the department, to be consistent with limitations on resources and exemptions necessary for federal aid assistance;

(f) Applicants for or recipients of benefits under RCW 74.62.030 and 43.185C.220 shall have their eligibility based on resource limitations consistent with the temporary assistance for needy families program rules adopted by the department; and

(g) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient, except that: (i) The department may exempt resources or income when the income and resources are determined necessary to the applicant's or recipient's restoration to independence, to decrease the need for public assistance, or to aid in rehabilitating the applicant or recipient or a dependent of the applicant or recipient; and (ii) the department may provide grant assistance for a period not to exceed nine months from the date the agreement is signed pursuant to this section to persons who are otherwise ineligible because of excess real property owned by such persons when they are making a good faith effort to dispose of that property if:

(A) The applicant or recipient signs an agreement to repay the lesser of the amount of aid received or the net proceeds of such sale;

(B) If the owner of the excess property ceases to make good faith efforts to sell the property, the entire amount of assistance may become an overpayment and a debt due the state and may be recovered pursuant to RCW 43.20B.630;

(C) Applicants and recipients are advised of their right to a fair hearing and afforded the opportunity to challenge a decision that good faith efforts to sell have ceased, prior to assessment of an overpayment under this section; and

(D) At the time assistance is authorized, the department files a lien without a sum certain on the specific property.

(14) "Secretary" means the secretary of social and health services.

(15) "Standards of assistance" means the level of income required by an applicant or recipient to maintain a level of living specified by the department.

(16)(a) "Victim of human trafficking" means a noncitizen and any qualifying family members who have:

(i) Filed or are preparing to file an application for T nonimmigrant status with the appropriate federal agency pursuant to 8 U.S.C. Sec. 1101(a)(15)(T), as it existed on January 1, 2020;

(ii) Filed or are preparing to file an application with the appropriate federal agency for status pursuant to 8 U.S.C. Sec. 1101(a)(15)(U), as it existed on January 1, 2020; or

(iii) Been harmed by either any violation of chapter 9A.40 or 9.68A RCW, or both, or by substantially similar crimes under federal law or the laws of any other state, and who:

(A) Are otherwise taking steps to meet the conditions for federal benefits eligibility under 22 U.S.C. Sec. 7105, as it existed on January 1, 2020; or

(B) Have filed or are preparing to file an application with the appropriate federal agency for status under 8 U.S.C. Sec. 1158.

(b)(i) "Qualifying family member" means:

(A) A victim's spouse and children; and

(B) When the victim is under twenty-one years of age, a victim's parents and unmarried siblings under the age of eighteen.

(ii) "Qualifying family member" does not include a family member who has been charged with or convicted of attempt, conspiracy, solicitation, or commission of any crime referenced in this subsection or described under 8 U.S.C. Sec. 1101(a)(15)(T) or (U) as either existed on January 1, 2020, when the crime is against a spouse who is a victim of human trafficking or against the child of a victim of human trafficking.

(17) For purposes of determining eligibility for public assistance and participation levels in the cost of medical care, the department shall exempt restitution payments made to people of Japanese and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian and Pribilof Island Restitution Act passed by congress, P.L. 100-383, including all income and resources derived therefrom.

(18) In the construction of words and phrases used in this title, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders, and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

NEW SECTION. **Sec.**  A new section is added to chapter 43.216 RCW to read as follows:

For the early childhood education and assistance program, the department may not consider any cash assistance a person receives from the evergreen basic income pilot program as provided for in section 3 of this act or any guaranteed basic income program operated by a government or private entity in determining family income or a child's eligibility.

**Sec.**  RCW 43.216.1368 and 2022 c 297 s 959 are each amended to read as follows:

(1) It is the intent of the legislature to increase working families' access to affordable, high quality child care and to support the expansion of the workforce to support businesses and the statewide economy.

(2) Beginning October 1, 2021, a family is eligible for working connections child care when the household's annual income is at or below 60 percent of the state median income adjusted for family size and:

(a) The child receiving care is: (i) Less than 13 years of age; or (ii) less than 19 years of age and has a verified special need according to department rule or is under court supervision; and

(b) The household meets all other program eligibility requirements.

(3) Beginning July 1, 2025, a family is eligible for working connections child care when the household's annual income is above 60 percent and at or below 75 percent of the state median income adjusted for family size and:

(a) The child receiving care is: (i) Less than 13 years of age; or (ii) less than 19 years of age and has a verified special need according to department rule or is under court supervision; and

(b) The household meets all other program eligibility requirements.

(4) Beginning July 1, 2027, and subject to the availability of amounts appropriated for this specific purpose, a family is eligible for working connections child care when the household's annual income is above 75 percent of the state median income and is at or below 85 percent of the state median income adjusted for family size and:

(a) The child receiving care is: (i) Less than 13 years of age; or (ii) less than 19 years of age and has a verified special need according to department rule or is under court supervision; and

(b) The household meets all other program eligibility requirements.

(5)(a) Beginning October 1, 2021, through June 30, 2023, the department must calculate a monthly copayment according to the following schedule:

|  |  |
| --- | --- |
| If the household's income is: | Then the household's maximum monthly copayment is: |
| At or below 20 percent of the state median income | Waived to the extent allowable under federal law; otherwise, a maximum of $15 |
| Above 20 percent and at or below 36 percent of the state median income | $65 |
| Above 36 percent and at or below 50 percent of the state median income | $115 until December 31, 2021, and $90 beginning January 1, 2022 |
| Above 50 percent and at or below 60 percent of the state median income | $115 |

(b) Beginning July 1, 2023, the department must calculate a monthly copayment according to the following schedule:

|  |  |
| --- | --- |
| If the household's income is: | Then the household's maximum monthly copayment is: |
| At or below 20 percent of the state median income | Waived to the extent allowable under federal law; otherwise, a maximum of $15 |
| Above 20 percent and at or below 36 percent of the state median income | $65 |
| Above 36 percent and at or below 50 percent of the state median income | $90 |
| Above 50 percent and at or below 60 percent of the state median income | $165 |

(c) Beginning July 1, 2025, the department must calculate a maximum monthly copayment of $215 for households with incomes above 60 percent and at or below 75 percent of the state median income.

(d) Subject to the availability of amounts appropriated for this specific purpose, the department shall adopt a copayment model for households with annual incomes above 75 percent of the state median income and at or below 85 percent of the state median income. The model must calculate a copayment for each household that is no greater than seven percent of the household's countable income within this income range.

(e) The department may adjust the copayment schedule to comply with federal law.

(6) The department must adopt rules to implement this section, including an income phase-out eligibility period.

(7) For the working connections child care program, the department may not consider any cash assistance a person receives from the evergreen basic income pilot program as provided for in section 3 of this act or any guaranteed basic income program operated by a government or private entity in determining a person's initial or ongoing eligibility or copayment.

**Sec.**  RCW 43.185C.220 and 2015 c 128 s 5 are each amended to read as follows:

(1) The department shall distribute funds for the essential needs and housing support program established under this section in a manner consistent with the requirements of this section and the biennial operating budget. The first distribution of funds must be completed by September 1, 2011. Essential needs or housing support is only for persons found eligible for such services under RCW 74.04.805 and is not considered an entitlement.

(2) The department shall distribute funds appropriated for the essential needs and housing support program in the form of grants to designated essential needs support and housing support entities within each county. The department shall not distribute any funds until it approves the expenditure plan submitted by the designated essential needs support and housing support entities. The amount of funds to be distributed pursuant to this section shall be designated in the biennial operating budget. For the sole purpose of meeting the initial distribution of funds date, the department may distribute partial funds upon the department's approval of a preliminary expenditure plan. The department shall not distribute the remaining funds until it has approved a final expenditure plan.

(3)(a) During the 2011‑2013 biennium, in awarding housing support that is not funded through the contingency fund in this subsection, the designated housing support entity shall provide housing support to clients who are homeless persons as defined in RCW 43.185C.010. As provided in the biennial operating budget for the 2011-2013 biennium, a contingency fund shall be used solely for those clients who are at substantial risk of losing stable housing or at substantial risk of losing one of the other services defined in RCW 74.62.010(6). For purposes of this chapter, "substantial risk" means the client has provided documentation that he or she will lose his or her housing within the next thirty days or that the services will be discontinued within the next thirty days.

(b) After July 1, 2013, the designated housing support entity shall give first priority to clients who are homeless persons as defined in RCW 43.185C.010 and second priority to clients who would be at substantial risk of losing stable housing without housing support.

(4) For each county, the department shall designate an essential needs support entity and a housing support entity that will begin providing these supports to medical care services program recipients on November 1, 2011. Essential needs and housing support entities are not required to provide assistance to every person referred to the local entity or who meets the priority standards in subsection (3) of this section.

(a) Each designated entity must be a local government or community‑based organization, and may administer the funding for essential needs support, housing support, or both. Designated entities have the authority to subcontract with qualified entities. Upon request, and the approval of the department, two or more counties may combine resources to more effectively deliver services.

(b) The department's designation process must include a review of proficiency in managing housing or human services programs when designating housing support entities.

(c) Within a county, if the department directly awards separate grants to the designated housing support entity and the designated essential needs support entity, the department shall determine the amount allocated for essential needs support as directed in the biennial operating budget.

(5)(a) Essential needs and housing support entities must use funds distributed under this section as flexibly as is practicable to provide essential needs items and housing support to recipients of the essential needs and housing support program, subject to the requirements of this section.

(b) Benefits provided under the essential needs and housing support program shall not be provided to recipients in the form of cash assistance.

(c) The department may move funds between entities or between counties to reflect actual caseload changes. In doing so, the department must: (i) Develop a process for reviewing the caseload of designated essential needs and housing support entities, and for redistributing grant funds from those entities experiencing reduced actual caseloads to those with increased actual caseloads; and (ii) inform all designated entities of the redistribution process. Savings resulting from program caseload attrition from the essential needs and housing support program shall not result in increased per‑client expenditures.

(d) Essential needs and housing support entities must partner with other public and private organizations to maximize the beneficial impact of funds distributed under this section, and should attempt to leverage other sources of public and private funds to serve essential needs and housing support recipients. Funds appropriated in the operating budget for essential needs and housing support must be used only to serve persons eligible to receive services under that program.

(6) The department shall use no more than five percent of the funds for administration of the essential needs and housing support program. Each essential needs and housing support entity shall use no more than seven percent of the funds for administrative expenses.

(7) The department shall:

(a) Require housing support entities to enter data into the homeless client management information system;

(b) Require essential needs support entities to report on services provided under this section;

(c) In collaboration with the department of social and health services, submit a report annually to the relevant policy and fiscal committees of the legislature. A preliminary report shall be submitted by December 31, 2011, and must include (c)(i), (iii), and (v) of this subsection. Annual reports must be submitted beginning December 1, 2012, and must include:

(i) A description of the actions the department has taken to achieve the objectives of chapter 36, Laws of 2011 1st sp. sess.;

(ii) The amount of funds used by the department to administer the program;

(iii) Information on the housing status of essential needs and housing support recipients served by housing support entities, and individuals who have requested housing support but did not receive housing support;

(iv) Grantee expenditure data related to administration and services provided under this section; and

(v) Efforts made to partner with other entities and leverage sources or public and private funds;

(d) Review the data submitted by the designated entities, and make recommendations for program improvements and administrative efficiencies. The department has the authority to designate alternative entities as necessary due to performance or other significant issues. Such change must only be made after consultation with the department of social and health services and the impacted entity.

(8) The department, counties, and essential needs and housing support entities are not civilly or criminally liable and may not have any penalty or cause of action of any nature arise against them related to decisions regarding: (a) The provision or lack of provision of housing or essential needs support; or (b) the type of housing arrangement supported with funds allocated under this section, when the decision was made in good faith and in the performance of the powers and duties under this section. However, this section does not prohibit legal actions against the department, county, or essential needs or housing support entity to enforce contractual duties or obligations.

(9) Participants in the evergreen basic income pilot program, as provided for in section 3 of this act, are eligible for assistance through the essential needs and housing support program.

(a) Any cash assistance a person receives from the evergreen basic income pilot program under section 3 of this act or any guaranteed basic income program operated by a government or private entity may not be considered in determining a person's initial or ongoing eligibility for the essential needs and housing support program.

(b) The department shall coordinate with the department of social and health services to ensure that participants in the evergreen basic income pilot program have access to benefits through the essential needs and housing support program.

**Sec.**  RCW 74.04.805 and 2022 c 208 s 1 are each amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

(4) Participants in the evergreen basic income pilot program as provided for in section 3 of this act are eligible for a referral for essential needs and housing support regardless of whether or not they meet other eligibility requirements in this section. The department shall coordinate with the department of commerce to ensure that participants in the evergreen basic income pilot program have access to benefits through the essential needs and housing support program.

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

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

(b) Persons who refuse or fail without good cause to participate in substance use treatment if an assessment by a certified substance use disorder professional indicates a need for such treatment. Good cause must be found to exist when a person's physical or mental condition, as determined by the department, prevents the person from participating in substance use treatment, when needed outpatient treatment is not available to the person in the county of their residence or when needed inpatient treatment is not available in a location that is reasonably accessible for the person; and

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

((~~(5)~~)) (6) For purposes of determining whether a person is incapacitated from gainful employment under subsection (1) of this section:

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

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

((~~(6)~~)) (7) For purposes of reviewing a person's continuing eligibility and in order to remain eligible for the program, persons who have been found to have an incapacity from gainful employment must demonstrate that there has been no material improvement in their medical or mental health condition. The department may discontinue benefits when there was specific error in the prior determination that found the person eligible by reason of incapacitation.

((~~(7)~~)) (8) The department must review the cases of all persons who have received benefits under the essential needs and housing support program for twelve consecutive months, and at least annually after the first review, to determine whether they are eligible for the aged, blind, or disabled assistance program.

**Sec.**  RCW 10.101.010 and 2011 1st sp.s. c 36 s 12 are each reenacted and amended to read as follows:

The following definitions shall be applied in connection with this chapter:

(1) "Anticipated cost of counsel" means the cost of retaining private counsel for representation on the matter before the court.

(2) "Available funds" means liquid assets and disposable net monthly income calculated after provision is made for bail obligations. For the purpose of determining available funds, the following definitions shall apply:

(a) "Liquid assets" means cash, savings accounts, bank accounts, stocks, bonds, certificates of deposit, equity in real estate, and equity in motor vehicles. A motor vehicle necessary to maintain employment and having a market value not greater than three thousand dollars shall not be considered a liquid asset.

(b) "Income" means salary, wages, interest, dividends, and other earnings which are reportable for federal income tax purposes, and cash payments such as reimbursements received from pensions, annuities, social security, and public assistance programs. It includes any contribution received from any family member or other person who is domiciled in the same residence as the defendant and who is helping to defray the defendant's basic living costs. It does not include any cash assistance a person receives from the evergreen basic income pilot program under section 3 of this act or any guaranteed basic income program operated by a government or private entity.

(c) "Disposable net monthly income" means the income remaining each month after deducting federal, state, or local income taxes, social security taxes, contributory retirement, union dues, and basic living costs.

(d) "Basic living costs" means the average monthly amount spent by the defendant for reasonable payments toward living costs, such as shelter, food, utilities, health care, transportation, clothing, loan payments, support payments, and court-imposed obligations.

(3) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, medical care services under RCW 74.09.035, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, ((~~or~~)) supplemental security income, or cash assistance from the evergreen basic income pilot program as provided for in section 3 of this act; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty-five percent or less of the current federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

(4) "Indigent and able to contribute" means a person who, at any stage of a court proceeding, is unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are less than the anticipated cost of counsel but sufficient for the person to pay a portion of that cost.

**Sec.**  RCW 26.19.071 and 2020 c 227 s 2 are each amended to read as follows:

(1) **Consideration of all income.** All income and resources of each parent's household shall be disclosed and considered by the court when the court determines the child support obligation of each parent. Only the income of the parents of the children whose support is at issue shall be calculated for purposes of calculating the basic support obligation. Income and resources of any other person shall not be included in calculating the basic support obligation.

(2) **Verification of income.** Tax returns for the preceding two years and current paystubs shall be provided to verify income and deductions. Other sufficient verification shall be required for income and deductions which do not appear on tax returns or paystubs.

(3) **Income sources included in gross monthly income.** Except as specifically excluded in subsection (4) of this section, monthly gross income shall include income from any source, including:

(a) Salaries;

(b) Wages;

(c) Commissions;

(d) Deferred compensation;

(e) Overtime, except as excluded for income in subsection (4)((~~(i)~~)) (j) of this section;

(f) Contract-related benefits;

(g) Income from second jobs, except as excluded for income in subsection (4)((~~(i)~~)) (j) of this section;

(h) Dividends;

(i) Interest;

(j) Trust income;

(k) Severance pay;

(l) Annuities;

(m) Capital gains;

(n) Pension retirement benefits;

(o) Workers' compensation;

(p) Unemployment benefits;

(q) Maintenance actually received;

(r) Bonuses;

(s) Social security benefits;

(t) Disability insurance benefits; and

(u) Income from self-employment, rent, royalties, contracts, proprietorship of a business, or joint ownership of a partnership or closely held corporation.

(4) **Income sources excluded from gross monthly income.** The following income and resources shall be disclosed but shall not be included in gross income:

(a) Income of a new spouse or new domestic partner or income of other adults in the household;

(b) Child support received from other relationships;

(c) Gifts and prizes;

(d) Temporary assistance for needy families;

(e) Supplemental security income;

(f) Aged, blind, or disabled assistance benefits;

(g) Pregnant women assistance benefits;

(h) Food stamps; ((~~and~~))

(i) Cash assistance from the evergreen basic income pilot program as provided for in section 3 of this act; and

(j) Overtime or income from second jobs beyond forty hours per week averaged over a twelve-month period worked to provide for a current family's needs, to retire past relationship debts, or to retire child support debt, when the court finds the income will cease when the party has paid off his or her debts.

Receipt of income and resources from temporary assistance for needy families, supplemental security income, aged, blind, or disabled assistance benefits, and food stamps shall not be a reason to deviate from the standard calculation.

(5) **Determination of net income.** The following expenses shall be disclosed and deducted from gross monthly income to calculate net monthly income:

(a) Federal and state income taxes;

(b) Federal insurance contributions act deductions;

(c) Mandatory pension plan payments;

(d) Mandatory union or professional dues;

(e) State industrial insurance premiums;

(f) Court-ordered maintenance to the extent actually paid;

(g) Up to five thousand dollars per year in voluntary retirement contributions actually made if the contributions show a pattern of contributions during the one-year period preceding the action establishing the child support order unless there is a determination that the contributions were made for the purpose of reducing child support; and

(h) Normal business expenses and self-employment taxes for self-employed persons. Justification shall be required for any business expense deduction about which there is disagreement.

Items deducted from gross income under this subsection shall not be a reason to deviate from the standard calculation.

(6) **Imputation of income.** The court shall impute income to a parent when the parent is voluntarily unemployed or voluntarily underemployed. The court shall determine whether the parent is voluntarily underemployed or voluntarily unemployed based upon that parent's assets, residence, employment and earnings history, job skills, educational attainment, literacy, health, age, criminal record, dependency court obligations, and other employment barriers, record of seeking work, the local job market, the availability of employers willing to hire the parent, the prevailing earnings level in the local community, or any other relevant factors. A court shall not impute income to a parent who is gainfully employed on a full-time basis, unless the court finds that the parent is voluntarily underemployed and finds that the parent is purposely underemployed to reduce the parent's child support obligation. Income shall not be imputed for an unemployable parent. Income shall not be imputed to a parent to the extent the parent is unemployed or significantly underemployed due to the parent's efforts to comply with court-ordered reunification efforts under chapter 13.34 RCW or under a voluntary placement agreement with an agency supervising the child.

(a) Except as provided in (b) of this subsection, in the absence of records of a parent's actual earnings, the court shall impute a parent's income in the following order of priority:

(i) Full-time earnings at the current rate of pay;

(ii) Full-time earnings at the historical rate of pay based on reliable information, such as employment security department data;

(iii) Full-time earnings at a past rate of pay where information is incomplete or sporadic;

(iv) Earnings of thirty-two hours per week at minimum wage in the jurisdiction where the parent resides if the parent is on or recently coming off temporary assistance for needy families or recently coming off aged, blind, or disabled assistance benefits, pregnant women assistance benefits, essential needs and housing support, supplemental security income, or disability, has recently been released from incarceration, or is a recent high school graduate. Imputation of earnings at thirty-two hours per week under this subsection is a rebuttable presumption;

(v) Full-time earnings at minimum wage in the jurisdiction where the parent resides if the parent has a recent history of minimum wage earnings, has never been employed and has no earnings history, or has no significant earnings history;

(vi) Median net monthly income of year-round full-time workers as derived from the United States bureau of census, current population reports, or such replacement report as published by the bureau of census.

(b) When a parent is currently enrolled in high school full-time, the court shall consider the totality of the circumstances of both parents when determining whether each parent is voluntarily unemployed or voluntarily underemployed. If a parent who is currently enrolled in high school is determined to be voluntarily unemployed or voluntarily underemployed, the court shall impute income at earnings of twenty hours per week at minimum wage in the jurisdiction where that parent resides. Imputation of earnings at twenty hours per week under this subsection is a rebuttable presumption.

**Sec.**  RCW 70.170.060 and 2022 c 197 s 2 are each amended to read as follows:

(1) No hospital or its medical staff shall adopt or maintain admission practices or policies which result in:

(a) A significant reduction in the proportion of patients who have no third-party coverage and who are unable to pay for hospital services;

(b) A significant reduction in the proportion of individuals admitted for inpatient hospital services for which payment is, or is likely to be, less than the anticipated charges for or costs of such services; or

(c) The refusal to admit patients who would be expected to require unusually costly or prolonged treatment for reasons other than those related to the appropriateness of the care available at the hospital.

(2) No hospital shall adopt or maintain practices or policies which would deny access to emergency care based on ability to pay. No hospital which maintains an emergency department shall transfer a patient with an emergency medical condition or who is in active labor unless the transfer is performed at the request of the patient or is due to the limited medical resources of the transferring hospital. Hospitals must follow reasonable procedures in making transfers to other hospitals including confirmation of acceptance of the transfer by the receiving hospital.

(3) The department shall develop definitions by rule, as appropriate, for subsection (1) of this section and, with reference to federal requirements, subsection (2) of this section. The department shall monitor hospital compliance with subsections (1) and (2) of this section. The department shall report individual instances of possible noncompliance to the state attorney general or the appropriate federal agency.

(4) The department shall establish and maintain by rule, consistent with the definition of charity care in RCW 70.170.020, the following:

(a) Uniform procedures, data requirements, and criteria for identifying patients receiving charity care; and

(b) A definition of residual bad debt including reasonable and uniform standards for collection procedures to be used in efforts to collect the unpaid portions of hospital charges that are the patient's responsibility.

(5) For the purpose of providing charity care, each hospital shall develop, implement, and maintain a policy which shall enable indigent persons access to charity care. The policy shall include procedures for identifying patients who may be eligible for health care coverage through medical assistance programs under chapter 74.09 RCW or the Washington health benefit exchange and actively assisting patients to apply for any available coverage. If a hospital determines that a patient or their guarantor is qualified for retroactive health care coverage through the medical assistance programs under chapter 74.09 RCW, a hospital shall assist the patient or guarantor with applying for such coverage. If a hospital determines that a patient or their guarantor qualifies for retroactive health care coverage through the medical assistance programs under chapter 74.09 RCW, a hospital is not obligated to provide charity care under this section to any patient or their guarantor if the patient or their guarantor fails to make reasonable efforts to cooperate with the hospital's efforts to assist them in applying for such coverage. Hospitals may not impose application procedures for charity care or for assistance with retroactive coverage applications which place an unreasonable burden upon the patient or guarantor, taking into account any physical, mental, intellectual, or sensory deficiencies, or language barriers which may hinder the responsible party's capability of complying with application procedures. It is an unreasonable burden to require a patient to apply for any state or federal program where the patient is obviously or categorically ineligible or has been deemed ineligible in the prior 12 months.

(a) At a minimum, a hospital owned or operated by a health system that owns or operates three or more acute hospitals licensed under chapter 70.41 RCW, an acute care hospital with over 300 licensed beds located in the most populous county in Washington, or an acute care hospital with over 200 licensed beds located in a county with at least 450,000 residents and located on Washington's southern border shall grant charity care per the following guidelines:

(i) All patients and their guarantors whose income is not more than 300 percent of the federal poverty level, adjusted for family size, shall be deemed charity care patients for the full amount of the patient responsibility portion of their hospital charges;

(ii) All patients and their guarantors whose income is between 301 and 350 percent of the federal poverty level, adjusted for family size, shall be entitled to a 75 percent discount for the full amount of the patient responsibility portion of their hospital charges, which may be reduced by amounts reasonably related to assets considered pursuant to (c) of this subsection;

(iii) All patients and their guarantors whose income is between 351 and 400 percent of the federal poverty level, adjusted for family size, shall be entitled to a 50 percent discount for the full amount of the patient responsibility portion of their hospital charges, which may be reduced by amounts reasonably related to assets considered pursuant to (c) of this subsection.

(b) At a minimum, a hospital not subject to (a) of this subsection shall grant charity care per the following guidelines:

(i) All patients and their guarantors whose income is not more than 200 percent of the federal poverty level, adjusted for family size, shall be deemed charity care patients for the full amount of the patient responsibility portion of their hospital charges;

(ii) All patients and their guarantors whose income is between 201 and 250 percent of the federal poverty level, adjusted for family size, shall be entitled to a 75 percent discount for the full amount of the patient responsibility portion of their hospital charges, which may be reduced by amounts reasonably related to assets considered pursuant to (c) of this subsection; and

(iii) All patients and their guarantors whose income is between 251 and 300 percent of the federal poverty level, adjusted for family size, shall be entitled to a 50 percent discount for the full amount of the patient responsibility portion of their hospital charges, which may be reduced by amounts reasonably related to assets considered pursuant to (c) of this subsection.

(c)(i) If a hospital considers the existence, availability, and value of assets in order to reduce the discount extended, it must establish and make publicly available a policy on asset considerations and corresponding discount reductions.

(ii) If a hospital considers assets, the following types of assets shall be excluded from consideration:

(A) The first $5,000 of monetary assets for an individual or $8,000 of monetary assets for a family of two, and $1,500 of monetary assets for each additional family member. The value of any asset that has a penalty for early withdrawal shall be the value of the asset after the penalty has been paid;

(B) Any equity in a primary residence;

(C) Retirement plans other than 401(k) plans;

(D) One motor vehicle and a second motor vehicle if it is necessary for employment or medical purposes;

(E) Any prepaid burial contract or burial plot; and

(F) Any life insurance policy with a face value of $10,000 or less.

(iii) In considering assets, a hospital may not impose procedures which place an unreasonable burden on the responsible party. Information requests from the hospital to the responsible party for the verification of assets shall be limited to that which is reasonably necessary and readily available to substantiate the responsible party's qualification for charity sponsorship and may not be used to discourage application for such sponsorship. Only those facts relevant to eligibility may be verified and duplicate forms of verification may not be demanded.

(A) In considering monetary assets, one current account statement shall be considered sufficient for a hospital to verify a patient's assets.

(B) In the event that no documentation for an asset is available, a hospital shall rely upon a written and signed statement from the responsible party.

(iv) Asset information obtained by the hospital in evaluating a patient for charity care eligibility shall not be used for collection activities.

(v) Nothing in this section prevents a hospital from considering assets as required by the centers for medicare and medicaid services related to medicare cost reporting.

(6) Hospitals may not consider money received under the evergreen basic income pilot program under section 3 of this act as income and may not consider a patient's eligibility to receive money under the evergreen basic income pilot program as an asset when determining a patient's eligibility for charity care.

(7) Each hospital shall post and prominently display notice of charity care availability. Notice must be posted in all languages spoken by more than ten percent of the population of the hospital service area. Notice must be displayed in at least the following locations:

(a) Areas where patients are admitted or registered;

(b) Emergency departments, if any; and

(c) Financial service or billing areas where accessible to patients.

((~~(7)~~)) (8) Current versions of the hospital's charity care policy, a plain language summary of the hospital's charity care policy, and the hospital's charity care application form must be available on the hospital's website. The summary and application form must be available in all languages spoken by more than ten percent of the population of the hospital service area.

((~~(8)~~)) (9)(a) All hospital billing statements and other written communications concerning billing or collection of a hospital bill by a hospital must include the following or a substantially similar statement prominently displayed on the first page of the statement in both English and the second most spoken language in the hospital's service area:

You may qualify for free care or a discount on your hospital bill, whether or not you have insurance. Please contact our financial assistance office at [website] and [phone number].

(b) Nothing in (a) of this subsection requires any hospital to alter any preprinted hospital billing statements existing as of October 1, 2018.

((~~(9)~~)) (10) Hospital obligations under federal and state laws to provide meaningful access for limited English proficiency and non-English-speaking patients apply to information regarding billing and charity care. Hospitals shall develop standardized training programs on the hospital's charity care policy and use of interpreter services, and provide regular training for appropriate staff, including the relevant and appropriate staff who perform functions relating to registration, admissions, or billing.

((~~(10)~~)) (11) Each hospital shall make every reasonable effort to determine:

(a) The existence or nonexistence of private or public sponsorship which might cover in full or part the charges for care rendered by the hospital to a patient;

(b) The annual family income of the patient as classified under federal poverty income guidelines as of the time the health care services were provided, or at the time of application for charity care if the application is made within two years of the time of service, the patient has been making good faith efforts towards payment of health care services rendered, and the patient demonstrates eligibility for charity care; and

(c) The eligibility of the patient for charity care as defined in this chapter and in accordance with hospital policy. An initial determination of sponsorship status shall precede collection efforts directed at the patient.

((~~(11)~~)) (12) At the hospital's discretion, a hospital may consider applications for charity care at any time, including any time there is a change in a patient's financial circumstances.

((~~(12)~~)) (13) The department shall monitor the distribution of charity care among hospitals, with reference to factors such as relative need for charity care in hospital service areas and trends in private and public health coverage. The department shall prepare reports that identify any problems in distribution which are in contradiction of the intent of this chapter. The report shall include an assessment of the effects of the provisions of this chapter on access to hospital and health care services, as well as an evaluation of the contribution of all purchasers of care to hospital charity care.

((~~(13)~~)) (14) The department shall issue a report on the subjects addressed in this section at least annually, with the first report due on July 1, 1990.

NEW SECTION. **Sec.**  If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. **Sec.**  Sections 2 through 7 and 16 of this act constitute a new chapter in Title 74 RCW.

**--- END ---**