

SHB 2069 - S AMD 378

By Senators Hill, Hargrove

ADOPTED 06/28/2013

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 74.62.030 and 2011 1st sp.s. c 36 s 3 are each
4 amended to read as follows:

5 (1)(a) Effective November 1, 2011, the aged, blind, or disabled
6 assistance program shall provide financial grants to persons in need
7 who:

8 (i) Are not eligible to receive federal aid assistance, other than
9 basic food benefits transferred electronically and medical assistance;

10 (ii) Meet the eligibility requirements of subsection (3) of this
11 section; and

12 (iii) Are aged, blind, or disabled. For purposes of determining
13 eligibility for assistance for the aged, blind, or disabled assistance
14 program, the following definitions apply:

15 (A) "Aged" means age sixty-five or older.

16 (B) "Blind" means statutorily blind as defined for the purpose of
17 determining eligibility for the federal supplemental security income
18 program.

19 (C) "Disabled", until June 30, 2015, means a bodily or mental
20 infirmity that will (I) likely continue for a minimum of nine months;
21 (II) prevent the individual from currently performing work that the
22 individual was able to perform as a substantial gainful activity within
23 the prior ten years; and (III) is otherwise likely to meet the federal
24 supplemental security income disability standard as determined by the
25 department. In making this determination, the department should give
26 full consideration to the cumulative impact of an applicant's multiple
27 impairments, an applicant's age, and vocational and educational
28 history.

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

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

4 (~~(II)~~) (2) A determination that an individual is eligible to
5 receive optional categorically needy medicaid as a disabled person
6 under the federal regulations at 42 C.F.R. Parts 435, Secs. 201(a)(3)
7 and 210.

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

10 (i) Persons who are not able to engage in gainful employment due
11 primarily to alcohol or drug addiction. These persons shall be
12 referred to appropriate assessment, treatment, shelter, or supplemental
13 security income referral services as authorized under chapter 74.50
14 RCW. Referrals shall be made at the time of application or at the time
15 of eligibility review. This subsection may not be construed to
16 prohibit the department from granting aged, blind, or disabled
17 assistance benefits to alcoholics and drug addicts who are
18 incapacitated due to other physical or mental conditions that meet the
19 eligibility criteria for the aged, blind, or disabled assistance
20 program; or

21 (ii) Persons for whom there has been a final determination of
22 ineligibility for federal supplemental security income benefits.

23 (c) Persons may receive aged, blind, or disabled assistance
24 benefits pending application for federal supplemental security income
25 benefits. The monetary value of any aged, blind, or disabled
26 assistance benefit that is subsequently duplicated by the person's
27 receipt of supplemental security income for the same period shall be
28 considered a debt due the state and shall by operation of law be
29 subject to recovery through all available legal remedies.

30 (2) Effective November 1, 2011, the pregnant women assistance
31 program shall provide financial grants to persons who:

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

34 (b) Are pregnant and in need, based upon the current income and
35 resource standards of the federal temporary assistance for needy
36 families program, but are ineligible for federal temporary assistance
37 for needy families benefits for a reason other than failure to
38 cooperate in program requirements; and

1 (c) Meet the eligibility requirements of subsection (3) of this
2 section.

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

6 (a) Be a citizen or alien lawfully admitted for permanent residence
7 or otherwise residing in the United States under color of law;

8 (b) Meet the income and resource standards described in section
9 3(1) (d) and (e) of this act;

10 (c) Have furnished the department his or her social security
11 number. If the social security number cannot be furnished because it
12 has not been issued or is not known, an application for a number shall
13 be made prior to authorization of benefits, and the social security
14 number shall be provided to the department upon receipt;

15 ~~((+e))~~ (d) Not have ~~((not))~~ refused or failed without good cause
16 to participate in drug or alcohol treatment if an assessment by a
17 certified chemical dependency counselor indicates a need for such
18 treatment. Good cause must be found to exist when a person's physical
19 or mental condition, as determined by the department, prevents the
20 person from participating in drug or alcohol dependency treatment, when
21 needed outpatient drug or alcohol treatment is not available to the
22 person in the county of his or her residence or when needed inpatient
23 treatment is not available in a location that is reasonably accessible
24 for the person; and

25 ~~((+d))~~ (e) Not have refused or failed to cooperate in obtaining
26 federal aid assistance, without good cause.

27 (4) Effective November 1, 2011, referrals for essential needs and
28 housing support under RCW 43.185C.220 shall be provided to persons
29 found eligible ~~((for medical care services under RCW 74.09.035 who are~~
30 ~~not recipients of alcohol and addiction services provided under chapter~~
31 ~~74.50 RCW or are not recipients of aged, blind, or disabled~~
32 ~~assistance))~~ under section 3 of this act.

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

36 (a) Is fleeing to avoid prosecution of, or to avoid custody or
37 confinement for conviction of, a felony, or an attempt to commit a

1 felony, under the laws of the state of Washington or the place from
2 which the person flees; or

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

6 ~~((6) The department must review the cases of all persons, except
7 recipients of alcohol and addiction treatment under chapter 74.50 RCW,
8 or recipients of aged, blind, or disabled assistance, who have received
9 medical care services for twelve consecutive months, and at least
10 annually after the first review, to determine whether they are eligible
11 for the aged, blind, or disabled assistance program.))~~

12 **Sec. 2.** RCW 74.62.030 and 2013 2nd sp.s. c ... s 1 (section 1 of
13 this act) are each amended to read as follows:

14 (1)(a) Effective November 1, 2011, the aged, blind, or disabled
15 assistance program shall provide financial grants to persons in need
16 who:

17 (i) Are not eligible to receive federal aid assistance, other than
18 basic food benefits transferred electronically and medical assistance;

19 (ii) Meet the eligibility requirements of subsection (3) of this
20 section; and

21 (iii) Are aged, blind, or disabled. For purposes of determining
22 eligibility for assistance for the aged, blind, or disabled assistance
23 program, the following definitions apply:

24 (A) "Aged" means age sixty-five or older.

25 (B) "Blind" means statutorily blind as defined for the purpose of
26 determining eligibility for the federal supplemental security income
27 program.

28 (C) "Disabled"~~((, until June 30, 2015,))~~ means ~~((a bodily or mental
29 infirmity that will (I) likely continue for a minimum of nine months;
30 (II) prevent the individual from currently performing work that the
31 individual was able to perform as a substantial gainful activity within
32 the prior ten years; and (III) is otherwise))~~ likely to meet the
33 federal supplemental security income disability standard ~~((as
34 determined by the department))~~. In making this determination, the
35 department should give full consideration to the cumulative impact of
36 an applicant's multiple impairments, an applicant's age, and vocational
37 and educational history.

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

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

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

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

12 (i) Persons who are not able to engage in gainful employment due
13 primarily to alcohol or drug addiction. These persons shall be
14 referred to appropriate assessment, treatment, shelter, or supplemental
15 security income referral services as authorized under chapter 74.50
16 RCW. Referrals shall be made at the time of application or at the time
17 of eligibility review. This subsection may not be construed to
18 prohibit the department from granting aged, blind, or disabled
19 assistance benefits to alcoholics and drug addicts who are
20 incapacitated due to other physical or mental conditions that meet the
21 eligibility criteria for the aged, blind, or disabled assistance
22 program; or

23 (ii) Persons for whom there has been a final determination of
24 ineligibility for federal supplemental security income benefits.

25 (c) Persons may receive aged, blind, or disabled assistance
26 benefits pending application for federal supplemental security income
27 benefits. The monetary value of any aged, blind, or disabled
28 assistance benefit that is subsequently duplicated by the person's
29 receipt of supplemental security income for the same period shall be
30 considered a debt due the state and shall by operation of law be
31 subject to recovery through all available legal remedies.

32 (2) Effective November 1, 2011, the pregnant women assistance
33 program shall provide financial grants to persons who:

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

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

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

4 (c) Meet the eligibility requirements of subsection (3) of this
5 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 must:

9 (a) Be a citizen or alien lawfully admitted for permanent residence
10 or otherwise residing in the United States under color of law;

11 (b) Meet the income and resource standards described in section
12 3(1) (d) and (e) of this act;

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

18 (d) Not have refused or failed without good cause to participate in
19 drug or alcohol treatment if an assessment by a certified chemical
20 dependency counselor indicates a need for such treatment. Good cause
21 must be found to exist when a person's physical or mental condition, as
22 determined by the department, prevents the person from participating in
23 drug or alcohol dependency treatment, when needed outpatient drug or
24 alcohol treatment is not available to the person in the county of his
25 or her residence or when needed inpatient treatment is not available in
26 a location that is reasonably accessible for the person; and

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

29 (4) Effective November 1, 2011, referrals for essential needs and
30 housing support under RCW 43.185C.220 shall be provided to persons
31 found eligible under section 3 of this act.

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

35 (a) Is fleeing to avoid prosecution of, or to avoid custody or
36 confinement for conviction of, a felony, or an attempt to commit a
37 felony, under the laws of the state of Washington or the place from
38 which the person flees; or

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

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.04 RCW
5 to read as follows:

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

9 (a) Are incapacitated from gainful employment by reason of bodily
10 or mental infirmity that will likely continue for a minimum of ninety
11 days. The standard for incapacity in this subsection, as evidenced by
12 the ninety-day duration standard, is not intended to be as stringent as
13 federal supplemental security income disability standards;

14 (b) Are citizens or aliens lawfully admitted for permanent
15 residence or otherwise residing in the United States under color of
16 law;

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

22 (d) Have countable income as described in RCW 74.04.005 at or below
23 four hundred twenty-eight dollars for a married couple or at or below
24 three hundred thirty-nine dollars for a single individual;

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

27 (f) Are not eligible for:

28 (i) The aged, blind, or disabled assistance program;

29 (ii) The pregnant women assistance program; or

30 (iii) Federal aid assistance, other than basic food benefits
31 transferred electronically and medical assistance.

32 (2) The following persons are not eligible for a referral for
33 essential needs and housing support:

34 (a) Persons who are unemployable due primarily to alcohol or drug
35 addiction, except as provided in subsection (3) of this subsection.
36 These persons must be referred to appropriate assessment, treatment,
37 shelter, or supplemental security income referral services as

1 authorized under chapter 74.50 RCW. Referrals must be made at the time
2 of application or at the time of eligibility review. This subsection
3 may not be construed to prohibit the department from making a referral
4 for essential needs and housing report for persons who have a substance
5 abuse addiction who are incapacitated due to other physical or mental
6 conditions that meet the eligibility criteria for a referral for
7 essential needs and housing support.

8 (b) Persons who refuse or fail to cooperate in obtaining federal
9 aid assistance, without good cause;

10 (c) Persons who refuse or fail without good cause to participate in
11 drug or alcohol treatment if an assessment by a certified chemical
12 dependency counselor indicates a need for such treatment. Good cause
13 must be found to exist when a person's physical or mental condition, as
14 determined by the department, prevents the person from participating in
15 drug or alcohol dependency treatment, when needed outpatient drug or
16 alcohol treatment is not available to the person in the county of his
17 or her residence or when needed inpatient treatment is not available in
18 a location that is reasonably accessible for the person; and

19 (d) Persons who are fleeing to avoid prosecution of, or to avoid
20 custody or confinement for conviction of, a felony, or an attempt to
21 commit a felony, under the laws of the state of Washington or the place
22 from which the person flees; or who are violating a condition of
23 probation, community supervision, or parole imposed under federal or
24 state law for a felony or gross misdemeanor conviction.

25 (3) For purposes of determining whether a person is incapacitated
26 from gainful employment under subsection (1) of this section:

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

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

36 (4) For purposes of reviewing a person's continuing eligibility and
37 in order to remain eligible for the program, persons who have been
38 found to have an incapacity from gainful employment must demonstrate

1 that there has been no material improvement in their medical or mental
2 health condition. The department may discontinue benefits when there
3 was specific error in the prior determination that found the person
4 eligible by reason of incapacitation.

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

10 **Sec. 4.** RCW 43.185C.220 and 2011 1st sp.s. c 36 s 4 are each
11 amended to read as follows:

12 (1) The department shall distribute funds for the essential needs
13 and housing support program established under this section in a manner
14 consistent with the requirements of this section and the biennial
15 operating budget. The first distribution of funds must be completed by
16 September 1, 2011. Essential needs or housing support is only for
17 persons found eligible for such services under ((RCW 74.62.030(4)))
18 section 3 of this act and is not considered an entitlement.

19 (2) The department shall distribute funds appropriated for the
20 essential needs and housing support program in the form of grants to
21 designated essential needs support and housing support entities within
22 each county. The department shall not distribute any funds until it
23 approves the expenditure plan submitted by the designated essential
24 needs support and housing support entities. The amount of funds to be
25 distributed pursuant to this section shall be designated in the
26 biennial operating budget. For the sole purpose of meeting the initial
27 distribution of funds date, the department may distribute partial funds
28 upon the department's approval of a preliminary expenditure plan. The
29 department shall not distribute the remaining funds until it has
30 approved a final expenditure plan.

31 (3)(a) During the 2011-2013 biennium, in awarding housing support
32 that is not funded through the contingency fund in this subsection, the
33 designated housing support entity shall provide housing support to
34 clients who are homeless persons as defined in RCW 43.185C.010. As
35 provided in the biennial operating budget for the 2011-2013 biennium,
36 a contingency fund shall be used solely for those clients who are at
37 substantial risk of losing stable housing or at substantial risk of

1 losing one of the other services defined in RCW 74.62.010(6). For
2 purposes of this chapter, "substantial risk" means the client has
3 provided documentation that he or she will lose his or her housing
4 within the next thirty days or that the services will be discontinued
5 within the next thirty days.

6 (b) After July 1, 2013, the designated housing support entity shall
7 give first priority to clients who are homeless persons as defined in
8 RCW 43.185C.010 and second priority to clients who would be at
9 substantial risk of losing stable housing without housing support.

10 (4) For each county, the department shall designate an essential
11 needs support entity and a housing support entity that will begin
12 providing these supports to medical care services program recipients on
13 November 1, 2011. Essential needs and housing support entities are not
14 required to provide assistance to every (~~medical care services~~
15 ~~recipient that is~~) person referred to the local entity or who meets
16 the priority standards in subsection (3) of this section.

17 (a) Each designated entity must be a local government or
18 community-based organization, and may administer the funding for
19 essential needs support, housing support, or both. Designated entities
20 have the authority to subcontract with qualified entities. Upon
21 request, and the approval of the department, two or more counties may
22 combine resources to more effectively deliver services.

23 (b) The department's designation process must include a review of
24 proficiency in managing housing or human services programs when
25 designating housing support entities.

26 (c) Within a county, if the department directly awards separate
27 grants to the designated housing support entity and the designated
28 essential needs support entity, the department shall determine the
29 amount allocated for essential needs support as directed in the
30 biennial operating budget.

31 (5)(a) Essential needs and housing support entities must use funds
32 distributed under this section as flexibly as is practicable to provide
33 essential needs items and housing support to recipients of the
34 essential needs and housing support program, subject to the
35 requirements of this section.

36 (b) Benefits provided under the essential needs and housing support
37 program shall not be provided to recipients in the form of cash
38 assistance.

1 (c) The appropriations by the legislature for the purposes of the
2 essential needs and housing support program established under this
3 section shall be based on forecasted program caseloads. The caseload
4 forecast council shall provide a courtesy forecast of the (~~medical
5 care services recipient~~) population eligible for a referral for
6 essential needs and housing support that is homeless or is included in
7 reporting under subsection (7)(c)(iii) of this section. The department
8 may move funds between entities or between counties to reflect actual
9 caseload changes. In doing so, the department must: (i) Develop a
10 process for reviewing the caseload of designated essential needs and
11 housing support entities, and for redistributing grant funds from those
12 entities experiencing reduced actual caseloads to those with increased
13 actual caseloads; and (ii) inform all designated entities of the
14 redistribution process. Savings resulting from program caseload
15 attrition from the essential needs and housing support program shall
16 not result in increased per-client expenditures.

17 (d) Essential needs and housing support entities must partner with
18 other public and private organizations to maximize the beneficial
19 impact of funds distributed under this section, and should attempt to
20 leverage other sources of public and private funds to serve essential
21 needs and housing support recipients. Funds appropriated in the
22 operating budget for essential needs and housing support must be used
23 only to serve persons eligible to receive services under that program.

24 (6) The department shall use no more than five percent of the funds
25 for administration of the essential needs and housing support program.
26 Each essential needs and housing support entity shall use no more than
27 seven percent of the funds for administrative expenses.

28 (7) The department shall:

29 (a) Require housing support entities to enter data into the
30 homeless client management information system;

31 (b) Require essential needs support entities to report on services
32 provided under this section;

33 (c) In collaboration with the department of social and health
34 services, submit a report annually to the relevant policy and fiscal
35 committees of the legislature. A preliminary report shall be submitted
36 by December 31, 2011, and must include (c)(i), (iii), and (v) of this
37 subsection. Annual reports must be submitted beginning December 1,
38 2012, and must include:

1 (i) A description of the actions the department has taken to
2 achieve the objectives of chapter 36, Laws of 2011 1st sp. sess.;

3 (ii) The amount of funds used by the department to administer the
4 program;

5 (iii) Information on the housing status of essential needs and
6 housing support recipients served by housing support entities, and
7 individuals who have requested housing support but did not receive
8 housing support;

9 (iv) Grantee expenditure data related to administration and
10 services provided under this section; and

11 (v) Efforts made to partner with other entities and leverage
12 sources or public and private funds;

13 (d) Review the data submitted by the designated entities, and make
14 recommendations for program improvements and administrative
15 efficiencies. The department has the authority to designate
16 alternative entities as necessary due to performance or other
17 significant issues. Such change must only be made after consultation
18 with the department of social and health services and the impacted
19 entity.

20 (8) The department, counties, and essential needs and housing
21 support entities are not civilly or criminally liable and may not have
22 any penalty or cause of action of any nature arise against them related
23 to decisions regarding: (a) The provision or lack of provision of
24 housing or essential needs support; or (b) the type of housing
25 arrangement supported with funds allocated under this section, when the
26 decision was made in good faith and in the performance of the powers
27 and duties under this section. However, this section does not prohibit
28 legal actions against the department, county, or essential needs or
29 housing support entity to enforce contractual duties or obligations.

30 **Sec. 5.** RCW 43.185C.230 and 2011 1st sp.s. c 36 s 5 are each
31 amended to read as follows:

32 The department, in collaboration with the department of social and
33 health services, shall develop a mechanism through which the department
34 and local governments or community-based organizations can verify a
35 person has been determined eligible by the department of social and
36 health services and remains eligible for (~~medical care services under~~

1 ~~RCW 74.09.035 by the department of social and health services)~~ the
2 essential needs and housing support program.

3 **Sec. 6.** RCW 74.09.510 and 2011 1st sp.s. c 36 s 9 and 2011 1st
4 sp.s. c 15 s 25 are each reenacted and amended to read as follows:

5 Medical assistance may be provided in accordance with eligibility
6 requirements established by the authority, as defined in the social
7 security Title XIX state plan for mandatory categorically needy persons
8 and:

9 (1) Individuals who would be eligible for cash assistance except
10 for their institutional status;

11 (2) Individuals who are under twenty-one years of age, who would be
12 eligible for medicaid, but do not qualify as dependent children and who
13 are in (a) foster care, (b) subsidized adoption, (c) a nursing facility
14 or an intermediate care facility for persons with intellectual
15 disabilities, or (d) inpatient psychiatric facilities;

16 (3) Individuals who:

17 (a) Are under twenty-one years of age;

18 (b) On or after July 22, 2007, were in foster care under the legal
19 responsibility of the department or a federally recognized tribe
20 located within the state; and

21 (c) On their eighteenth birthday, were in foster care under the
22 legal responsibility of the department or a federally recognized tribe
23 located within the state;

24 (4) Persons who are aged, blind, or disabled who: (a) Receive only
25 a state supplement, or (b) would not be eligible for cash assistance if
26 they were not institutionalized;

27 (5) Categorically eligible individuals who meet the income and
28 resource requirements of the cash assistance programs;

29 (6) Individuals who are enrolled in managed health care systems,
30 who have otherwise lost eligibility for medical assistance, but who
31 have not completed a current six-month enrollment in a managed health
32 care system, and who are eligible for federal financial participation
33 under Title XIX of the social security act;

34 (7) Children and pregnant women allowed by federal statute for whom
35 funding is appropriated;

36 (8) Working individuals with disabilities authorized under section

1 1902(a)(10)(A)(ii) of the social security act for whom funding is
2 appropriated;

3 (9) Other individuals eligible for medical services under ((RCW
4 ~~74.09.035 based on age, blindness, or disability and income and~~
5 ~~resources standards for medical care services and~~) RCW 74.09.700 for
6 whom federal financial participation is available under Title XIX of
7 the social security act;

8 (10) Persons allowed by section 1931 of the social security act for
9 whom funding is appropriated; and

10 (11) Women who: (a) Are under sixty-five years of age; (b) have
11 been screened for breast and cervical cancer under the national breast
12 and cervical cancer early detection program administered by the
13 department of health or tribal entity and have been identified as
14 needing treatment for breast or cervical cancer; and (c) are not
15 otherwise covered by health insurance. Medical assistance provided
16 under this subsection is limited to the period during which the woman
17 requires treatment for breast or cervical cancer, and is subject to any
18 conditions or limitations specified in the omnibus appropriations act.

19 **Sec. 7.** RCW 74.09.035 and 2011 1st sp.s. c 36 s 6 and 2011 1st
20 sp.s. c 15 s 3 are each reenacted and amended to read as follows:

21 (1) To the extent of available funds, medical care services may be
22 provided to:

23 (a) ((~~Persons who:~~

24 ~~(i) Are incapacitated from gainful employment by reason of bodily~~
25 ~~or mental infirmity that will likely continue for a minimum of ninety~~
26 ~~days as determined by the department. The standard for incapacity in~~
27 ~~this subsection, as evidenced by the ninety-day duration standard, is~~
28 ~~not intended to be as stringent as federal supplemental security income~~
29 ~~disability standards;~~

30 ~~(ii) Are citizens or aliens lawfully admitted for permanent~~
31 ~~residence or otherwise residing in the United States under color of~~
32 ~~law;~~

33 ~~(iii) Have furnished the department their social security number.~~
34 ~~If the social security number cannot be furnished because it has not~~
35 ~~been issued or is not known, an application for a number shall be made~~
36 ~~prior to authorization of benefits, and the social security number~~
37 ~~shall be provided to the department upon receipt;~~

1 ~~(iv) Have countable income as described in RCW 74.04.005 at or~~
2 ~~below four hundred twenty-eight dollars for a married couple or at or~~
3 ~~below three hundred thirty-nine dollars for a single individual; and~~

4 ~~(v) Do not have countable resources in excess of those described in~~
5 ~~RCW 74.04.005.~~

6 ~~(b))~~ Persons eligible for the aged, blind, or disabled assistance
7 program authorized in RCW 74.62.030 and who are not eligible for
8 medicaid under RCW 74.09.510; and

9 (b) Persons eligible for essential needs and housing support under
10 section 3 of this act and who are not eligible for medicaid under RCW
11 74.09.510.

12 ~~((c) Persons eligible for alcohol and drug addiction services~~
13 ~~provided under chapter 74.50 RCW, in accordance with medical~~
14 ~~eligibility requirements established by the department.~~

15 ~~(d) The following persons are not eligible for medical care~~
16 ~~services:~~

17 ~~(i) Persons who are unemployable due primarily to alcohol or drug~~
18 ~~addiction, except as provided in (c) of this subsection. These persons~~
19 ~~shall be referred to appropriate assessment, treatment, shelter, or~~
20 ~~supplemental security income referral services as authorized under~~
21 ~~chapter 74.50 RCW. Referrals shall be made at the time of application~~
22 ~~or at the time of eligibility review. This subsection shall not be~~
23 ~~construed to prohibit the department from granting medical care~~
24 ~~services benefits to alcoholics and drug addicts who are incapacitated~~
25 ~~due to other physical or mental conditions that meet the eligibility~~
26 ~~criteria for medical care services;~~

27 ~~(ii) Persons who refuse or fail to cooperate in obtaining federal~~
28 ~~aid assistance, without good cause;~~

29 ~~(iii) Persons who refuse or fail without good cause to participate~~
30 ~~in drug or alcohol treatment if an assessment by a certified chemical~~
31 ~~dependency counselor indicates a need for such treatment. Good cause~~
32 ~~must be found to exist when a person's physical or mental condition, as~~
33 ~~determined by the department, prevents the person from participating in~~
34 ~~drug or alcohol dependency treatment, when needed outpatient drug or~~
35 ~~alcohol treatment is not available to the person in the county of his~~
36 ~~or her residence or when needed inpatient treatment is not available in~~
37 ~~a location that is reasonably accessible for the person; and~~

1 ~~(iv) Persons who are fleeing to avoid prosecution of, or to avoid~~
2 ~~custody or confinement for conviction of, a felony, or an attempt to~~
3 ~~commit a felony, under the laws of the state of Washington or the place~~
4 ~~from which the person flees; or who are violating a condition of~~
5 ~~probation, community supervision, or parole imposed under federal or~~
6 ~~state law for a felony or gross misdemeanor conviction.~~

7 ~~(e) For purposes of determining whether a person is incapacitated~~
8 ~~from gainful employment under (a) of this subsection:~~

9 ~~(i) The department shall adopt by rule medical criteria for~~
10 ~~incapacity determinations to ensure that eligibility decisions are~~
11 ~~consistent with statutory requirements and are based on clear,~~
12 ~~objective medical information; and~~

13 ~~(ii) The process implementing the medical criteria shall involve~~
14 ~~consideration of opinions of the treating or consulting physicians or~~
15 ~~health care professionals regarding incapacity, and any eligibility~~
16 ~~decision which rejects uncontroverted medical opinion must set forth~~
17 ~~clear and convincing reasons for doing so.~~

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

25 (2) Enrollment in medical care services may not result in
26 expenditures that exceed the amount that has been appropriated in the
27 operating budget. If it appears that continued enrollment will result
28 in expenditures exceeding the appropriated level for a particular
29 fiscal year, the department may freeze new enrollment and establish a
30 waiting list of persons who may receive benefits only when sufficient
31 funds are available.

32 (3) Determination of the amount, scope, and duration of medical
33 care services shall be limited to coverage as defined by the authority,
34 except that adult dental, and routine foot care shall not be included
35 unless there is a specific appropriation for these services.

36 (4) The authority shall enter into performance-based contracts with
37 one or more managed health care systems for the provision of medical

1 care services under this section. The contract must provide for
2 integrated delivery of medical and mental health services.

3 (5) The authority shall establish standards of assistance and
4 resource and income exemptions, which may include deductibles and co-
5 insurance provisions. In addition, the authority may include a
6 prohibition against the voluntary assignment of property or cash for
7 the purpose of qualifying for assistance.

8 ~~(6) ((Residents of skilled nursing homes, intermediate care
9 facilities, and intermediate care facilities for persons with
10 intellectual disabilities, as that term is described by federal law,
11 who are eligible for medical care services shall be provided medical
12 services to the same extent as provided to those persons eligible under
13 the medical assistance program.~~

14 ~~(7))~~ Eligibility for medical care services shall commence with the
15 date of ~~((certification for medical care services, date of))~~
16 eligibility for the aged, blind, or disabled assistance program
17 provided under RCW 74.62.030~~((7))~~ or the date ~~((or))~~ of eligibility for
18 ~~((alcohol and drug addiction services provided under chapter 74.50~~
19 ~~RCW))~~ the essential needs and housing support program under section 3
20 of this act.

21 **Sec. 8.** RCW 74.09.010 and 2011 1st sp.s. c 15 s 2 and 2011 c 316
22 s 2 are each reenacted and amended to read as follows:

23 The definitions in this section apply throughout this chapter
24 unless the context clearly requires otherwise.

25 (1) "Authority" means the Washington state health care authority.

26 (2) "Children's health program" means the health care services
27 program provided to children under eighteen years of age and in
28 households with incomes at or below the federal poverty level as
29 annually defined by the federal department of health and human services
30 as adjusted for family size, and who are not otherwise eligible for
31 medical assistance or the limited casualty program for the medically
32 needy.

33 (3) "Chronic care management" means the health care management
34 within a health home of persons identified with, or at high risk for,
35 one or more chronic conditions. Effective chronic care management:

36 (a) Actively assists patients to acquire self-care skills to

1 improve functioning and health outcomes, and slow the progression of
2 disease or disability;

3 (b) Employs evidence-based clinical practices;

4 (c) Coordinates care across health care settings and providers,
5 including tracking referrals;

6 (d) Provides ready access to behavioral health services that are,
7 to the extent possible, integrated with primary care; and

8 (e) Uses appropriate community resources to support individual
9 patients and families in managing chronic conditions.

10 (4) "Chronic condition" means a prolonged condition and includes,
11 but is not limited to:

12 (a) A mental health condition;

13 (b) A substance use disorder;

14 (c) Asthma;

15 (d) Diabetes;

16 (e) Heart disease; and

17 (f) Being overweight, as evidenced by a body mass index over
18 twenty-five.

19 (5) "County" means the board of county commissioners, county
20 council, county executive, or tribal jurisdiction, or its designee.

21 (6) "Department" means the department of social and health
22 services.

23 (7) "Department of health" means the Washington state department of
24 health created pursuant to RCW 43.70.020.

25 (8) "Director" means the director of the Washington state health
26 care authority.

27 (9) "Full benefit dual eligible beneficiary" means an individual
28 who, for any month: Has coverage for the month under a medicare
29 prescription drug plan or medicare advantage plan with part D coverage;
30 and is determined eligible by the state for full medicaid benefits for
31 the month under any eligibility category in the state's medicaid plan
32 or a section 1115 demonstration waiver that provides pharmacy benefits.

33 (10) "Health home" or "primary care health home" means coordinated
34 health care provided by a licensed primary care provider coordinating
35 all medical care services, and a multidisciplinary health care team
36 comprised of clinical and nonclinical staff. The term "coordinating
37 all medical care services" shall not be construed to require prior
38 authorization by a primary care provider in order for a patient to

1 receive treatment for covered services by an optometrist licensed under
2 chapter 18.53 RCW. Primary care health home services shall include
3 those services defined as health home services in 42 U.S.C. Sec. 1396w-
4 4 and, in addition, may include, but are not limited to:

5 (a) Comprehensive care management including, but not limited to,
6 chronic care treatment and management;

7 (b) Extended hours of service;

8 (c) Multiple ways for patients to communicate with the team,
9 including electronically and by phone;

10 (d) Education of patients on self-care, prevention, and health
11 promotion, including the use of patient decision aids;

12 (e) Coordinating and assuring smooth transitions and follow-up from
13 inpatient to other settings;

14 (f) Individual and family support including authorized
15 representatives;

16 (g) The use of information technology to link services, track
17 tests, generate patient registries, and provide clinical data; and

18 (h) Ongoing performance reporting and quality improvement.

19 (11) "Internal management" means the administration of medical
20 assistance, medical care services, the children's health program, and
21 the limited casualty program.

22 (12) "Limited casualty program" means the medical care program
23 provided to medically needy persons as defined under Title XIX of the
24 federal social security act, and to medically indigent persons who are
25 without income or resources sufficient to secure necessary medical
26 services.

27 (13) "Medical assistance" means the federal aid medical care
28 program provided to categorically needy persons as defined under Title
29 XIX of the federal social security act.

30 (14) "Medical care services" means the limited scope of care
31 financed by state funds and provided to (~~disability lifeline benefits~~
32 ~~recipients, and recipients of alcohol and drug addiction services~~
33 ~~provided under chapter 74.50 RCW~~) persons who are not eligible for
34 medicaid under RCW 74.09.510 and who are eligible for the aged, blind,
35 or disabled assistance program authorized in RCW 74.62.030 or the
36 essential needs and housing support program pursuant to section 3 of
37 this act.

1 (15) "Multidisciplinary health care team" means an
2 interdisciplinary team of health professionals which may include, but
3 is not limited to, medical specialists, nurses, pharmacists,
4 nutritionists, dieticians, social workers, behavioral and mental health
5 providers including substance use disorder prevention and treatment
6 providers, doctors of chiropractic, physical therapists, licensed
7 complementary and alternative medicine practitioners, home care and
8 other long-term care providers, and physicians' assistants.

9 (16) "Nursing home" means nursing home as defined in RCW 18.51.010.

10 (17) "Poverty" means the federal poverty level determined annually
11 by the United States department of health and human services, or
12 successor agency.

13 (18) "Primary care provider" means a general practice physician,
14 family practitioner, internist, pediatrician, osteopath, naturopath,
15 physician assistant, osteopathic physician assistant, and advanced
16 registered nurse practitioner licensed under Title 18 RCW.

17 (19) "Secretary" means the secretary of social and health services.

18 NEW SECTION. **Sec. 9.** Except for section 2 of this act, this act
19 takes effect January 1, 2014.

20 NEW SECTION. **Sec. 10.** Section 2 of this act takes effect July 1,
21 2015."

SHB 2069 - S AMD
By Senators Hill, Hargrove

ADOPTED 06/28/2013

22 On page 1, line 4 of the title, after "RCW 43.185C.220;" strike the
23 remainder of the title and insert "amending RCW 74.62.030, 74.62.030,
24 43.185C.220, and 43.185C.230; reenacting and amending RCW 74.09.510,
25 74.09.035, and 74.09.010; adding a new section to chapter 74.04 RCW;
26 and providing effective dates."

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