

WSR 21-21-081
EMERGENCY RULES
DEPARTMENT OF
CHILDREN, YOUTH, AND FAMILIES

[Filed October 18, 2021, 3:10 p.m., effective October 18, 2021, 3:10 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Implement section 201, chapter 199, Laws of 2021, by establishing the **working connections and seasonal child care subsidy programs'** family eligibility threshold to be annual household income at or below 60 percent of the state median income and setting copayments as directed by section 201(5)(a), chapter 199.

Citation of Rules Affected by this Order: Amending WAC 110-15-0003, 110-15-0005, 110-15-0075, 110-15-0109, 110-15-2210, 110-15-3640, and 110-15-3840.

Statutory Authority for Adoption: RCW 43.216.055 and 43.216.065.

Under RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Chapter 199, Laws of 2021, took effect July 1, 2021, and authorized a new household income eligibility threshold and copayment schedule for the working connections and seasonal child care subsidy programs effective October 1, 2021. There was insufficient time between chapter 199's effective date and October 1 to complete the permanent rule-making process.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 7, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: October 18, 2021.

Brenda Villarreal
Rules Coordinator

OTS-3341.2

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

WAC 110-15-0003 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

"Able" means being physically and mentally capable of caring for a child in a responsible manner.

"Administrative error" means an error made by DCYF ((~~or~~ DSHS)) through no fault of the consumer or provider.

"Approved activity" means an activity that a consumer is required to participate in at application and reapplication to be eligible to collect benefits.

"Authorization" means the transaction created by ((DSHS)) DCYF which allows the provider to claim payment during a certification period. The transaction may be adjusted based on the family need.

"Available" means being free to provide care when not participating in an approved activity under WAC 110-15-0040, 110-15-0045, or 110-15-0050 during the time child care is needed.

"Benefit" means a regular payment made by a government agency on behalf of a person eligible to receive it.

"Calendar year" means those dates between and including January 1st and December 31st.

"Capacity" means the maximum number of children the licensee is authorized to have in care at any given time.

"Collective bargaining agreement" or **"CBA"** means the most recent agreement that has been negotiated and entered into between the exclusive bargaining representative for all licensed and license-exempt family child care providers as defined in chapter 41.56 RCW.

"Consumer" means the person eligible to receive:

- (a) WCCC benefits as described in part II of this chapter; or
- (b) SCC benefits as described in part III of this chapter.

"Copayment" means the amount of money the consumer is responsible to pay to the child care provider each month toward the cost of child care, whether provided under a voucher or contract.

"Days" means calendar days unless otherwise specified.

"DCYF" means the department of children, youth, and families.

"DSHS" means the department of social and health services.

"Early achievers" means a program that improves the quality of early learning programs and supports and rewards providers for their participation.

"Electronic record" means a record generated, communicated, received, or stored by electronic means for use in an information system or for transmission from one information system to another.

"Electronic signature" means a signature in electronic form attached to or logically associated with an electronic record including, but not limited to, a digital signature, symbol, or process executed by a person with the intent to sign the record.

"Eligibility" means that a consumer has met all of the requirements of:

- (a) Part II of this chapter to receive WCCC program subsidies; or
- (b) Part III of this chapter to receive SCC program subsidies.

"Eligibility period" means the months for which households shall be eligible to receive WCCC or SCC program subsidies.

"Employment" or **"work"** means engaging in any legal, income generating activity that is taxable under the U.S. Tax Code or that would be taxable with or without a treaty between an Indian Nation and the U.S. This includes unsubsidized employment, as verified by ((DSHS)) DCYF, and subsidized employment, such as:

- (a) Working in a federal or state paid work study program; or
- (b) VISTA volunteers, AmeriCorps, JobCorps, and Washington Service Corps (WSC) if the income is taxed.

"Existing child care provider" means a licensed or certified provider who received a state subsidy payment between July 1, 2015, and June 30, 2016.

"Fraud" means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefits to himself or herself or another person. See RCW 74.04.004.

"Homeless" means homeless as defined by the McKinney-Vento Homeless Assistance Act of 1987 without a fixed, regular, and adequate nighttime residence.

"In-home/relative provider" or **"family, friends, and neighbors (FFN) provider"** means an individual who is exempt from child care licensing standards and is approved for working connections child care (WCCC) payment under WAC 110-15-0125.

"In loco parentis" means the adult caring for an eligible child in the absence of the biological, adoptive, or step-parents, and who is not a relative, court-ordered guardian, or custodian, and is responsible for exercising day-to-day care and control of the child.

"Living in the household" means people who reside at the same physical address.

"Lump-sum payment" means a single payment that is not anticipated to continue.

"Newly eligible consumer" means a consumer that has at least one full calendar month break in benefit eligibility.

"Night shift" means employment for a minimum of six hours between the hours of 8 p.m. and 8 a.m.

"Nonschool age child" means a child who is six years of age or younger and is not enrolled in public or private school.

"Overpayment" means a payment or benefits received by a provider or consumer that exceeds the amount the provider or consumer is approved for or eligible to receive.

"Parental control" means a child is living with a biological or adoptive parent, stepparent, legal guardian verifiable by a legal or court document, adult sibling or step-sibling, nephew or niece, aunt, great-aunt, uncle, great-uncle, grandparent or great-grandparent, or an approved in loco parentis custodian responsible for exercising day-to-day care and control of the child.

"Preschool age child" means a child age thirty months through six years of age who is not attending kindergarten or elementary school.

"Private school" means a private school approved by the state under chapter 28A.195 RCW.

"Program violation" means a failure to adhere to program requirements, which results in an overpayment.

"Sanction" means deterrent action imposed by the department to address a program violation finding.

"SCC" means the seasonal child care program, which is a child care subsidy program described in part III of this chapter that assists eligible families who are seasonally employed in agriculturally related work outside of the consumer's home to pay for licensed or certified child care.

"School age child" means a child who is between five years of age through twelve years of age and who is attending public or private school or is receiving home-based instruction under chapter 28A.200 RCW.

"Seasonally available agricultural related work" means work that is directly related to the cultivation, production, harvesting, or processing of fruit trees or crops.

"Second tier eligibility" means an increased income limit for eligible families who reapply before the end of their current eligibility period.

"Self-employment" means engaging in any legal income generating activity that is taxable under the U.S. Tax Code or that would be taxable with or without a treaty between an Indian Nation and the U.S., as verified by Washington state business license, or a tribal, county, or city business or occupation license, as applicable, and a uniform business identification (UBI) number for approved self-employment activities that occur outside of the home. Incorporated businesses are not considered self-employment enterprises.

"Sign" means placing a name or legal mark on a document by physically writing or using an electronic signature.

"State median income (SMI)" means an annual income figure representing the point at which there are as many families earning more than that amount as there are earning less than that amount. The Census Bureau publishes median family income figures for each state each year, depending on family size.

"TANF" means temporary assistance for needy families, a cash assistance program administered by DSHS.

"Technical assistance" means a strategy that is focused on the resolution of a specific concern or need. This may be in writing or by phone call.

"To the extent of available funds" means one or more of the following:

- (a) Limited or closed enrollment;
- (b) Subject to a priority list for new enrollees pursuant to applicable state and federal law and as described in WAC 110-15-2210; or
- (c) Subject to a waiting list.

"Unintentional" means not done willfully or on purpose.

"Waiting list" means a list of applicants or reapplicants eligible to receive subsidy benefits when funding becomes available.

"WCCC" means the working connections child care program, a child care subsidy program described in part II of this chapter that assists eligible families to pay for child care.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0003, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0003, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070 and 2017 3rd sp.s. c 1 § 615. WSR 17-23-033, § 170-290-0003, filed 11/7/17, effective 12/8/17. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 17-12-013, § 170-290-0003, filed 5/26/17, effective 6/26/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0003, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0003, filed 4/15/16, effective 5/16/16; WSR 14-12-050, § 170-290-0003, filed 5/30/14, effective 6/30/14; WSR 12-11-025, § 170-290-0003, filed 5/8/12, effective 6/8/12; WSR 11-12-078, § 170-290-0003, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0003, filed 10/28/09, effective 12/1/09.]

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

- WAC 110-15-0005 Eligibility.** (1) **Consumer.** At application and reapplication, to be eligible for WCCC, the consumer must:
- (a) Have parental control of one or more eligible children;
 - (b) Live in the state of Washington;
 - (c) Participate in an approved activity or meet the eligibility special circumstances requirements under WAC 110-15-0020, 110-15-0023, or 110-15-0024;
 - (d) Have countable income at or below (~~two hundred percent of the federal poverty guidelines (FPG) and have resources under~~) sixty percent of the SMI at initial application or at or below sixty-five percent of the SMI at reapplication;
 - (e) Not have assets that exceed one million dollars (~~per WAC 110-15-0022~~); and
 - (~~e~~) f Have an agreed payment arrangement with any provider to whom any outstanding WCCC copayment is owed.
- (2) **Children.** To be eligible for WCCC, a child must:
- (a) Belong to one of the following groups as defined in WAC 388-424-0001:
 - (i) A U.S. citizen;
 - (ii) A U.S. national;
 - (iii) A qualified alien; or
 - (iv) A nonqualified alien who meets the Washington state residency requirements as listed in WAC 388-468-0005.
 - (b) Legally reside in Washington state, which will be determined by applying the criteria of WAC 388-424-0001 or 388-468-0005; and
 - (c) Be less than thirteen years of age on the first day of eligibility; or
 - (d) Be less than nineteen years of age, and:
 - (i) Have a verified special need, according to WAC 110-15-0020;
- or
- (ii) Be under court supervision.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0005, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0005, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-23-017, § 170-290-0005, filed 11/3/17, effective 12/4/17. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0005, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0005, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0005, filed 10/5/12, effective 11/5/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0005, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0005, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0005, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0005, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0005, filed 12/19/01, effective 1/19/02.]

AMENDATORY SECTION (Amending WSR 21-01-180, filed 12/21/20, effective 1/21/21)

WAC 110-15-0075 Determining income eligibility and copayment amounts. (1) DCYF takes the following steps to determine a consumer's eligibility and copayment, ~~((whether))~~ when care is provided under a WCCC voucher or contract:

(a) Determine the consumer's family size (under WAC 110-15-0015); and

(b) Determine the consumer's countable income (under WAC 110-15-0065).

(2) DCYF calculates the consumer's copayment as follows:

| (IF A CONSUMER'S INCOME IS: | THEN THE CONSUMER'S COPAYMENT IS: |
|--|--|
| (a) At or below 82% of the federal poverty guidelines (FPG): | \$15 |
| (b) Above 82% of the FPG up to 137.5% of the FPG: | \$65 |
| (c) Above 137.5% of the FPG through 200% of the FPG: | The dollar amount equal to subtracting 137.5% of the FPG from countable income, multiplying by 50%, then adding \$65, up to a maximum of \$115.) |

| <u>If the household's income is:</u> | <u>Then the household's maximum monthly copayment is:</u> |
|--|---|
| <u>At or below twenty percent of the SMI</u> | <u>Waived</u> |
| <u>Above twenty percent and at or below thirty-six percent of the SMI</u> | <u>\$65</u> |
| <u>Above thirty-six percent and at or below fifty percent of the SMI</u> | <u>\$90</u> |
| <u>Above fifty percent and at or below sixty percent of the SMI</u> | <u>\$115</u> |
| <u>At reapplication, above sixty percent and at or below sixty-five percent of the SMI</u> | <u>\$215</u> |

(3) DCYF does not prorate the copayment when a consumer uses care for part of a month.

~~((The FPG is updated every year. The WCCC eligibility level is updated at the same time every year to remain current with the FPG.))~~ For a parent age twenty-one years or younger who is attending high school or working towards completing a high school equivalency certificate, copayment is not required.

(5) DCYF updates the SMI annually in April.

[Statutory Authority: RCW 43.215.060, 43.215.070 and chapter 43.215 RCW. WSR 21-01-180, § 110-15-0075, filed 12/21/20, effective 1/21/21. WSR 18-14-078, recodified as § 110-15-0075, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0075, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW. WSR 12-21-008, § 170-290-0075, filed 10/5/12, effective 11/5/12. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42,

2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0075, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0075, filed 10/28/09, effective 12/1/09. WSR 08-08-047, recodified as § 170-290-0075, filed 3/27/08, effective 3/27/08. Statutory Authority: RCW 74.04.050, 74.12.340, 74.13.085, and 2003 1st sp.s. c 25. WSR 04-08-021 and 04-08-134, § 388-290-0075, filed 3/29/04 and 4/7/04, effective 5/28/04. Statutory Authority: RCW 74.04.050, 74.13.085. WSR 02-14-067, § 388-290-0075, filed 6/27/02, effective 8/1/02. Statutory Authority: RCW 74.04.050 and C.F.R. Parts 98 and 99 (Child Care Development Fund Rules). WSR 02-01-135, § 388-290-0075, filed 12/19/01, effective 1/19/02.]

AMENDATORY SECTION (Amending WSR 19-08-020, filed 3/26/19, effective 4/26/19)

WAC 110-15-0109 Reapplication. (1) ~~((To request))~~ For WCCC benefits to be continued ~~((uninterrupted beyond the consumer's current))~~ without interruption into the new eligibility period, the consumer must reapply for WCCC benefits ~~((with DSHS))~~ on or before the end date of the current eligibility period.

(2) Determination of the consumer's eligibility to receive uninterrupted WCCC benefits beyond the consumer's current eligibility period will be made pursuant to the eligibility rules contained in this chapter.

(3) A consumer who reapplies on or before the end date of the current WCCC eligibility period may receive continued uninterrupted benefits through second tier eligibility if the consumer's household ~~((has))~~ countable income is greater than ~~((two hundred percent but less than two hundred twenty percent of the federal poverty guidelines (FPG)).~~

~~((a))~~ sixty percent but less than or equal to sixty-five percent of the SMI. If the total countable monthly income is ~~((equal to or))~~ greater than ~~((two hundred twenty percent FPG))~~ sixty-five percent of the SMI, the reapplication will be denied.

~~((b) The copayment for a second tier eligible consumer will be determined at two hundred percent of the FPG of countable household income.))~~

(4) If a consumer submits a reapplication after the last day of the current eligibility period and meets all WCCC eligibility requirements, the consumer's benefits will begin:

(a) On the date the consumer's reapplication is entered into ~~((DSHS's))~~ DCYF's automated system or the date the consumer's reapplication is date-stamped as received by ~~((DSHS))~~ DCYF, whichever date is earlier;

(b) When the consumer is working or participating in an approved activity; and

(c) The consumer's child is receiving care from an approved provider.

(5) Newly eligible households must begin care within twelve months of the eligibility determination date. If the household does not begin care within twelve months, the household must reapply in order to qualify for WCCC benefits.

[Statutory Authority: RCW 43.216.055, 43.216.065 and 42 U.S.C. 9858, et seq. WSR 19-08-020, § 110-15-0109, filed 3/26/19, effective 4/26/19. WSR 18-14-078, recodified as § 110-15-0109, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-0109, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-0109, filed 4/15/16, effective 5/16/16. Statutory Authority: Chapter 43.215 RCW, RCW 43.215.060, 43.215.070, 2011 1st sp.s. c 42, 2011 1st sp.s. c 50, and 2006 c 265 § 501. WSR 11-18-001, § 170-290-0109, filed 8/24/11, effective 9/24/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-0109, filed 10/28/09, effective 12/1/09.]

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-2210 Eligibility. (1) If the applicant or reapplicant meets one of the qualifiers of the priority list and otherwise meets all eligibility requirements of Part II or III of this chapter, the applicant or reapplicant will not be placed on the wait list and will be eligible to receive WCCC subsidies. The priority list includes:

- (a) Families applying for or receiving TANF;
- (b) Families receiving TANF and working to cure a sanction;
- (c) Foster children;
- (d) Families that include a child with special needs;
- (e) Families with teen parents (under age twenty-two) who are not living with a parent or guardian, and who are attending a high school full-time that has an on-site child care center;
- (f) Families with a child residing with a biological parent or guardian who have received child protective services, child welfare services, or a family assessment response from ((~~DSHS~~)) DCYF in the past six months and has received a referral for child care as part of the family's case management; and
- (g) Reapplicants who received subsidies within the last thirty days and:
 - (i) Have reapplied for subsidies; and
 - (ii) Have household income of ((~~two hundred percent federal poverty level~~)) sixty percent of the SMI or below.

(2) As provided in WAC ((~~170-290-0001~~)) 110-15-0001, WCCC is administered to the extent of available funds. If available funds are insufficient to allow all priority groups to not be placed on the wait list and be eligible to receive WCCC subsidies, only the highest ranked groups that can be served within available funds will be prioritized. The priority groups are ranked in the order listed in subsection (1) of this section, highest to lowest.

(3) If funds are not available, an applicant or reapplicant not belonging to a group on the priority list will have their name placed on the wait list upon approval of eligibility. The name will be placed on the wait list based on the date of the application or reapplication and served as funds become available.

(4) If the applicant or reapplicant remains on the wait list for twelve months or longer, a new eligibility determination will be required when subsidy child care becomes available.

[WSR 18-14-078, recodified as § 110-15-2210, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.060 and 43.215.070. WSR 17-22-101, § 170-290-2210, filed 10/30/17, effective 11/30/17; WSR 17-09-042, § 170-290-2210, filed 4/14/17, effective 5/15/17.]

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-3640 Determining income eligibility and copayment.

(1) For the SCC program, ((DSHS)) DCYF determines a consumer's family's income eligibility and copayment by:

- (a) The consumer's family size as defined under WAC ((170-290-3540)) 110-15-3540;
- (b) The consumer's average monthly income as calculated under WAC ((170-290-3620)) 110-15-3620; and
- (c) The consumer's family's average monthly income as compared to the ((federal poverty guidelines (FPG))) SMI.
- (2) At application and reapplication, if a consumer's family's income is above the maximum eligibility limit as provided in WAC ((170-290-0005)) 110-15-0005, the consumer's family is not eligible for the SCC program.

(3) The ((FPG)) SMI is updated every year. The SCC eligibility level is updated at the same time every year to remain current with the ((FPG)) SMI.

(4) SCC shall assign a copayment amount based on the family's countable income. The consumer pays the copayment directly to the provider.

(5) SCC does not prorate the copayment.

[WSR 18-14-078, recodified as § 110-15-3640, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3640, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3640, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3640, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3640, filed 10/28/09, effective 12/1/09.]

AMENDATORY SECTION (Amending WSR 18-14-078, filed 6/29/18, effective 7/1/18)

WAC 110-15-3840 New eligibility period. (1) ((If a consumer wants to receive SCC program subsidies for another)) To request SCC benefits be continued uninterrupted beyond the consumer's current eligibility period, ((he or she)) the consumer must reapply ((for SCC benefits)) to DCYF on or before the end date of the current eligibility period. ((To determine if a consumer is eligible, DSHS:

~~(a) Requests reapplication information before the end date of the consumer's current SCC eligibility period; and~~

~~(b) Verifies the requested information for completeness and accuracy.~~

~~(2) A consumer may be eligible for SCC program subsidies for a new eligibility period if:~~

~~(a) DSHS receives the consumer's reapplication information no later than the last day of the current eligibility period;~~

~~(b) The consumer's provider is eligible for payment under WAC 170-290-3670 and 170-290-3750; and~~

~~(c) The consumer meets all SCC eligibility requirements.~~

~~(3) Effective October 1, 2016, if a consumer's household has countable income greater than two hundred percent of the federal poverty guidelines (FPG) but less than two hundred twenty percent of the FPG, the consumer may be eligible for a three-month eligibility period called income phase-out. In determining eligibility for the income phase-out period, the following rules apply:~~

~~(a) All countable income must be between two hundred and two hundred twenty percent of the FPG. If the countable income exceeds two hundred twenty percent of the FPG, DSHS denies the reapplication;~~

~~(b) DSHS applies all other eligibility criteria for a reapplication, with the exception of income as described above;~~

~~(c) There is no break between the twelve-month eligibility period and the income phase-out period;~~

~~(d) DSHS calculates the consumer's copayment at two hundred percent of the FPG of countable household income;~~

~~(e) DSHS certifies the consumer for a three-month eligibility period;~~

~~(f) The consumer will need to reapply for a new twelve-month certification period if the consumer's household income falls below two hundred percent of the FPG during or at the end of the three-month income phase-out period; and~~

~~(g) The consumer will not be eligible for a second, back-to-back income phase-out period if the countable income of the consumer's household remains between two hundred and two hundred twenty percent of the FPG at the end of the first three-month income phase-out period.~~

~~(4) If DSHS determines that a consumer is eligible for SCC program subsidies based on the consumer's reapplication information, DSHS notifies the consumer of the new eligibility period and copayment.~~

~~(5) If a consumer fails to contact DSHS on or before the end date of the consumer's current SCC eligibility period to request SCC program subsidies, he or she must reapply according to WAC 170-290-3665.)~~

(2) Determination of the consumer's eligibility to receive uninterrupted SCC benefits beyond the consumer's eligibility period will be made pursuant to the eligibility rules contained in this chapter.

(3) A consumer who reapplies on or before the end date of their current eligibility period may receive continued, uninterrupted benefits through second tier eligibility if the consumer's household has countable income greater than sixty percent but less than or equal to sixty-five percent of the SMI. If the consumer's countable monthly income is greater than sixty-five percent of the SMI, the reapplication will be denied.

(4) If a consumer submits a reapplication after the last day the current eligibility period ends and meets eligibility requirements, the consumer's benefits will begin:

(a) On the date the consumer's reapplication is entered into DCYF's automated system or the date the consumer's reapplication is date-stamped as received by DCYF, whichever date is earlier;

(b) When the consumer is working or participating in an approved activity; and

(c) The consumer's child is receiving care from an approved provider under WAC 110-15-3750.

[WSR 18-14-078, recodified as § 110-15-3840, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.070, chapter 43.215 RCW. WSR 16-19-107, § 170-290-3840, filed 9/21/16, effective 10/22/16. Statutory Authority: RCW 43.215.060, 43.215.070, and chapter 43.215 RCW. WSR 16-09-059, § 170-290-3840, filed 4/15/16, effective 5/16/16; WSR 11-12-078, § 170-290-3840, filed 5/31/11, effective 7/1/11. Statutory Authority: RCW 43.215.060, 43.215.070, 2006 c 265, and chapter 43.215 RCW. WSR 09-22-043, § 170-290-3840, filed 10/28/09, effective 12/1/09.]