

WSR 21-12-076
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed May 28, 2021, 12:40 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 20-12-089.

Title of Rule and Other Identifying Information: The department is planning to amend WAC 388-458-0011 DSHS sends you a denial letter when you can't get benefits.

Hearing Location(s): On July 6, 2021, at 10:00 a.m., at Office Building 2, Department of Social and Health Services (DSHS) Headquarters, 1115 Washington [Street S.E.], Olympia, WA 98504. Public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2>; or virtually. Due to the COVID-19 pandemic, hearings are being held virtually. Please see the DSHS website for the most current information.

Date of Intended Adoption: Not earlier than July 7, 2021.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, fax 360-664-6185, by 5:00 p.m. [no date supplied].

Assistance for Persons with Disabilities: Contact Katherine Vasquez, DSHS rules coordinator, phone 360-664-6097, fax 360-664-6185, TTY 711 relay service, email Vasquki@dshs.wa.gov.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Planned amendments to WAC 388-485-0011 support processes and procedures when mailing a denial notice to a client who has not provided information on the thirtieth day after application.

Reasons Supporting Proposal: Planned amendments to WAC 388-485-0011 will align rule language with that of current federal regulation.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.04.510.

Rule is necessary because of federal law, 7 C.F.R. 273.10 (g) (1) (ii).

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Patrick Budde, P.O. Box 45470, Olympia, WA 98504-5470, 360-764-0068.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. This amendment is exempt as allowed under RCW 34.05.328 (5) (b) (iii) which states in-part, "This section does not apply to ... rules adopting or incorporating by reference without material change federal statutes or regulations, Washington state statutes ...["]

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 34.05.328 (5) (b) (vii).

Explanation of exemptions: These amendments do not impact small businesses. They only impact DSHS clients.

May 28, 2021
Katherine I. Vasquez

SHS-4869.1

AMENDATORY SECTION (Amending WSR 13-18-005, filed 8/22/13, effective 10/1/13)

WAC 388-458-0011 DSHS sends you a denial letter when you can't get benefits. (1) When we finish processing your application, we send you a denial letter if you cannot get benefits.

(2) On this letter, we tell you:

(a) Why you cannot get benefits;

(b) The rules that support our decision;

(c) The date we finished processing your application; and

(d) Your right to have your case reviewed or ask for an administrative hearing.

(3) If we are denying your application because you did not give us information that we needed and we ~~((can't))~~ cannot figure out if you are eligible without it, we also tell you ~~((on))~~ in the letter:

(a) What ~~((information you didn't give to us))~~ to do so your application can be reconsidered;

(b) The date ~~((we asked for))~~ the information ~~((and the date it))~~ was due;

(c) That we cannot figure out if you can get benefits without ~~((this))~~ that information; and

(d) That we will review your eligibility if:

(i) For cash assistance, you give us the information within thirty days of the date of the notice; or

(ii) For food assistance, you give us the information within sixty days of the date you applied.

(4) We send denial letters to you according to the rules in chapter 388-406 WAC.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.04.510, and 2011 1st sp.s. c 15. WSR 13-18-005, § 388-458-0011, filed 8/22/13, effective 10/1/13. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, and 7 C.F.R. § 273.2. WSR 12-19-036, § 388-458-0011, filed 9/12/12, effective 10/13/12. Statutory Authority: RCW 74.08.090 and 74.04.510. WSR 01-16-087, § 388-458-0011, filed 7/25/01, effective 9/1/01.]