**Chapter 388-827 WAC**

**STATE SUPPLEMENTARY PAYMENT PROGRAM**

**WAC**

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State Supplementary Payment Program


WAC 388-827-0100 What is a state supplementary payment? (1) The state supplementary payment is a state-paid cash assistance program for eligible clients of the developmental disabilities administration.

(2) There are five types of state supplementary payment:
(a) Children's legacy care;
(b) Home and community based services waiver;
(c) Prevocational legacy;
(d) Residential habilitation; and
(e) State supplementary payment in lieu of individual and family services.


WAC 388-827-0105 Who is eligible for a state supplementary payment? (1) The developmental disabilities administration (DDA) must not enroll you in state supplementary payments after the effective date of this section, unless you are eligible for a state supplementary payment for prevocational legacy.

(2) To be eligible for a state supplementary payment, you must meet all general eligibility requirements under subsection (3) of this section and any applicable program-specific requirements under subsections (4) through (8) of this section.

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(3) State supplementary payments are limited to available funding.

(4) DDA will terminate your state supplementary payments for prevocational legacy if you enter into a DDA prevocational service or a DDA residential habilitation service.


WAC 388-827-0125 If DDA denies, reduces, or terminates a state supplementary payment, what may I do?

(1) If the developmental disabilities administration (DDA) denies, reduces, or terminates a state supplementary payment, you may request an administrative hearing, an exception to rule under WAC 388-440-0001, or both.

(2) To request an administrative hearing, see WAC 388-825-120 through 388-825-165.

(3) To request an exception to rule, you must submit a written request for an exception to rule to the DDA regional administrator.

(4) DDA may grant an exception to any requirement in this chapter if the assistant secretary decides that the facts of your case justify an exception to rule.

(5) DDA must notify you in writing of the assistant secretary's decision no later than sixty days after the regional administrator received your request for an exception to rule.

(6) You do not have the right to challenge at an administrative hearing the assistant secretary's decision regarding your request for an exception to rule. You may have a hearing right under WAC 388-825-120.


WAC 388-827-0145 How much money will DDA authorize? (1) If you are authorized to receive a state supplementary payment for residential habilitation:

(a) DDA will base your payment on your residential need as identified in your current person-centered service plan.

(b) DDA will reassess your need and may adjust your payment amount if the type of your residential living arrangement changes.

(2) If you are authorized to receive a home and community based services (HCBS) waiver state supplementary payment, DDA authorizes seventy-five dollars per month.

(3) If you are authorized to receive children's legacy state supplementary payment, DDA authorizes one hundred dollars per month.

(4) If you are authorized to receive a prevocational legacy state supplementary payment, DDA authorizes three hundred dollars per month.

(5) If you are authorized to receive a state supplementary payment in lieu of individual and family services (IFS), your IFS score determines your monthly payment amount:

<table>
<thead>
<tr>
<th>IFS score</th>
<th>Award level</th>
<th>Monthly payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-60</td>
<td>No award</td>
<td>$0</td>
</tr>
<tr>
<td>61-240</td>
<td>Level 1</td>
<td>$100</td>
</tr>
<tr>
<td>241-336</td>
<td>Level 2</td>
<td>$150</td>
</tr>
<tr>
<td>337-527</td>
<td>Level 3</td>
<td>$200</td>
</tr>
<tr>
<td>528 or more</td>
<td>Level 4</td>
<td>$300</td>
</tr>
</tbody>
</table>

(6) Opting out of home and community based services waiver will not increase your state supplementary payment.

(7) DDA may authorize additional payments to individuals authorized to receive a state supplementary payment if DDA's state supplementary payment budget allows.


WAC 388-827-0155 How will DDA send my state supplementary payment? (1) You may choose to have DDA send your state supplementary payment through:

(a) Electronic funds transfer; or

(b) The U.S. Postal Service.

(2) If you are under age eighteen, the developmental disabilities administration (DDA) sends your supplementary payment to your representative payee.

(3) If you are age eighteen or older, DDA sends your state supplementary payment to your representative payee if you have one. If you do not have a representative payee, DDA will send your state supplementary payment directly to you.


WAC 388-827-0157 What is a representative payee? (1) A representative payee is a person or entity that receives and manages your state supplementary payments on your behalf.

(2) If the Social Security Administration assigned a representative payee to you, the developmental disabilities administration (DDA) will send your state supplementary payments to that representative payee.

(3) If you do not have a representative payee and your wish to establish one:

(a) You must nominate a person or entity to be your representative payee; and

(b) DDA must confirm your nominee.

(4) When deciding whether to confirm your nominee, DDA may consider:

(a) The nominee's:

(i) Relationship to you;

(ii) Interest in your well-being;

(iii) Understanding of your needs;

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(iv) Existing legal authority, if any, to act on your behalf; and

(b) Any other information known to DDA.

(5) If DDA declines to confirm the person or entity you nominated, DDA must send you written notice within thirty days of its decision.

(6) A representative payee must:

(a) Spend your state supplementary payment on your behalf;

(b) Notify DDA of any changes in your circumstances that could affect your eligibility to receive a state supplementary payment;

(c) Notify DDA of any change in the representative payee's ability to comply with this chapter;

(d) Submit to DDA upon request a written account of how each state supplementary payment received on your behalf was spent; and

(e) Accept liability for any overpayment under WAC 388-827-0400(3).

[Statutory Authority: RCW 71A.12.030 and 2015 3rd sp.s. c 4 § 205. WSR 17-13-022, § 388-827-0157, filed 6/12/17, effective 7/13/17.]

**WAC 388-827-0400 What is a state supplementary payment overpayment?**

(1) An overpayment occurs if you or your representative payee receive state supplementary payment funds and at the time the developmental disabilities administration (DDA) paid the funds:

(a) You were not eligible to receive the funds under WAC 388-827-0105; or

(b) The sum DDA paid exceeds the sum you were eligible to receive under WAC 388-827-0145.

(2) You are liable to DDA for the amount of the overpayment if:

(a) You received the overpayment directly; or

(b) Your representative payee received the overpayment in good faith and spent the money on your behalf.

(3) Your representative payee is liable to DDA for the amount of the overpayment if the representative payee:

(a) Has not spent the state supplementary payment funds on your behalf; or

(b) Received the state supplementary payment in bad faith.

(4) A representative payee received a state supplementary payment in bad faith if the representative payee knew you were not entitled to some or all of that payment.