
HOUSE BILL 1748

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2022 Regular Session

By Representatives Entenman, Leavitt, Valdez, Callan, Gregerson, Peterson, Shewmake, Wylie, Sullivan, Simmons, Riccelli, and Harris-Talley; by request of Department of Social and Health Services

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1 AN ACT Relating to aged, blind, or disabled program eligibility
2 for victims of human trafficking; and amending RCW 74.04.805 and
3 74.62.030.

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

5 **Sec. 1.** RCW 74.04.805 and 2020 c 322 s 1 are each amended to
6 read as follows:

7 (1) The department is responsible for determining eligibility for
8 referral for essential needs and housing support under RCW
9 43.185C.220. Persons eligible are persons who:

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

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

20 (c) Have furnished the department with their social security
21 number. If the social security number cannot be furnished because it

1 has not been issued or is not known, an application for a number must
2 be made prior to authorization of benefits, and the social security
3 number must be provided to the department upon receipt;

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

7 (ii) Have income that meets the standard established by the
8 department, who are eligible for the pregnant women assistance
9 program;

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

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

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

18 (3) Recipients of pregnant women assistance program benefits who
19 meet other eligibility requirements in this section are eligible for
20 referral for essential needs and housing support services, within
21 funds appropriated for the department of commerce, for twenty-four
22 consecutive months from the date the department determines pregnant
23 women assistance program eligibility.

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

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

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

39 (c) Persons who are fleeing to avoid prosecution of, or to avoid
40 custody or confinement for conviction of, a felony, or an attempt to

1 commit a felony, under the laws of the state of Washington or the
2 place from which the person flees; or who are violating a condition
3 of probation, community supervision, or parole imposed under federal
4 or state law for a felony or gross misdemeanor conviction.

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

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

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

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

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

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

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

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

35 (ii) Meet the eligibility requirements of subsection (3) of this
36 section; and

37 (iii) Are aged, blind, or disabled. For purposes of determining
38 eligibility for assistance for the aged, blind, or disabled
39 assistance program, the following definitions apply:

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

2 (B) "Blind" means statutorily blind as defined for the purpose of
3 determining eligibility for the federal supplemental security income
4 program.

5 (C) "Disabled" means likely to meet the federal supplemental
6 security income disability standard. In making this determination,
7 the department should give full consideration to the cumulative
8 impact of an applicant's multiple impairments, an applicant's age,
9 and vocational and educational history.

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

12 (I) A previous disability determination by the social security
13 administration or the disability determination service entity within
14 the department; or

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

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

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

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

34 (c) Persons may receive aged, blind, or disabled assistance
35 benefits and essential needs and housing program support under RCW
36 43.185C.220 concurrently while pending application for federal
37 supplemental security income benefits. The monetary value of any
38 aged, blind, or disabled assistance benefit that is subsequently
39 duplicated by the person's receipt of supplemental security income
40 for the same period shall be considered a debt due the state and

1 shall by operation of law be subject to recovery through all
2 available legal remedies.

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

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

7 (b) Are pregnant and in need, based upon the current income and
8 resource standards of the federal temporary assistance for needy
9 families program, but are ineligible for federal temporary assistance
10 for needy families benefits for a reason other than failure to
11 cooperate in program requirements; and

12 (c) Meet the eligibility requirements of subsection (3) of this
13 section.

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

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

21 (b) Meet the income and resource standards described in RCW
22 74.04.805(1) (d) and (e);

23 (c) Have furnished the department (~~his or her~~) with their
24 social security number. If the social security number cannot be
25 furnished because it has not been issued or is not known, an
26 application for a number shall be made prior to authorization of
27 benefits, and the social security number shall be provided to the
28 department upon receipt;

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

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

3 (4) Referrals for essential needs and housing support under RCW
4 43.185C.220 shall be provided to persons found eligible under RCW
5 74.04.805.

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

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

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

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

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