

HB 1748 - S COMM AMD

By Committee on Human Services, Reentry & Rehabilitation

ADOPTED 02/25/2022

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

3 **"Sec. 1.** RCW 74.04.805 and 2020 c 322 s 1 are each amended to
4 read as follows:

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

8 (a) Have been determined to be eligible for the pregnant women
9 assistance program under RCW 74.62.030 or are incapacitated from
10 gainful employment by reason of bodily or mental infirmity that will
11 likely continue for a minimum of ninety days. The standard for
12 incapacity in this subsection, as evidenced by the ninety-day
13 duration standard, is not intended to be as stringent as federal
14 supplemental security income disability standards;

15 (b) Are citizens or aliens lawfully admitted for permanent
16 residence or otherwise residing in the United States under color of
17 law, or are victims of human trafficking as defined in RCW 74.04.005;

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

23 (ii) This requirement does not apply to victims of human
24 trafficking as defined in RCW 74.04.005 if they have not been issued
25 a social security number;

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

29 (ii) Have income that meets the standard established by the
30 department, who are eligible for the pregnant women assistance
31 program;

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

3 (f) Are not eligible for federal aid assistance, other than basic
4 food benefits transferred electronically and medical assistance.

5 (2) Recipients of aged, blind, or disabled assistance program
6 benefits who meet other eligibility requirements in this section are
7 eligible for a referral for essential needs and housing support
8 services within funds appropriated for the department of commerce.

9 (3) Recipients of pregnant women assistance program benefits who
10 meet other eligibility requirements in this section are eligible for
11 referral for essential needs and housing support services, within
12 funds appropriated for the department of commerce, for twenty-four
13 consecutive months from the date the department determines pregnant
14 women assistance program eligibility.

15 (4) The following persons are not eligible for a referral for
16 essential needs and housing support:

17 (a) Persons who refuse or fail to cooperate in obtaining federal
18 aid assistance, without good cause;

19 (b) Persons who refuse or fail without good cause to participate
20 in ~~((drug or alcohol))~~ substance use treatment if an assessment by a
21 certified ~~((chemical dependency counselor))~~ substance use disorder
22 professional indicates a need for such treatment. Good cause must be
23 found to exist when a person's physical or mental condition, as
24 determined by the department, prevents the person from participating
25 in ~~((drug or alcohol dependency))~~ substance use treatment, when
26 needed outpatient ~~((drug or alcohol))~~ treatment is not available to
27 the person in the county of ~~((his or her))~~ their residence or when
28 needed inpatient treatment is not available in a location that is
29 reasonably accessible for the person; and

30 (c) Persons who are fleeing to avoid prosecution of, or to avoid
31 custody or confinement for conviction of, a felony, or an attempt to
32 commit a felony, under the laws of the state of Washington or the
33 place from which the person flees; or who are violating a condition
34 of probation, community supervision, or parole imposed under federal
35 or state law for a felony or gross misdemeanor conviction.

36 (5) For purposes of determining whether a person is incapacitated
37 from gainful employment under subsection (1) of this section:

38 (a) The department shall adopt by rule medical criteria for
39 incapacity determinations to ensure that eligibility decisions are

1 consistent with statutory requirements and are based on clear,
2 objective medical information; and

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

8 (6) For purposes of reviewing a person's continuing eligibility
9 and in order to remain eligible for the program, persons who have
10 been found to have an incapacity from gainful employment must
11 demonstrate that there has been no material improvement in their
12 medical or mental health condition. The department may discontinue
13 benefits when there was specific error in the prior determination
14 that found the person eligible by reason of incapacitation.

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

20 **Sec. 2.** RCW 74.62.030 and 2018 c 48 s 2 are each amended to read
21 as follows:

22 (1)(a) The aged, blind, or disabled assistance program shall
23 provide financial grants to persons in need who:

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

27 (ii) Meet the eligibility requirements of subsection (3) of this
28 section; and

29 (iii) Are aged, blind, or disabled. For purposes of determining
30 eligibility for assistance for the aged, blind, or disabled
31 assistance program, the following definitions apply:

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

33 (B) "Blind" means statutorily blind as defined for the purpose of
34 determining eligibility for the federal supplemental security income
35 program.

36 (C) "Disabled" means likely to meet the federal supplemental
37 security income disability standard. In making this determination,
38 the department should give full consideration to the cumulative

1 impact of an applicant's multiple impairments, an applicant's age,
2 and vocational and educational history.

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

5 (I) A previous disability determination by the social security
6 administration or the disability determination service entity within
7 the department; or

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

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

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

25 (ii) Persons for whom there has been a final determination of
26 ineligibility based on age, blindness, or disability for federal
27 supplemental security income benefits.

28 (c) Persons may receive aged, blind, or disabled assistance
29 benefits and essential needs and housing program support under RCW
30 43.185C.220 concurrently while pending application for federal
31 supplemental security income benefits. The monetary value of any
32 aged, blind, or disabled assistance benefit that is subsequently
33 duplicated by the person's receipt of supplemental security income
34 for the same period shall be considered a debt due the state and
35 shall by operation of law be subject to recovery through all
36 available legal remedies.

37 (2) The pregnant women assistance program shall provide financial
38 grants to persons who:

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

1 (b) Are pregnant and in need, based upon the current income and
2 resource standards of the federal temporary assistance for needy
3 families program, but are ineligible for federal temporary assistance
4 for needy families benefits for a reason other than failure to
5 cooperate in program requirements; and

6 (c) Meet the eligibility requirements of subsection (3) of this
7 section.

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

12 (a) Be a citizen or alien lawfully admitted for permanent
13 residence or otherwise residing in the United States under color of
14 law, or be a victim of human trafficking as defined in RCW 74.04.005;

15 (b) Meet the income and resource standards described in RCW
16 74.04.805(1) (d) and (e);

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

23 (ii) This requirement does not apply to victims of human
24 trafficking as defined in RCW 74.04.005 if they have not been issued
25 a social security number;

26 (d) Not have refused or failed without good cause to participate
27 in (~~(drug or alcohol)~~) substance use treatment if an assessment by a
28 certified (~~(chemical dependency counselor)~~) substance use disorder
29 professional indicates a need for such treatment. Good cause must be
30 found to exist when a person's physical or mental condition, as
31 determined by the department, prevents the person from participating
32 in (~~(drug or alcohol dependency)~~) substance use treatment, when
33 needed outpatient (~~(drug or alcohol)~~) treatment is not available to
34 the person in the county of (~~(his or her)~~) their residence or when
35 needed inpatient treatment is not available in a location that is
36 reasonably accessible for the person; and

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

1 (4) Referrals for essential needs and housing support under RCW
2 43.185C.220 shall be provided to persons found eligible under RCW
3 74.04.805.

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

7 (a) Is fleeing to avoid prosecution of, or to avoid custody or
8 confinement for conviction of, a felony, or an attempt to commit a
9 felony, under the laws of the state of Washington or the place from
10 which the person flees; or

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

14 (6) The department must share client data for individuals
15 eligible for essential needs and housing support with the department
16 of commerce and designated essential needs and housing support
17 entities as required under RCW 43.185C.230.

18 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2022."

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ADOPTED 02/25/2022

19 On page 1, line 2 of the title, after "trafficking;" strike the
20 remainder of the title and insert "amending RCW 74.04.805 and
21 74.62.030; and providing an effective date."

EFFECT: States that while an applicant for ABD, HEN, or PWA is to provide DSHS with their social security number, victims of human trafficking as defined in RCW 74.04.005 are not required to do so, unless they have been issued a social security number. Adds an effective date of July 1, 2022.

Makes a technical correction.

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