

WAC 365-220-075 What happens if a beneficiary is determined to no longer meet the Washington state definition of developmental disability in RCW 71A.10.020(5)? (1) The primary representative is required to notify the trust manager in writing if the beneficiary is found to no longer meet the definition of a person with a developmental disability in RCW 71A.10.020(5) within thirty days of the decision.

(2) If the beneficiary is determined to no longer meet the definition of a person with a developmental disability in RCW 71A.10.020(5), the governing board may elect, at its discretion, one of three options:

A The balance of the beneficiary's individual trust account will be transferred to another existing special needs trust established for the beneficiary. Any costs relating to the transfer will be charged to the beneficiary's individual trust account. Any unexpended state matching money shall revert to the developmental disabilities endowment trust fund.

-OR-

B The beneficiary's individual trust account will remain open, and the account will be assessed fees at a level that will support all costs of maintaining the account. The beneficiary will no longer be eligible for the state match as of the date the beneficiary is determined to no longer meet the definition of a person with a developmental disability in RCW 71A.10.020(5). New contributions will not be accepted into the individual trust account during any period when the beneficiary does not meet the definition of the person with a developmental disability in RCW 71A.10.020(5).

-OR-

C The trust manager will make or direct distributions to or for the benefit of the beneficiary or to an achieving a better life experience (ABLE) account of the beneficiary, after first, the taxes and administrative expenses are paid and after second, the medicaid payback is enforced (if applicable).

[Statutory Authority: RCW 43.330.430 through 43.330.437. WSR 20-01-152, § 365-220-075, filed 12/17/19, effective 1/17/20; WSR 19-07-034, § 365-220-075, filed 3/13/19, effective 4/13/19. Statutory Authority: RCW 43.330.240. WSR 02-07-026, § 365-220-075, filed 3/12/02, effective 4/12/02.]