

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 6508

Chapter 258, Laws of 2012
(partial veto)

62nd Legislature
2012 Regular Session

DEPARTMENT OF SOCIAL AND HEALTH SERVICES--OVERPAYMENT RECOVERIES--
WAIVER

EFFECTIVE DATE: 06/07/12

Passed by the Senate March 3, 2012
YEAS 33 NAYS 16

BRAD OWEN

President of the Senate

Passed by the House February 29, 2012
YEAS 63 NAYS 35

FRANK CHOPP

Speaker of the House of Representatives

Approved March 30, 2012, 1:46 p.m., with
the exception of Section 3 which is
vetoed.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of
the Senate of the State of
Washington, do hereby certify that
the attached is **SUBSTITUTE SENATE
BILL 6508** as passed by the Senate
and the House of Representatives
on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

March 30, 2012

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 6508

AS AMENDED BY THE HOUSE

Passed Legislature - 2012 Regular Session

State of Washington 62nd Legislature 2012 Regular Session

By Senate Human Services & Corrections (originally sponsored by
Senator Pridemore)

READ FIRST TIME 02/03/12.

1 AN ACT Relating to department of social and health services waivers
2 of overpayment recoveries; amending RCW 43.20B.030; and creating new
3 sections.

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

5 **Sec. 1.** RCW 43.20B.030 and 2005 c 292 s 5 are each amended to read
6 as follows:

7 (1) Except as otherwise provided by law, including subsection (2)
8 of this section, there will be no collection of overpayments and other
9 debts due the department after the expiration of six years from the
10 date of notice of such overpayment or other debt unless the department
11 has commenced recovery action in a court of law or unless an
12 administrative remedy authorized by statute is in place. However, any
13 amount due in a case thus extended shall cease to be a debt due the
14 department at the expiration of ten years from the date of the notice
15 of the overpayment or other debt unless a court-ordered remedy would be
16 in effect for a longer period.

17 (2) There will be no collection of debts due the department after
18 the expiration of twenty years from the date a lien is recorded
19 pursuant to RCW 43.20B.080.

1 (3) The department, at any time, may accept offers of compromise of
2 disputed claims or may grant partial or total write-off of any debt due
3 the department if it is no longer cost-effective to pursue. The
4 department shall adopt rules establishing the considerations to be made
5 in the granting or denial of a partial or total write-off of debts.

6 (4) Notwithstanding the requirements of RCW 43.20B.630, 43.20B.635,
7 43.20B.640, and 43.20B.645, the department may waive all efforts to
8 collect overpayments from a client when the department determines that
9 the elements of equitable estoppel as set forth in WAC 388-02-0495, as
10 it existed on January 1, 2012, are met.

11 NEW SECTION. **Sec. 2.** If any part of this act is found to be in
12 conflict with federal requirements that are a prescribed condition to
13 the allocation of federal funds to the state, the conflicting part of
14 this act is inoperative solely to the extent of the conflict and with
15 respect to the agencies directly affected, and this finding does not
16 affect the operation of the remainder of this act in its application to
17 the agencies concerned. Rules adopted under this act must meet federal
18 requirements that are a necessary condition to the receipt of federal
19 funds by the state.

20 ****NEW SECTION. Sec. 3. No later than October 1, 2013, the office of***
21 ***fraud and accountability within the department of social and health***
22 ***services, along with the state auditor's office and the department of***
23 ***early learning, shall collaborate in an effort to identify, review, and***
24 ***provide the legislature with recommendations for integrated monitoring***
25 ***and detection systems to prevent overpayments of public assistance from***
26 ***occurring.***

**Sec. 3 was vetoed. See message at end of chapter.*

Passed by the Senate March 3, 2012.

Passed by the House February 29, 2012.

Approved by the Governor March 30, 2012, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State March 30, 2012.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 3,
Substitute Senate Bill 6508 entitled:

"AN ACT Relating to department of social and health services
waivers of overpayment recoveries."

Section 3 requires the Office of Fraud and Accountability within the
Department of Social and Health Services to collaborate with the
Auditor's Office and the Department of Early Learning to identify,
review, and provide the Legislature with recommendations for

integrated monitoring and detection systems to prevent overpayments of public assistance. The Office of Fraud and Accountability was created for the specific purpose of focusing on the prevention and investigation of abuse and fraud in the use of public assistance benefits. To avoid diluting this focus, the Secretary of the Department of Social and Health Services should determine what resources of the Department are best used in advancing measures to prevent non-fraudulent overpayments of public assistance.

For this reason, I have vetoed Section 3 of Substitute Senate Bill 6508. With the exception of Section 3, Substitute Senate Bill 6508 is approved."