

WSR 24-03-123
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Economic Services Administration)
[Filed January 19, 2024, 4:23 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-24-068.

Title of Rule and Other Identifying Information: The department of social and health services (DSHS) is proposing amendments to WAC 388-478-0055 How much do I get from my state supplemental payments (SSP)?

Hearing Location(s): On February 27, 2024, at 10:00 a.m., virtually via Microsoft Teams call in. Please see the DSHS website for the most up-to-date information.

Date of Intended Adoption: No earlier than February 28, 2024.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email DSHSRPAURulesCoordinator@dshs.wa.gov, fax 360-664-6185, by February 27, 2024, at 5:00 p.m.

Assistance for Persons with Disabilities: Contact Shelley Tencza, DSHS rules consultant, phone 360-664-6092, fax 360-664-6185, TTY 711 relay service, email shelley.tencza@dshs.wa.gov, by February 13, 2024, at 5:00 p.m.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Federal law requires DSHS to maintain a minimum threshold of state spending towards supplemental security income (SSI) state supplement payment (SSP) benefits each calendar year in order to continue to draw down federal medicaid funds. DSHS may propose modifying rules in order to stay within available state funds to support this requirement. These amendments also clarify cost-of-living-adjustments to SSP standards for medically institutionalized recipients of SSI, as determined by the Social Security Administration.

Related emergency rules (for the cost-of-living adjustment portion of this proposed change) are currently in effect under WSR 24-02-041.

Reasons Supporting Proposal: See above.

Statutory Authority for Adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08.090, 74.08A.120, 74.08A.250.

Rule is necessary because of federal law, C.F.R. 20 § 416.2095 through § 416.2099.

Name of Proponent: DSHS, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Gary Fryer, P.O. Box 45470, Olympia, WA 98504-5770, 253-720-5306.

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 in part states, "this 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 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Citation of the specific federal statute or regulation and description of the consequences to the state if the rule is not adopted: C.F.R. 20 § 416.2095 through § 416.2099.

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

Explanation of exemptions: The proposed amendments do not impact small business. They only impact DSHS clients.

Scope of exemption for rule proposal:

Is fully exempt.

January 12, 2024
Katherine I. Vasquez
Rules Coordinator

SHS-5015.4

AMENDATORY SECTION (Amending WSR 23-24-009, filed 11/27/23, effective 12/28/23)

WAC 388-478-0055 How much do I get from my state supplemental payments (SSP)? (1) The SSP is a state-funded cash assistance program issued to certain individuals who the Social Security Administration (SSA) determines are eligible for supplemental security income (SSI) as described in WAC 388-474-0012.

(2) Monthly SSP rate standards for eligible persons as described in WAC 388-474-0012 are:

(a) (~~(\$38.25)~~) \$35.50 for:

- (i) Individuals with an ineligible spouse;
- (ii) Aged 65 and older;
- (iii) Blind as determined by SSA; or
- (iv) Disabled as determined by SSA.

(b) Between \$0.54 and \$199.77 for grandfathered clients as defined in 388-474-0001 and varies by individual based on federal requirements.

(c) \$70.00 as of July 2023 for individuals residing in a medical institution. It is based on increasing the federal SSI personal needs allowance (PNA) of \$30.00 up to the current Washington state institutional PNA standard described in subsection (5) of WAC 182-513-1105. Starting January 1, 2024, this payment increases annually by a cost-of-living-adjustment (COLA) determined by SSA. The current state PNA standard for institutional apple health is located at <https://www.hca.wa.gov/free-or-low-cost-health-care/i-help-others-apply-and-access-apple-health/program-standard-income-and-resources>.

(3) A change in living situation, (~~cost-of-living-adjustment (COLA)~~) COLA, or federal benefit rate (FBR) can affect a grandfathered client. A grandfathered client gets a federal SSI payment and a SSP payment, which totals the higher of one of the following:

(a) The state assistance standard set in December 1973, unless you lived in a medical institution at the time of conversion, plus the federal COLA since then; or

(b) The current payment standard.

(4) SSP rate standards may be adjusted at the end of the calendar year to comply with WAC 388-478-0057.