

Chapter 388-827 WAC

STATE SUPPLEMENTARY PAYMENT PROGRAM

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 388-827-0110 What are the financial eligibility requirements to receive DDD/SSP? [Statutory Authority: RCW 71A.12.030 and Title 71A RCW. WSR 07-24-030, § 388-827-0110, filed 11/28/07, effective 12/29/07. Statutory Authority: RCW 71A.12.030 and 71A.12.120. WSR 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. WSR 04-02-015, § 388-827-0110, filed 12/29/03, effective 1/29/04.] Repealed by WSR 17-13-022, filed 6/12/17, effective 7/13/17. Statutory Authority: RCW 71A.12.030 and 2015 3rd sp.s. c 4 § 205.
- 388-827-0115 What are the programmatic eligibility requirements for DDD/SSP? [Statutory Authority: RCW 71A.12.030, 71A.12.040, and 74.08.090. WSR 14-07-028, § 388-827-0115, filed 3/10/14, effective 4/10/14. Statutory Authority: RCW 74.08.090. WSR 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. WSR 09-19-107, § 388-827-0115, filed 9/21/09, effective 10/1/09. Statutory Authority: RCW 71A.12.030 and Title 71A RCW. WSR 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. WSR 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. WSR 05-10-039, § 388-827-0115, filed 4/28/05, effective 5/29/05. Statutory Authority: RCW 71A.12.030 and 71A.12.120. WSR 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. WSR 04-02-015, § 388-827-0115, filed 12/29/03, effective 1/29/04.] Repealed by WSR 17-13-022, filed 6/12/17, effective 7/13/17. Statutory Authority: RCW 71A.12.030 and 2015 3rd sp.s. c 4 § 205.
- 388-827-0121 Will I need an assessment to remain eligible for SSP? [Statutory Authority: RCW 71A.12.030 and Title 71A RCW. WSR 07-24-030, § 388-827-0121, filed 11/28/07, effective 12/29/07.] Repealed by WSR 17-13-022, filed 6/12/17, effective 7/13/17. Statutory Authority: RCW 71A.12.030 and 2015 3rd sp.s. c 4 § 205.
- 388-827-0130 Can I choose not to accept DDD/SSP payments? [Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. WSR 04-02-015, § 388-827-0130, filed 12/29/03, effective 1/29/04.] Repealed by WSR 17-13-022, filed 6/12/17, effective 7/13/17. Statutory Authority: RCW 71A.12.030 and 2015 3rd sp.s. c 4 § 205.
- 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? [Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. WSR 04-02-015, § 388-827-0131, filed 12/29/03, effective 1/29/04.] Repealed by WSR 17-13-022, filed 6/12/17, effective 7/13/17. Statutory Authority: RCW 71A.12.030 and 2015 3rd sp.s. c 4 § 205.
- 388-827-0133 What is the impact on medicaid eligibility on the receipt of state supplemental payments (SSP)? [Statutory

Authority: RCW 74.08.090. WSR 11-17-068, § 388-827-0133, filed 8/16/11, effective 9/16/11.] Repealed by WSR 17-13-022, filed 6/12/17, effective 7/13/17. Statutory Authority: RCW 71A.12.030 and 2015 3rd sp.s. c 4 § 205.

Can I apply for the DDD/SSP program if I am not identified by DDD as eligible for the DDD/SSP program? [Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. WSR 04-02-015, § 388-827-0135, filed 12/29/03, effective 1/29/04.] Repealed by WSR 17-13-022, filed 6/12/17, effective 7/13/17. Statutory Authority: RCW 71A.12.030 and 2015 3rd sp.s. c 4 § 205.

What are my appeal rights if DDD determines that I am not eligible for DDD/SSP? [Statutory Authority: RCW 71A.12.030 and Title 71A RCW. WSR 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. WSR 04-02-015, § 388-827-0140, filed 12/29/03, effective 1/29/04.] Repealed by WSR 17-13-022, filed 6/12/17, effective 7/13/17. Statutory Authority: RCW 71A.12.030 and 2015 3rd sp.s. c 4 § 205.

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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? [Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. WSR 04-02-015, § 388-827-0146, filed 12/29/03, effective 1/29/04.] Repealed by WSR 17-13-022, filed 6/12/17, effective 7/13/17. Statutory Authority: RCW 71A.12.030 and 2015 3rd sp.s. c 4 § 205.

How often will I receive my DDD/SSP warrant/check? [Statutory Authority: RCW 71A.12.030 and Title 71A RCW. WSR 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. WSR 04-02-015, § 388-827-0150, filed 12/29/03, effective 1/29/04.] Repealed by WSR 17-13-022, filed 6/12/17, effective 7/13/17. Statutory Authority: RCW 71A.12.030 and 2015 3rd sp.s. c 4 § 205.

How will the warrant/check be sent? [Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. WSR 04-02-015, § 388-827-0160, filed 12/29/03, effective 1/29/04.] Repealed by WSR 17-13-022, filed 6/12/17, effective 7/13/17. Statutory Authority: RCW 71A.12.030 and 2015 3rd sp.s. c 4 § 205.

Are there rules restricting how I use my DDD/SSP money? [Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. WSR 04-02-015, § 388-827-0170, filed 12/29/03, effective 1/29/04.] Repealed by WSR 17-13-022, filed 6/12/17, effective 7/13/17. Statutory Authority: RCW 71A.12.030 and 2015 3rd sp.s. c 4 § 205.

What changes must I report to the department? [Statutory Authority: RCW 71A.12.030 and 71A.12.120. WSR 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. WSR 04-02-015, § 388-827-0175, filed 12/29/03, effective 1/29/04.] Repealed by WSR 17-13-022, filed 6/12/17, effective 7/13/17. Statutory Authority: RCW 71A.12.030 and 2015 3rd sp.s. c 4 § 205.

Do I have additional responsibilities when I purchase my own services? [Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. WSR 04-02-015, § 388-827-0180, filed 12/29/03, effective 1/29/04.] Repealed by WSR 17-13-022, filed 6/12/17, effective 7/13/17. Statutory Authority: RCW 71A.12.030 and 2015 3rd sp.s. c 4 § 205.

When will the department stop sending my DDD/SSP money? [Statutory Authority: RCW 71A.12.030 and 71A.12.120. WSR 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. WSR 04-02-015, § 388-827-0185, filed 12/29/03, effective 1/29/04.] Repealed by WSR 17-13-022, filed 6/12/17, effective

- 7/13/17. Statutory Authority: RCW 71A.12.030 and 2015 3rd sp.s. c 4 § 205.
- 388-827-0200 What is a representative payee? [Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. WSR 04-02-015, § 388-827-0200, filed 12/29/03, effective 1/29/04.] Repealed by WSR 17-13-022, filed 6/12/17, effective 7/13/17. Statutory Authority: RCW 71A.12.-030 and 2015 3rd sp.s. c 4 § 205.
- 388-827-0210 Who can be a representative payee for my DDD/SSP? [Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. WSR 04-02-015, § 388-827-0210, filed 12/29/03, effective 1/29/04.] Repealed by WSR 17-13-022, filed 6/12/17, effective 7/13/17. Statutory Authority: RCW 71A.12.030 and 2015 3rd sp.s. c 4 § 205.
- 388-827-0215 What are the responsibilities of a representative payee? [Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. WSR 04-02-015, § 388-827-0215, filed 12/29/03, effective 1/29/04.] Repealed by WSR 17-13-022, filed 6/12/17, effective 7/13/17. Statutory Authority: RCW 71A.12.030 and 2015 3rd sp.s. c 4 § 205.
- 388-827-0300 Does DSHS make exceptions to the requirements in this chapter? [Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. WSR 04-02-015, § 388-827-0300, filed 12/29/03, effective 1/29/04.] Repealed by WSR 17-13-022, filed 6/12/17, effective 7/13/17. Statutory Authority: RCW 71A.12.030 and 2015 3rd sp.s. c 4 § 205.
- 388-827-0410 When can an overpayment occur? [Statutory Authority: RCW 71A.12.030 and 71A.12.120. WSR 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. WSR 04-02-015, § 388-827-0410, filed 12/29/03, effective 1/29/04.] Repealed by WSR 17-13-022, filed 6/12/17, effective 7/13/17. Statutory Authority: RCW 71A.12.030 and 2015 3rd sp.s. c 4 § 205.
- 388-827-0420 Who is liable for repayment of an overpayment? [Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. WSR 04-02-015, § 388-827-0420, filed 12/29/03, effective 1/29/04.] Repealed by WSR 17-13-022, filed 6/12/17, effective 7/13/17. Statutory Authority: RCW 71A.12.030 and 2015 3rd sp.s. c 4 § 205.

WAC 388-827-0100 What is a state supplementary payment? (1) The state supplementary payment is a state-paid cash assistance program for eligible clients of the developmental disabilities administration.

(2) There are five types of state supplementary payment:

(a) Children's legacy care;

(b) Home and community based services waiver;

(c) Prevocational legacy;

(d) Residential habilitation; and

(e) State supplementary payment in lieu of individual and family services.

[Statutory Authority: RCW 71A.12.030 and 2015 3rd sp.s. c 4 § 205. WSR 17-13-022, § 388-827-0100, filed 6/12/17, effective 7/13/17. Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. WSR 04-02-015, § 388-827-0100, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0105 Who is eligible for a state supplementary payment? (1) The developmental disabilities administration (DDA) must not enroll you in state supplementary payments after the effective date of this section, unless you are eligible for a state supplementary payment for prevocational legacy.

(2) To be eligible for a state supplementary payment, you must meet all general eligibility requirements under subsection (3) of this section and any applicable program-specific requirements under subsections (4) through (8) of this section.

(3) To be eligible for a state supplementary payment, you must:

(a) Be determined DDA eligible under chapter 388-823 WAC;

(b) Complete an in-person interview and reassessment with DDA once every twelve months—or more often if DDA deems it necessary—to determine whether you continue to meet eligibility requirements; and

(c) Be financially eligible because:

(i) You receive supplementary security income cash assistance for the month in which the state supplementary payment is issued; or

(ii) You receive social security Title II benefits as a disabled adult child, your SSI was terminated due to the receipt of these benefits, and you would be eligible for SSI if you did not receive these benefits.

(4) To be eligible for children's legacy care state supplementary payments, you must live with your family as defined in WAC 388-832-0001.

(5) To be eligible for a state supplementary payment for waiver services, you must be enrolled in a home and community based services waiver program as described in chapter 388-845 WAC.

(6) To be eligible for prevocational legacy state supplementary payments, you must:

(a) Have left prevocational services on or after September 1, 2015; and

(b) Not be enrolled in a DDA residential habilitative service.

(7) To be eligible for residential habilitation state supplementary payments, you must be receiving a residential habilitation service as described in chapter 388-845 WAC and as identified in your person-centered service plan.

(8) To be eligible for state supplementary payments in lieu of individual and family services you must be:

(a) At least three years old; and

(b) Living with your family as defined in WAC 388-832-0001.

[Statutory Authority: RCW 71A.12.030 and 2015 3rd sp.s. c 4 § 205. WSR 17-13-022, § 388-827-0105, filed 6/12/17, effective 7/13/17. Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. WSR 04-02-015, § 388-827-0105, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0120 May DDA deny, reduce, or terminate a state supplementary payment? (1) The developmental disabilities administration (DDA) may deny, reduce, or terminate a state supplementary payment if one or more of the following is true:

(a) You do not meet the eligibility requirements under WAC 388-827-0105;

(b) You do not cooperate with DDA during:

(i) Service planning; or

(ii) Required quality assurance and program monitoring activities;

(c) You choose to unenroll from state supplementary payments.

(2) Except for state supplementary payments for prevocational legacy and state supplementary payments for waiver services, DDA will terminate your state supplementary payment if you enroll in a home and community based services waiver.

(3) State supplementary payments are limited to available funding.

(4) DDA will terminate your state supplementary payments for prevocational legacy if you enter into a DDA prevocational service or a DDA residential habilitation service.

[Statutory Authority: RCW 71A.12.030 and 2015 3rd sp.s. c 4 § 205. WSR 17-13-022, § 388-827-0120, filed 6/12/17, effective 7/13/17. Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. WSR 04-02-015, § 388-827-0120, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0125 If DDA denies, reduces, or terminates a state supplementary payment, what may I do?

(1) If the developmental disabilities administration (DDA) denies, reduces, or terminates a state supplementary payment, you may request an administrative hearing, an exception to rule under WAC 388-440-0001, or both.

(2) To request an administrative hearing, see WAC 388-825-120 through 388-825-165.

(3) To request an exception to rule, you must submit a written request for an exception to rule to the DDA regional administrator.

(4) DDA may grant an exception to any requirement in this chapter if the assistant secretary decides that the facts of your case justify an exception to rule.

(5) DDA must notify you in writing of the assistant secretary's decision no later than sixty days after the regional administrator received your request for an exception to rule.

(6) You do not have the right to challenge at an administrative hearing the assistant secretary's decision regarding your request for an exception to rule. You may have a hearing right under WAC 388-825-120.

[Statutory Authority: RCW 71A.12.030 and 2015 3rd sp.s. c 4 § 205. WSR 17-13-022, § 388-827-0125, filed 6/12/17, effective 7/13/17. Statutory Authority: RCW 71A.12.030 and Title 71A RCW. WSR 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. WSR 04-02-015, § 388-827-0125, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0145 How much money will DDA authorize? (1) If you are authorized to receive a state supplementary payment for residential habilitation:

(a) DDA will base your payment on your residential need as identified in your current person-centered service plan.

(b) DDA will reassess your need and may adjust your payment amount if the type of your residential living arrangement changes.

(2) If you are authorized to receive a home and community based services (HCBS) waiver state supplementary payment, DDA authorizes seventy-five dollars per month.

(3) If you are authorized to receive children's legacy state supplementary payment, DDA authorizes one hundred dollars per month.

(4) If you are authorized to receive a prevocational legacy state supplementary payment, DDA authorizes three hundred dollars per month.

(5) If you are authorized to receive a state supplementary payment in lieu of individual and family services (IFS), your IFS score determines your monthly payment amount:

IFS score	Award level	Monthly payment
0-60	No award	\$0
61-240	Level 1	\$100
241-336	Level 2	\$150
337-527	Level 3	\$200
528 or more	Level 4	\$300

(6) Opting out of home and community based services waiver will not increase your state supplementary payment.

(7) DDA may authorize additional payments to individuals authorized to receive a state supplementary payment if DDA's state supplementary payment budget allows.

[Statutory Authority: RCW 71A.12.030 and 2015 3rd sp.s. c 4 § 205. WSR 17-13-022, § 388-827-0145, filed 6/12/17, effective 7/13/17. Statutory Authority: RCW 71A.12.030, 71A.12.040, and 74.08.090. WSR 14-07-028, § 388-827-0145, filed 3/10/14, effective 4/10/14. Statutory Authority: RCW 71A.12.030, 74.04.057 and 20 C.F.R. 416.2099. WSR 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. WSR 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. WSR 04-02-015, § 388-827-0145, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0155 How will DDA send my state supplementary payment? (1) You may choose to have DDA send your state supplementary payment through:

- (a) Electronic funds transfer; or
- (b) The U.S. Postal Service.

(2) If you are under age eighteen, the developmental disabilities administration (DDA) sends your supplementary payment to your representative payee.

(3) If you are age eighteen or older, DDA sends your state supplementary payment to your representative payee if you have one. If you do not have a representative payee, DDA will send your state supplementary payment directly to you.

[Statutory Authority: RCW 71A.12.030 and 2015 3rd sp.s. c 4 § 205. WSR 17-13-022, § 388-827-0155, filed 6/12/17, effective 7/13/17. Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. WSR 04-02-015, § 388-827-0155, filed 12/29/03, effective 1/29/04.]

WAC 388-827-0157 What is a representative payee?

(1) A representative payee is a person or entity that receives and manages your state supplementary payments on your behalf.

(2) If the Social Security Administration assigned a representative payee to you, the developmental disabilities administration (DDA) will send your state supplementary payments to that representative payee.

(3) If you do not have a representative payee and you wish to establish one:

- (a) You must nominate a person or entity to be your representative payee; and
- (b) DDA must confirm your nominee.

(4) When deciding whether to confirm your nominee, DDA may consider:

- (a) The nominee's:
 - (i) Relationship to you;
 - (ii) Interest in your well-being;
 - (iii) Understanding of your needs;

(iv) Existing legal authority, if any, to act on your behalf;
and

(b) Any other information known to DDA.

(5) If DDA declines to confirm the person or entity you nominated, DDA must send you written notice within thirty days of its decision.

(6) A representative payee must:

(a) Spend your state supplementary payment on your behalf;

(b) Notify DDA of any changes in your circumstances that could affect your eligibility to receive a state supplementary payment;

(c) Notify DDA of any change in the representative payee's ability to comply with this chapter;

(d) Submit to DDA upon request a written account of how each state supplementary payment received on your behalf was spent; and

(e) Accept liability for any overpayment under WAC 388-827-0400(3).

[Statutory Authority: RCW 71A.12.030 and 2015 3rd sp.s. c 4 § 205. WSR 17-13-022, § 388-827-0157, filed 6/12/17, effective 7/13/17.]

WAC 388-827-0400 What is a state supplementary payment overpayment? (1) An overpayment occurs if you or your representative payee receive state supplementary payment funds and at the time the developmental disabilities administration (DDA) paid the funds:

(a) You were not eligible to receive the funds under WAC 388-827-0105; or

(b) The sum DDA paid exceeds the sum you were eligible to receive under WAC 388-827-0145.

(2) You are liable to DDA for the amount of the overpayment if:

(a) You received the overpayment directly; or

(b) Your representative payee received the overpayment in good faith and spent the money on your behalf.

(3) Your representative payee is liable to DDA for the amount of the overpayment if the representative payee:

(a) Has not spent the state supplementary payment funds on your behalf; or

(b) Received the state supplementary payment in bad faith.

(4) A representative payee received a state supplementary payment in bad faith if the representative payee knew you were not entitled to some or all of that payment.

[Statutory Authority: RCW 71A.12.030 and 2015 3rd sp.s. c 4 § 205. WSR 17-13-022, § 388-827-0400, filed 6/12/17, effective 7/13/17. Statutory Authority: RCW 71A.12.030, 71A.10.020, 2002 c 371. WSR 04-02-015, § 388-827-0400, filed 12/29/03, effective 1/29/04.]