

**RCW 74.04.815 Military dependents—Home and community-based services programs.** (1) As used in this section:

(a) "Dependent" means a spouse, birth child, adopted child, or stepchild of a military service member.

(b) "Legal resident" means a person who maintains Washington as his or her principal establishment, home of record, or permanent home and to where, whenever absent due to military obligation, he or she intends to return.

(c) "Military service" means service in the armed forces, armed forces reserves, or membership in the Washington national guard.

(d) "Military service member," for the purposes of this section, is expanded to mean a person who is currently in military service or who has separated from military service in the previous eighteen months either through retirement or military separation.

(2) A dependent, who is a legal resident of the state, having previously been determined to be eligible for developmental disability services through the department, shall retain eligibility as long as he or she remains a legal resident of the state regardless of having left the state due to the military service member's military assignment outside the state. If the state eligibility requirements change, the dependent shall retain eligibility until a reeligibility determination is made.

(3) Upon assessment determination, the department shall direct that services be provided consistent with Title 71A RCW and appropriate rules if the dependent furnishes:

(a) A copy of the military service member's DD-214 or other equivalent discharge paperwork; and

(b) Proof of the military service member's legal residence in the state, as provided under RCW 46.16A.140.

(4) For dependents who received developmental disability services and who left the state due to the military service member's military assignment outside the state, upon the dependent's return to the state and when a request for services is made, the department must:

(a) Determine eligibility for services which may include request for waiver services;

(b) Provide notification for the service eligibility determination which includes notification for denial of services; and

(c) Provide due process through the appeals processes established by the department.

(5) To continue eligibility under subsection (2) of this section, the dependent is required to inform the department of his or her current address and provide updates as requested by the department.

(6) The secretary shall request a waiver from the appropriate federal agency if it is necessary to implement the provisions of this section.

(7) The department may adopt rules necessary to implement the provisions of this section. [2014 c 180 § 1.]