

**WSR 25-17-004**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Economic Services Administration)  
[Filed August 6, 2025, 5:28 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 25-12-008.

Title of Rule and Other Identifying Information: The department of social and health services (DSHS) is proposing to amend WAC 388-410-0005 Cash assistance overpayment amount and liability.

Hearing Location(s): On September 23, 2025, at 10:00 a.m., virtually via Teams or call in. See the DSHS website at <https://www.dshs.wa.gov/sesa/rpau/proposed-rules-and-public-hearings> for the most current information.

Date of Intended Adoption: No earlier than September 24, 2025.

Submit Written Comments to: DSHS Rules Coordinator, P.O. Box 45850, Olympia, WA 98504, email [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov), beginning August 20, 2025, at noon, by September 23, 2025, at 5:00 p.m.

Assistance for Persons with Disabilities: Contact Shelley Tencza, rules consultant, phone 360-664-6036, TTY 711 relay service, email [shelley.tencza@dshs.wa.gov](mailto:shelley.tencza@dshs.wa.gov), by September 9, 2025, at 5:00 p.m.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: These amendments implement provisions of SB 5079 (chapter 331, Laws of 2025), related to the aged, blind, or disabled (ABD) program, allowing DSHS to waive unintentional ABD cash overpayments.

Related emergency amendments are currently in effect under WSR 25-14-064 (effective July 1, 2025).

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, and 74.08A.120.

Statute Being Implemented: SB 5079 (chapter 331, Laws of 2025).

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: Sam Del Vecchio, P.O. Box 45470, Olympia, WA 98504-5470, 425-339-4841.

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, "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 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; and rule content is explicitly and specifically dictated by statute.

Is exempt under RCW 19.85.025(4).

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.

August 1, 2025  
Katherine I. Vasquez  
Rules Coordinator

## SHS-5094.2

AMENDATORY SECTION (Amending WSR 20-02-047, filed 12/23/19, effective 2/1/20)

**WAC 388-410-0005 Cash assistance overpayment amount and liability.** (1) The amount of overpayment for cash assistance households is determined by the amount of assistance received to which the assistance unit was not entitled.

(2) Cash overpayments are recovered from:

(a) Any adult member of an overpaid assistance unit, whether or not the member is currently a recipient;

(b) Any assistance unit of which an adult member of the overpaid assistance unit has subsequently become a member; ~~((~~or~~))~~

(c) A nonneedy caretaker relative or guardian who received assistance for a child who is in the assistance unit ~~((~~-~~))~~; or

(d) An assistance unit when an unintentional overpayment of aged, blind, or disabled (ABD) cash assistance is established prior to July 1, 2025.

(3) A cash assistance overpayment is not recovered from:

(a) A child who was in the assistance unit at the time the overpayment was accrued; or

(b) A person not receiving assistance when an unintentional overpayment of less than ~~((~~thirty-five dollars~~))~~ \$35 is discovered, computed, or both.

(4) Overpayments resulting from incorrectly received cash assistance are reduced by:

(a) Cash assistance a household would have been eligible to receive from any other category of cash assistance during the period of ineligibility; and

(b) Child support the department collected for the month of overpayment in excess of the amount specified in (a) of this subsection; or

(c) Any existing grant underpayments.

(5) A cash assistance overpayment cannot be reduced by a food assistance underpayment.

(6) An underpayment from one assistance unit cannot be credited to another assistance unit to offset an overpayment.

(7) All overpayments occurring after January 1, 1982, are required to be repaid by mandatory grant deduction except where recovery is inequitable as specified in WAC 388-410-0010.

(8) The department will not establish unintentional overpayments, as defined in WAC 388-410-0001, of aged, blind, or disabled (ABD) cash assistance on or after July 1, 2025.