

WSR 23-03-049  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Economic Services Administration)  
[Filed January 10, 2023, 11:15 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-20-075.

Title of Rule and Other Identifying Information: The department is proposing amendments to WAC 388-444-0055 What are the penalties if I refuse or fail to meet basic food work requirements?

Hearing Location(s): On February 21, 2023, 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 February 22, 2023.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov), fax 360-664-6185, by February 21, 2023, at 5:00 p.m.

Assistance for Persons with Disabilities: Contact Shelley Tencza, DSHS rules consultant, phone 360-664-6036, fax 360-664-6185, TTY 711 relay service, email [shelley.tencza@dshs.wa.gov](mailto:shelley.tencza@dshs.wa.gov), by February 7, 2023, 5:00 p.m.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Proposed amendments will more accurately align with federal regulations related to basic food disqualification and clarify that a basic food sanction can be lifted effective the first of the following month when a client meets work requirements or becomes exempt from work requirements during a basic food sanction.

Reasons Supporting Proposal: See above.

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

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: Joyce Hensen, P.O. Box 45470, Olympia, WA 98504-5470, 425-999-5162.

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. This amendment is 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 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: 7 C.F.R. 273.7(g).

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

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

Scope of exemption for rule proposal:

Is fully exempt.

January 9, 2023  
Katherine I. Vasquez  
Rules Coordinator

## SHS-4959.1

AMENDATORY SECTION (Amending WSR 13-21-126, filed 10/22/13, effective 11/22/13)

**WAC 388-444-0055 What are the penalties if I refuse or fail to meet basic food work requirements?** (1) If we register you for work you must meet the work requirements under WAC 388-444-0005 or 388-444-0030 unless you have good cause as defined in WAC 388-444-0050. If you do not follow these rules, you will become an ineligible assistance unit member as described under WAC 388-408-0035. The remaining members of the assistance unit continue to be eligible for basic food.

(2) If you do not meet basic food work requirements and we find that you did not have good cause, you cannot receive basic food for the following periods of time and until you meet program requirements:

- (a) For the first failure, one month;
- (b) For the second failure, three months; and
- (c) For the third or subsequent failure, six months.

(3) If you become exempt under WAC 388-444-0010 and are otherwise eligible, you may begin to receive basic food.

(4) If you do not comply with the work requirements of the following programs, you cannot receive basic food unless you meet one of the conditions described under WAC 388-444-0010 (~~(except subsections (4) or (5))~~):

- (a) WorkFirst;
- (b) Unemployment compensation;
- (c) The refugee cash assistance program.

(5) Within (~~ten~~) 10 days after learning of your refusal to participate in your program, (~~the financial worker~~) we will send you a notice that your basic food benefits will end unless you comply with your program requirements.

(6) If you do not comply within (~~ten~~) 10 days, you will be issued a notice disqualifying you from receiving basic food until you comply with your program, or until you meet the work registration disqualification requirements in subsection (2) of this section.

~~(7) ((After the penalty period in subsection (2) of this section is over, and you meet work requirements and you are otherwise eligible, you may receive basic food:~~

~~(a) If you are alone in the assistance unit and apply to reestablish eligibility; or~~

~~(b) If you are a member of an assistance unit, you may resume receiving basic food.~~

~~(8)) During the penalty period, if you begin to participate in ((one)) any of the programs listed in subsection (4)(a) through (c) ((and that penalty is removed,)) of this section or meet one of the conditions described under WAC 388-444-0010, the work registration disqualification also ends. If you are otherwise eligible, you may begin to receive basic food effective the first of the month following the change.~~

~~(8) After the penalty period in subsection (2) of this section is over, and you meet work requirements, and you are otherwise eligible, you may receive basic food:~~

~~(a) If you are alone in the assistance unit and apply to reestablish eligibility; or~~

~~(b) If you are a member of an assistance unit, you may resume receiving basic food.~~

[Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.510, 74.08.090, and 7 C.F.R. § 273.7. WSR 13-21-126, § 388-444-0055, filed 10/22/13, effective 11/22/13. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.515, 74.08.090, 74.08A.120, 74.08A.903, and 7 U.S.C. 2015 (d)(1); 7 C.F.R. § 273.7. WSR 10-18-048, § 388-444-0055, filed 8/26/10, effective 10/1/10. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057. WSR 04-05-010, § 388-444-0055, filed 2/6/04, effective 3/8/04. Statutory Authority: RCW 74.04.050 and 74.04.510. WSR 00-04-006, § 388-444-0055, filed 1/20/00, effective 3/1/00. Statutory Authority: RCW 74.04.050, 74.04.055, 74.04.057 and 74.08.090. WSR 98-16-044, § 388-444-0055, filed 7/31/98, effective 9/1/98.]