
SENATE BILL 5480

State of Washington

68th Legislature

2023 Regular Session

By Senators Kauffman, C. Wilson, Kuderer, Lovelett, Nguyen, and Saldaña; by request of Department of Social and Health Services

Read first time 01/19/23. Referred to Committee on Human Services.

1 AN ACT Relating to accelerating stability for people with a work-
2 limiting disability or incapacity; and amending RCW 74.04.655,
3 74.04.805, 74.62.005, and 74.62.030.

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

5 **Sec. 1.** RCW 74.04.655 and 2011 1st sp.s. c 36 s 24 are each
6 amended to read as follows:

7 (1) The economic services administration shall work jointly with
8 the division of vocational rehabilitation to ~~((develop))~~ maintain an
9 ongoing assessment ~~((tool that must be used))~~ process to determine
10 whether the programs offered by the division of vocational
11 rehabilitation could assist persons receiving benefits under RCW
12 74.62.030 and 43.185C.220 in returning to the workforce. ~~((The~~
13 ~~assessment tool shall be completed no later than December 1, 2010.~~
14 ~~The economic services administration shall begin using the tool no~~
15 ~~later than January 1, 2011. No later than December 30, 2011, the~~
16 ~~department shall report on the use of the tool and to what extent the~~
17 ~~programs offered by the division of vocational rehabilitation have~~
18 ~~been successful in returning persons receiving aged, blind, or~~
19 ~~disabled benefits to the workforce.))~~

20 (2) ~~((After January 1, 2011, all persons))~~ Persons receiving
21 benefits under RCW 74.62.030 and ~~((43.185C.230))~~ 43.185C.220 shall be

1 assessed to determine whether they would likely benefit from a
2 program offered by the division of vocational rehabilitation. If the
3 assessment indicates that the person might benefit, and the person
4 agrees to a referral, the economic services administration shall make
5 a referral to the division of vocational rehabilitation. (~~If the~~
6 ~~person is found eligible for a program with the division of~~
7 ~~vocational rehabilitation, he or she must participate in that program~~
8 ~~to remain eligible for the monthly stipend and housing voucher or a~~
9 ~~cash grant. If the person refuses to participate or does not complete~~
10 ~~the program, the department shall terminate the cash stipend and~~
11 ~~housing voucher or cash grant but may not terminate medical coverage~~
12 ~~and food benefits.))~~

13 **Sec. 2.** RCW 74.04.805 and 2022 c 208 s 1 are each amended to
14 read as follows:

15 (1) The department is responsible for determining eligibility for
16 referral for essential needs and housing support under RCW
17 43.185C.220. Persons eligible for a referral are persons who:

18 (a) Have been determined to be eligible for the aged, blind, or
19 disabled assistance program under RCW 74.62.030 or the pregnant women
20 assistance program under RCW 74.62.030, or are incapacitated from
21 gainful employment by reason of bodily or mental infirmity that will
22 likely continue for a minimum of (~~ninety~~) 90 days. The standard for
23 incapacity in this subsection, as evidenced by the (~~ninety-day~~) 90-
24 day duration standard, is not intended to be as stringent as federal
25 supplemental security income disability standards;

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

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

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

37 (d) (~~(i)~~) Have countable income as described in RCW 74.04.005
38 (~~at or below four hundred twenty-eight dollars for a married couple~~

1 ~~or at or below three hundred thirty-nine dollars for a single~~
2 ~~individual; or~~

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

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

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

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

14 ~~(3))~~ Recipients of pregnant women assistance program benefits
15 who meet other eligibility requirements in this section are eligible
16 for referral for essential needs and housing support services, within
17 funds appropriated for the department of commerce, for ~~((twenty-~~
18 ~~four))~~ 24 consecutive months from the date the department determines
19 pregnant women assistance program eligibility.

20 ~~((4))~~ (3) The following persons are not eligible for a referral
21 for essential needs and housing support:

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

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

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

1 ((+5)) (4) For purposes of determining whether a person is
2 incapacitated from gainful employment under subsection (1) of this
3 section:

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

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

13 ((+6)) (5) For purposes of reviewing a person's continuing
14 eligibility and in order to remain eligible for the program, persons
15 who have been found to have an incapacity from gainful employment
16 must demonstrate that there has been no material improvement in their
17 medical or mental health condition. The department may discontinue
18 benefits when there was specific error in the prior determination
19 that found the person eligible by reason of incapacitation.

20 ((+7)) (6) The department must review the cases of all persons
21 who have received benefits under the essential needs and housing
22 support program for twelve consecutive months, and at least annually
23 after the first review, to determine whether they are eligible for
24 the aged, blind, or disabled assistance program.

25 **Sec. 3.** RCW 74.62.005 and 2011 1st sp.s. c 36 s 1 are each
26 amended to read as follows:

27 (1) The legislature finds that:

28 (a) Persons who have a long-term disability and apply for federal
29 supplemental security income benefits should receive assistance while
30 their application for federal benefits is pending(~~(, with repayment~~
31 ~~from the federal government of state-funded income assistance paid~~
32 ~~through the aged, blind, or disabled assistance program)));~~

33 (b) Persons who are incapacitated from gainful employment for an
34 extended period, but who may not meet the level of severity of a
35 long-term disability, are at increased risk of homelessness; and

36 (c) Persons who are homeless and suffering from significant
37 medical impairments, mental illness, or ~~((chemical dependency))~~
38 substance use disorder face substantial barriers to successful
39 participation in, and completion of, needed medical or behavioral

1 health treatment services. Stable housing increases the likelihood of
2 compliance with and completion of treatment.

3 (2) Through chapter 36, Laws of 2011 1st sp. sess., the
4 legislature intends to:

5 (a) Terminate all components of the disability lifeline program
6 created in 2010 and codified in RCW 74.04.005 and create new
7 programs: (i) To provide financial grants through the aged, blind,
8 (~~and [or]~~) or disabled assistance program and the pregnant women
9 assistance program; and (ii) to provide services through the
10 essential needs and housing support program; and

11 (b) Increase opportunities to utilize limited public funding,
12 combined with private charitable and volunteer efforts to serve
13 persons who are recipients of the benefits provided by the new
14 programs created under chapter 36, Laws of 2011 1st sp. sess.

15 **Sec. 4.** RCW 74.62.030 and 2022 c 208 s 2 are each amended to
16 read as follows:

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

19 (i) Are not eligible to receive (~~federal aid assistance, other~~
20 ~~than basic food benefits transferred electronically and medical~~
21 ~~assistance)) supplemental security income, refugee cash assistance,
22 temporary assistance for needy families, or state family assistance
23 benefits;~~

24 (ii) Meet the eligibility requirements of subsection (3) of this
25 section; and

26 (iii) Are aged, blind, or disabled. For purposes of determining
27 eligibility for assistance for the aged, blind, or disabled
28 assistance program, the following definitions apply:

29 (A) "Aged" means age (~~sixty-five~~) 65 or older.

30 (B) "Blind" means statutorily blind as defined for the purpose of
31 determining eligibility for the federal supplemental security income
32 program.

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

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

1 (I) A previous disability determination by the social security
2 administration or the disability determination service entity within
3 the department; or

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

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

9 (i) Persons who are not able to engage in gainful employment due
10 primarily to a substance use disorder. These persons shall be
11 referred to appropriate assessment, treatment, or shelter services.
12 Referrals shall be made at the time of application or at the time of
13 eligibility review. This subsection may not be construed to prohibit
14 the department from granting aged, blind, or disabled assistance
15 benefits to persons with a substance use disorder who are
16 incapacitated due to other physical or mental conditions that meet
17 the eligibility criteria for the aged, blind, or disabled assistance
18 program; or

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

22 (c) Persons may receive aged, blind, or disabled assistance
23 benefits and essential needs and housing program support under RCW
24 43.185C.220 concurrently while pending application for federal
25 supplemental security income benefits. (~~The monetary value of any
26 aged, blind, or disabled assistance benefit that is subsequently
27 duplicated by the person's receipt of supplemental security income
28 for the same period shall be considered a debt due the state and
29 shall by operation of law be subject to recovery through all
30 available legal remedies.~~) Effective October 1, 2023, a person's
31 receipt of supplemental security income received for the same period
32 as aged, blind, or disabled program assistance as described in this
33 section shall not be considered a debt due to the state and is not
34 subject to recovery.

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

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

39 ~~(b))~~ Are pregnant and in need, based upon the current income and
40 resource standards of the federal temporary assistance for needy

1 families program, but are ineligible for federal temporary assistance
2 for needy families or state family assistance benefits for a reason
3 other than failure to cooperate in program requirements; and

4 ~~((e))~~ (b) Meet the eligibility requirements of subsection (3)
5 of this section.

6 (3) To be eligible for the aged, blind, or disabled assistance
7 program under subsection (1) of this section or the pregnant women
8 assistance program under subsection (2) of this section, a person
9 must:

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

13 (b) Meet the income and resource standards described in RCW
14 74.04.805(1) (d) and (e);

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

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

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

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

35 (4) Referrals for essential needs and housing support under RCW
36 43.185C.220 shall be provided to persons found eligible under RCW
37 74.04.805.

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

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

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

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

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