

WSR 21-19-045
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed September 10, 2021, 4:00 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-13-158.

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-474-0020 What can an aged, blind or disabled (ABD) cash assistance client expect when supplemental security income (SSI) benefits begin?

Hearing Location(s): On October 26, 2021, at 10:00 a.m., at Office Building 2, Department of Social and Health Services (DSHS) Headquarters, 1115 Washington, Olympia, WA 98504. Public parking at 11th and Jefferson. A map is available at <https://www.dshs.wa.gov/office-of-the-secretary/driving-directions-office-bldg-2>; or virtual. Due to the COVID-19 pandemic hearings are being held virtually. Please see the DSHS website for the most current information.

Date of Intended Adoption: Not earlier than October 27, 2021.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, fax 360-664-6185, by 5:00 p.m., October 26, 2021.

Assistance for Persons with Disabilities: Contact Shelley Tencza, DSHS rules consultant, phone 360-664-6198, fax 360-664-6185, TTY 711 relay service, email Tencza@dshs.wa.gov, by 5:00 p.m., October 12, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These changes are necessary to support a corrective action plan and address errors when an ABD client signs an interim assistance reimbursement authorization. Amendments are also intended to support ABD program outcomes and better align with Social Security Administration policies and procedures.

Statutory Authority for Adoption: RCW 74.04.005, 74.04.050, 74.04.057, 74.04.510, 74.04.630, 74.04.655, 74.04.770, 74.04.0052, 74.08.043, 74.08.090, 74.08.335, 74.08A.100.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Lorraine Peterson, P.O. Box 45470 Olympia, WA 98504-5470, 509-406-3417.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. These rules are exempt as allowed under RCW 34.05.328 (5) (b) (vii) which states in part, "[t]his section does not apply to ... rules of the department of social and health services relating only to client medical or financial eligibility and rules concerning liability for care of dependents.["]

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 34.05.328 (5) (b) (vii).

Explanation of exemptions: These amendments do not impact small businesses. They only impact DSHS clients.

September 10, 2021

Katherine I. Vasquez
Rules Coordinator

SHS-4887.2

AMENDATORY SECTION (Amending WSR 12-10-042, filed 4/27/12, effective 6/1/12)

WAC 388-474-0020 What can an aged, blind, or disabled (ABD) cash assistance client expect when supplemental security income (SSI) benefits begin? You may only receive assistance to meet your basic needs from one government source at a time (WAC 388-449-0210). If you are an ABD cash client who begins getting SSI, you should know that:

(1) If you got advance, emergency, or retroactive SSI cash assistance for any period (~~where~~) in which you received (~~general assistance (GA), disability lifeline (DL), or~~) aged, blind, or disabled (ABD) cash assistance, you must repay the department the amount of cash assistance paid to you for the matching time period.

(2) When you (~~apply for~~) receive ABD cash and have an SSI application pending with the Social Security Administration, you must sign DSHS (~~18-235(X)~~) 18-235, interim assistance reimbursement (~~agreement~~) authorization (IARA), to continue to receive ABD cash assistance.

(3) You cannot use your ABD money to replace money deducted from your SSI check to repay an SSI overpayment.

[Statutory Authority: RCW 74.04.005, 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, 74.08A.100, 74.04.770, 74.04.0052, 74.04.655, 74.08.043, 74.08.335, and 2011 1st sp.s. c 36. WSR 12-10-042, § 388-474-0020, filed 4/27/12, effective 6/1/12. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090 and 74.04.630. WSR 02-11-033, § 388-474-0020, filed 5/7/02, effective 6/7/02. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. WSR 98-16-044, § 388-474-0020, filed 7/31/98, effective 9/1/98.]