

WSR 22-19-093
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed September 21, 2022, 9:17 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-19-117.

Title of Rule and Other Identifying Information: The department is proposing to amend WAC 388-464-0001 Am I required to cooperate with quality assurance?

Hearing Location(s): On October 25, 2022, at 10:00 a.m., at Office Building 2, Department of Social and Health Services (DSHS) Headquarters, 1115 Washington [Street S.E.], 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 virtually. Due to the COVID-19 pandemic, hearings are being held virtually. Please see the DSHS website for the most up-to-date information.

Date of Intended Adoption: Not earlier than October 26, 2022.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, fax 360-664-6185, by October 25, 2022, at 5:00 p.m.

Assistance for Persons with Disabilities: Shelley Tencza, DSHS rules consultant, phone 360-664-6036, fax 360-664-6185, TTY 711 relay service, email Tenczsa@dshs.wa.gov, by October 11, 2022, at 5:00 p.m.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Amendments proposed under this filing will more accurately align rule language with federal regulations related to quality control for the supplemental nutrition assistance program, specifically clarifying which programs these quality control requirements apply to.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090.

Rule is necessary because of federal law, 7 C.F.R. 275.12.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Troy Burgess, P.O. Box 45470, Olympia, WA 98504-5470, 360-584-5162.

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.

Scope of exemption for rule proposal:

Is fully exempt.

September 19, 2022

Katherine I. Vasquez
Rules Coordinator

SHS-4912.1

AMENDATORY SECTION (Amending WSR 11-14-084, filed 7/1/11, effective 8/1/11)

WAC 388-464-0001 Am I required to cooperate with quality ((assurance)) control? (1) To be eligible for ~~((temporary assistance for needy families (TANF), state family assistance (SFA), or food assistance through))~~ basic food assistance, transitional food assistance (TFA), or the Washington combined application project (WASHCAP), ~~((the following persons))~~ all household members must cooperate in the quality ~~((assurance (QA)))~~ control (QC) review process ~~((~~

~~(a) All adult recipients or payees in a TANF or SFA assistance unit (AU); or~~

~~(b) All household members in a Basic Food, TFA or WASHCAP AU).~~

(2) If someone who must cooperate under subsection (1) of this section refuses to cooperate, your ~~((AU))~~ assistance unit (AU) is ineligible for benefits from the date ~~((QA))~~ QC has determined that you are refusing to cooperate until the person meets ~~((QA))~~ QC requirements ~~or((~~

~~(a) For TANF/SFA clients, one hundred twenty days from the end of the annual QA review period; or~~

~~(b) For Basic Food, TFA, or WASHCAP members, the penalty period is one hundred twenty-five))~~ 125 days from the end of the annual ~~((QA))~~ QC review period.

(3) If a person leaves a basic food AU that is currently disqualified for refusing to cooperate in the ~~((QA))~~ QC review process, the penalty for refusal to cooperate follows that person and continues for the AU that includes the person(s) who refused to cooperate. If we cannot determine which person refused to cooperate, the penalty continues for the AU that includes the head of household at the time ~~((QA))~~ QC found your AU refused to cooperate.

(4) The ~~((QA))~~ QC review period covers the federal fiscal year, which runs from October 1st of one calendar year through September 30th of the following calendar year.

(5) People applying for ~~((TANF, SFA, or))~~ basic food after the penalty period in subsection (2) of this section has ended must provide verification of all eligibility requirements. However, if your AU is eligible for expedited service under WAC 388-406-0015, you only need to provide expedited service required verifications.

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, and 74.08.090 and 7 C.F.R. § 273.2 (d) (2). WSR 11-14-084, § 388-464-0001, filed 7/1/11, effective 8/1/11. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. WSR 98-16-044, § 388-464-0001, filed 7/31/98, effective 9/1/98.]