

Chapter 388-827 WAC

STATE SUPPLEMENTARY PAYMENT PROGRAM

WAC

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WAC 388-827-0100 What is the state supplementary payment (SSP) that is administered by the division of developmental disabilities (DDD)? The state supplementary payment (SSP) is a state-paid cash assistance program for certain clients of the division of developmental disabilities.

[Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. 04-02-015, § 388-827-0100, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0105 What are the eligibility requirements for the DDD/SSP program? To be eligible to receive DDD/SSP, you must be determined DDD eligible under RCW 71A.10.020 and meet all of the financial and programmatic criteria for DDD/SSP.

[Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. 04-02-015, § 388-827-0105, filed 12/29/03, effective 1/29/04.]

(8/16/11)

WAC 388-827-0110 What are the financial eligibility requirements to receive DDD/SSP? Following are the financial eligibility requirements to receive DDD/SSP:

(1) You must be eligible for or receive Supplemental Security Income (SSI) cash assistance in the month in which the DDD/SSP is issued; or

(2) You receive Social Security Title II benefits as a disabled adult child and you would be eligible for SSI if you did not receive these benefits.

[Statutory Authority: RCW 71A.12.030 and Title 71A RCW. 07-24-030, § 388-827-0110, filed 11/28/07, effective 12/29/07. Statutory Authority: RCW 71A.12.030 and 71A.12.120. 04-15-094, § 388-827-0110, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. 04-02-015, § 388-827-0110, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0115 What are the programmatic eligibility requirements for DDD/SSP? Following are the programmatic eligibility requirements to receive DDD/SSP:

(1) You received one or more of the following services from DDD with state-only funding between March 1, 2001 and June 30, 2003 and continue to demonstrate a need for and meet the DDD program eligibility requirements for these services. Additionally, you must have been eligible for or received SSI prior to July 1, 2006; or you received Social Security Title II benefits as a disabled adult child prior to July 1, 2006 and would have been eligible for SSI if you did not receive these benefits.

(a) Certain voluntary placement program services, which include:

- (i) Foster care basic maintenance,
- (ii) Foster care specialized support,
- (iii) Agency specialized support,
- (iv) Staffed residential home,
- (v) Out-of-home respite care,
- (vi) Agency in-home specialized support,
- (vii) Group care basic maintenance,
- (viii) Group care specialized support,
- (ix) Transportation,
- (x) Agency attendant care,
- (xi) Child care,
- (xii) Professional services,
- (xiii) Nursing services,
- (xiv) Interpreter services,

- (b) Family support;
- (c) One or more of the following residential services:
 - (i) Adult family home,
 - (ii) Adult residential care facility,
 - (iii) Alternative living,
 - (iv) Group home,
 - (v) Supported living,
 - (vi) Agency attendant care,
 - (vii) Supported living or other residential service allow-

ance,

(viii) Intensive individual supported living support (companion homes).

(2) For individuals with community protection issues as defined in WAC 388-820-020, the department will determine eligibility for SSP on a case-by-case basis.

(3) For new authorizations of family support opportunity:

(a) You were on the family support opportunity waiting list prior to January 1, 2003; and

(b) You are on the home and community based services (HCBS) waiver administered by DDD; and

(c) You continue to meet the eligibility requirements for the family support opportunity program contained in WAC 388-825-200 through 388-825-242; and

(d) You must have been eligible for or received SSI prior to July 1, 2003; or you received Social Security Title II benefits as a disabled adult child prior to July 1, 2003 and would have been eligible for SSI if you did not receive these benefits.

(4) For individuals on one of the HCBS waivers administered by DDD (Basic, Basic Plus, Core or community protection):

(a) You must have been eligible for or received SSI prior to April 1, 2004; and

(b) You were determined eligible for SSP prior to April 1, 2004.

(5) You received medicaid personal care (MPC) between September 2003 and August 2004; and

(a) You are under age eighteen at the time of your initial comprehensive assessment and reporting evaluation (CARE) assessment;

(b) You received or were eligible to receive SSI at the time of your initial CARE assessment;

(c) You are not on a home and community based services waiver administered by DDD; and

(d) You live with your family, as defined in WAC 388-825-020.

(6) If you meet all of the requirements listed in (5) above, your SSP will continue.

(7) You received one or more of the following state-only funded residential services between July 1, 2003 and June 30, 2006 and continue to demonstrate a need for and meet the DDD program eligibility requirements for these services:

(a) Adult residential care facility;

(b) Alternative living;

(c) Group home;

(d) Supported living;

(e) Agency attendant care;

(f) Supported living or other residential allowance.

(8) You received one or more of the following residential services between July 1, 2003 and June 30, 2013 and demonstrate an ongoing need for a residential allowance request on a periodic, or routine basis of at least once a quarter. You must also receive SSI or would receive SSI if it were not for the receipt of DAC as well as continue to meet the program eligibility requirements for these services:

(a) Alternative living;

(b) Supported living; or

(c) Companion homes.

(9) As of December 31, 2010, you met the eligibility requirements listed in WAC 388-832-0015 for the individual

and family services program (IFS), you had an IFS service level of three or four, and your individual service plan included IFS services. Additionally, you must have been eligible for or received SSI prior to January 1, 2011, or you received Social Security Title II benefits as a disabled adult child prior to January 1, 2011 and would have been eligible for SSI if you did not receive these benefits.

(10) As of March 31, 2011, you met the eligibility requirements listed in WAC 388-832-0015 for the individual and family services program (IFS), you had an IFS service level of one or two, and your individual service plan included IFS services. Additionally, you must have been eligible for or received SSI prior to April 1, 2011, or you received social security title II benefits as a disabled adult child prior to April 1, 2011 and would have been eligible for SSI if you did not receive these benefits.

[Statutory Authority: RCW 74.08.090, 11-17-068, § 388-827-0115, filed 8/16/11, effective 9/16/11. Statutory Authority: RCW 71A.12.030, 71A.10.020, 74.04.057, and Title 71A RCW, 20 C.F.R. Part 416.09-19-107, § 388-827-0115, filed 9/21/09, effective 10/1/09. Statutory Authority: RCW 71A.12.030 and Title 71A RCW. 07-24-030, § 388-827-0115, filed 11/28/07, effective 12/29/07. Statutory Authority: RCW 71A.12.030, 74.04.057 and 20 C.F.R. 416.2099.06-24-074, § 388-827-0115, filed 12/4/06, effective 1/4/07. Statutory Authority: RCW 71A.12.030, 71A.12.120, and chapter 71A.12 RCW. 05-10-039, § 388-827-0115, filed 4/28/05, effective 5/29/05. Statutory Authority: RCW 71A.12.030 and 71A.12.120. 04-15-094, § 388-827-0115, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. 04-02-015, § 388-827-0115, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0120 How often will my eligibility for DDD/SSP be redetermined? Redetermination of eligibility for the DDD/SSP program will be conducted at least every twelve months, or more frequently if deemed necessary by DDD.

[Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. 04-02-015, § 388-827-0120, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0121 Will I need an assessment to remain eligible for SSP? DDD must administer a DDD assessment to you at least every twelve months to determine your eligibility to continue to receive SSP. The rules regarding the DDD assessment are contained in chapter 388-828 WAC.

[Statutory Authority: RCW 71A.12.030 and Title 71A RCW. 07-24-030, § 388-827-0121, filed 11/28/07, effective 12/29/07.]

WAC 388-827-0125 How will I know if I am eligible to receive a DDD/SSP payment? You will receive a written notification from DDD if you have been identified as eligible for a DDD/SSP payment.

[Statutory Authority: RCW 71A.12.030 and Title 71A RCW. 07-24-030, § 388-827-0125, filed 11/28/07, effective 12/29/07. Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. 04-02-015, § 388-827-0125, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0130 Can I choose not to accept DDD/SSP payments? If your service funding has been converted to the DDD/SSP program, DDD/SSP payments are the only way you can receive that funding.

(1) If you choose not to receive DDD/SSP payments, you will not receive department funding for that service.

(2) Your home and community based services (HCBS) waiver service(s) administered by DDD but not funded by DDD/SSP payments will not be affected by your choice to receive or reject DDD/SSP payments.

[Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. 04-02-015, § 388-827-0130, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0131 What happens if I no longer meet the financial or programmatic requirements after my funding has been converted to the DDD/SSP program? If you no longer meet the eligibility requirements in WAC 388-827-0105, 388-827-0110, or 388-827-0115, you may continue to receive services only if an exception to the rules is approved in accordance with WAC 388-827-0300.

[Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. 04-02-015, § 388-827-0131, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0133 What is the impact on medicaid eligibility on the receipt of state supplemental payments (SSP)? The impact on medicaid eligibility on the receipt of state supplemental payments is that it does not in and of itself qualify an individual for medicaid.

[Statutory Authority: RCW 74.08.090. 11-17-068, § 388-827-0133, filed 8/16/11, effective 9/16/11.]

WAC 388-827-0135 Can I apply for the DDD/SSP program if I am not identified by DDD as eligible for the DDD/SSP program? You can apply through your case resource manager to determine eligibility for SSP but eligibility is limited to those meeting the eligibility requirements in WAC 388-827-0105, 388-827-0110, and 388-827-0115.

[Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. 04-02-015, § 388-827-0135, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0140 What are my appeal rights if DDD determines that I am not eligible for DDD/SSP? You have the right to appeal the department's denial, termination, or reduction of your SSP. Your rights to an administrative hearing are contained in WAC 388-825-120 through 388-825-165.

[Statutory Authority: RCW 71A.12.030 and Title 71A RCW. 07-06-055, § 388-827-0140, filed 3/5/07, effective 4/5/07. Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. 04-02-015, § 388-827-0140, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0145 How much money will I receive? The purpose of the SSP is to increase the amount of income to meet your needs. The department will determine your payment amount based on your living arrangement and your assessed needs.

(1) For residential and voluntary placement program services, the amount of your SSP will be based on the amount of state-only dollars spent on certain services at the time the funding source was converted to SSP. If the type of your residential living arrangement changes, your need will be reassessed and your payment adjusted based on your new living arrangement and assessed need.

(2) For family support services, refer to WAC 388-825-200 through 388-825-256.

(a) If you are on the home and community based services (HCBS) waiver administered by DDD:

(8/16/11)

(i) You will receive nine hundred dollars DDD/SSP money per year to use as you determine.

(ii) The remainder up to the maximum yearly award for traditional family support or family support opportunities may be authorized by DDD to purchase HCBS waiver services and will be paid directly to the provider.

(b) If you are not on the HCBS waiver administered by DDD, and you received state-only funding for the traditional family support program between March 1, 2001 and June 30, 2003 the amount of your SSP will be based on the yearly maximum allowed at the time the funding source was converted to SSP unless your need changes.

(i) Need is based on your service need level and whether you receive medicaid personal care as specified in WAC 388-825-254.

(ii) If your need changes, the amount of your SSP will be adjusted accordingly.

(c) If you are not on the HCBS waiver administered by DDD, and you received state-only funding for the family support opportunity program between March 1, 2001 and June 30, 2003 the amount of your SSP will be fifteen hundred dollars per year.

(d) The yearly amount of DDD/SSP money will be prorated into monthly amounts. You will receive one twelfth of the yearly amount each month.

(3) If you are eligible for SSP because you meet the criteria in WAC 388-827-0115(5), you will receive one hundred dollars per month.

(4) DDD may authorize additional payments to certain individuals if the SSP budget has sufficient funds to allow this payment.

[Statutory Authority: RCW 71A.12.030, 74.04.057 and 20 C.F.R. 416.2099. 06-24-074, § 388-827-0145, filed 12/4/06, effective 1/4/07. Statutory Authority: RCW 71A.12.030, 71A.12.120, and chapter 71A.12 RCW. 05-10-039, § 388-827-0145, filed 4/28/05, effective 5/29/05. Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. 04-02-015, § 388-827-0145, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0146 May I voluntarily remove myself from the home and community based services (HCBS) waiver administered by DDD in order to increase the amount of my SSP? You may voluntarily remove yourself from the HCBS waiver administered by DDD but your SSP will not increase because of this action.

[Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. 04-02-015, § 388-827-0146, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0150 How often will I receive my DDD/SSP warrant/check? You will receive a monthly DDD/SSP warrant/check from the state.

[Statutory Authority: RCW 71A.12.030 and Title 71A RCW. 07-24-030, § 388-827-0150, filed 11/28/07, effective 12/29/07. Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. 04-02-015, § 388-827-0150, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0155 Who will the warrant/check be sent to? (1) If you are a child under the age of eighteen, the warrant/check will be sent to your legal representative or protective payee or representative payee.

(2) If you are a person age eighteen and older, the warrant/check will be sent directly to your protective payee or representative payee if you have one.

(3) If you do not have a protective payee or representative payee, the warrant/check will be sent directly to you.

[Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. 04-02-015, § 388-827-0155, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0160 How will the warrant/check be sent? You may choose to have your check delivered through the U.S. Postal Service, or as an electronic funds transfer.

[Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. 04-02-015, § 388-827-0160, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0170 Are there rules restricting how I use my DDD/SSP money? There are no restrictions on how you use your DDD/SSP money.

[Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. 04-02-015, § 388-827-0170, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0175 What changes must I report to the department? You must report changes in your circumstances within ten days from the date you become aware of the change. You must tell us if:

- (1) Your SSI stops and you became ineligible for SSI for reasons other than the receipt of Social Security Title II benefits as a disabled adult child;
- (2) Your address changes; or
- (3) There is a change in your living arrangement that affects your assessed need.

[Statutory Authority: RCW 71A.12.030 and 71A.12.120. 04-15-094, § 388-827-0175, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. 04-02-015, § 388-827-0175, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0180 Do I have additional responsibilities when I purchase my own services? (1) When you use DDD/SSP funds paid directly to you to purchase in-home services from individuals, you become the employer. As the employer, you may have tax liabilities. If you have questions regarding employer tax issues, you can contact the Internal Revenue Service.

(2) If you want to obtain a criminal background check of any employee who will have unsupervised access to children or adults with developmental disabilities, you may get the background check done through the Washington State Patrol. You can ask your DDD case resource manager to assist you with completing these background checks.

[Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. 04-02-015, § 388-827-0180, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0185 When will the department stop sending my DDD/SSP money? The department will stop sending your DDD/SSP money when:

- (1) You no longer are eligible for or receive SSI cash benefits and are ineligible for SSI for reasons other than the receipt of Social Security Title II benefits as a disabled adult child;
- (2) You no longer demonstrate a need for the services as described in WAC 388-827-0115; or
- (3) Your DDD eligibility is terminated.

[Statutory Authority: RCW 71A.12.030 and 71A.12.120. 04-15-094, § 388-827-0185, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW

71A.12.030, 71A.10.020, 2002 c 371. 04-02-015, § 388-827-0185, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0200 What is a representative payee?

A representative payee is a person, organization, institution or agency that manages your DDD/SSP. They may also provide services such as helping you manage your money.

[Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. 04-02-015, § 388-827-0200, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0210 Who can be a representative payee for my DDD/SSP? (1) A representative payee may be:

- (a) The person, organization, institution or agency that acts as your representative payee for Supplemental Security Income (SSI);
 - (b) Your parent, if you are under eighteen;
 - (c) Your spouse; or
 - (d) A person, organization, institution or agency you select if the department approves your selection.
- (2) If you select a representative payee under subsection (1) (d) of this section, the department will evaluate the selection according to the following criteria:
- (a) The relationship of the payee to you;
 - (b) The amount of interest the payee shows in you;
 - (c) Any legal authority the payee has to act on your behalf;
 - (d) Whether the payee has custody of you; and
 - (e) Whether the payee is in a position to know of and look after your needs.

(3) The DDD director or designee will approve or deny your request for a representative under subsection (1)(d) of this section.

[Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. 04-02-015, § 388-827-0210, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0215 What are the responsibilities of a representative payee? A representative payee has the responsibility to:

- (1) Spend the DDD/SSP on you or your behalf;
- (2) Notify the department if any event happens that may affect the amount of benefits you receive;
- (3) Submit to the department, upon our request, a written report accounting for the payments received; and
- (4) Notify the department of any change in the payee's circumstances that would affect performance of the payee responsibilities.

[Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. 04-02-015, § 388-827-0215, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0300 Does DSHS make exceptions to the requirements in this chapter? DSHS may grant exceptions to the requirements specified in this chapter as long as the following conditions are met:

- (1) You or your case manager may request an exception to a rule in this chapter.
- (2) The case manager must submit a written request for an exception to his or her DDD regional administrator.
- (3) DSHS will evaluate requests for exceptions, considering:
 - (a) The federal and state rules governing SSP; and

(b) The impact on the client if the exception is not approved.

(4) The DDD regional administrator will forward the request to the DDD director together with the regional administrator's recommendation to approve or deny the request.

(5) The DDD director or designee will approve or deny the request in writing within sixty calendar days after receiving the request from the case manager.

(6) The department will notify you of the decision.

(7) You do not have rights to adjudicative proceedings when you receive a denial from DSHS for an exception to the rules in this chapter.

[Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. 04-02-015, § 388-827-0300, filed 12/29/03, effective 1/29/04.]

(ii) The representative payee is at fault in connection with the overpayment.

(d) A government entity or an institution can be a representative payee and can be found responsible for repayment, just as a private individual can.

(e) You and the representative payee are both responsible for repayment when the incorrect payments have been spent on you or your behalf and the representative payee is at fault.

(3) The representative payee is at fault when the representative payee was aware of the reason you were not eligible for the SSP.

[Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. 04-02-015, § 388-827-0420, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0400 What is an SSP overpayment?

(1) An overpayment means any SSP paid that is more than the amount you were eligible to receive.

(2) If you request a hearing and the hearing decision determines that you received any DDD/SSP money that you were not eligible to receive, then some or all of the DDD/SSP you received before the hearing decision must be paid back to the department.

[Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. 04-02-015, § 388-827-0400, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0410 When can an overpayment occur? An overpayment can occur when:

(1) You were not eligible for and did not receive Supplemental Security Income in the month in which the SSP was issued and were ineligible for SSI for reasons other than the receipt of Social Security Title II benefits as a disabled adult child;

(2) You were no longer eligible for services from the division of developmental disabilities in the month in which the SSP was issued; or

(3) Your assessed need has changed.

[Statutory Authority: RCW 71A.12.030 and 71A.12.120. 04-15-094, § 388-827-0410, filed 7/16/04, effective 8/16/04. Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. 04-02-015, § 388-827-0410, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0420 Who is liable for repayment of an overpayment? (1) If you received the money in your own name, you are responsible for repayment.

(2) If you are paid through a representative payee, both you and the representative payee may be responsible for repayment.

(a) You are responsible to the extent that the incorrect payments were spent on you or your behalf. Funds conserved by a representative payee to which you do not have direct access have not been spent on you or your behalf.

(b) If the incorrect payments were spent on you or your behalf and the representative payee is without fault in connection with the overpayment, you are solely responsible for repayment.

(c) The representative payee is solely responsible for repayment if:

(i) The incorrect payments were not spent on you or your behalf; and