



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Department of Social and Health Services, Economic Services Administration

Emergency Rule Only

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: The Department is amending WAC 388-418-0005, "How will I know what changes to report?", to correct the policy concerning when categorically eligible (CE) Basic Food and Food Assistance Program (FAP) households must report changes in income during the certification period. The Department is removing outdated references to long term care, SSI-related medical, children's medical, pregnancy medical, and other medical benefits under this rule. These rules are currently in effect via emergency rulemaking WSR 14-22-067 filed on October 31, 2014, however only one section from that WSR is being adopted by this emergency. The rest were permanently adopted under WSR 15-02-006.

Citation of existing rules affected by this order:

Repealed: None
Amended: 388-418-0005
Suspended: None

Statutory authority for adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.08.090, 74.04.510, 7 U.S.C. §2015, and 7 CFR 273.12 (a)(5)(v); 2E2SHB 1738, and Chapter 15, Laws of 2011; Substitute House Bill 2069.

Other authority: 7 CFR 273.12 (a)(5)(v), A household subject to simplified reporting must report when its monthly gross income exceeds the monthly gross income limit for its household size, as defined at §273.9(a)(1) which is 130 percent of the federal poverty guidelines. The household shall use the monthly gross income limit for the household size that existed at the time of its most recent certification or recertification, regardless of any subsequent changes in its household size.

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: The proposed amendments will correct the change of circumstance reporting requirements for Basic Food and FAP CE households to align with federal regulations. Current rules don't require CE households to report income changes during the certification period unless the income increases and exceeds the 200 percent federal poverty guidelines (also known as FPL). The income limit threshold for reporting changes should be set at 130 percent FPL.

The Department is removing outdated references to long term care, SSI-related medical, children's medical, pregnancy medical, and other medical benefits under this rule. These amendments are currently in effect via emergency rule-making filed on October 31, 2014 as WSR 14-22-067. The 2E2SHB 1738, Laws of 2011, designated the Health Care Authority as the single state agency responsible for the administration and supervision of Washington's medical assistance programs. HCA re-codified medical assistance program rules to chapter 182 WAC. Accordingly, the Department is eliminating corresponding rules and medical references under chapter 388 WAC.

Date adopted: December 26, 2014

NAME (TYPE OR PRINT)

Katherine Vasquez

SIGNATURE

TITLE

DSHS Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 26, 2014

TIME: 2:09 PM

WSR 15-02-010

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	1	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	1	Repealed	_____

WAC 388-418-0005 How will I know what changes to report? (1)

You must report changes to the department based on the kinds of assistance you receive. We inform you of your reporting requirements on letters we send you about your benefits. Follow the steps below to determine the types of changes you must report:

~~((1))~~ (a) If you receive ~~(assistance from any of the programs listed in subsection (1), you must report changes for people in your assistance unit under chapter 388-408 WAC, based on the first program you receive benefits from.~~

~~(a) If you receive long term care benefits such as a home and community based waiver (Basic, Basic Plus, CORE, Community Protection, COPEs, New Freedom, Medically Needy), care in a medical institution (nursing home, hospice care center, state veterans home, ICF/MR, RHC) or hospice, you must tell us if you have a change of:~~

- ~~(i) Residence;~~
- ~~(ii) Marital status;~~
- ~~(iii) Living arrangement;~~
- ~~(iv) Income;~~
- ~~(v) Resources;~~
- ~~(vi) Medical expenses; and~~

~~(vii) If we allow you expenses for your spouse or dependents, you must report changes in their income or shelter cost.~~

~~(b) If you receive medical benefits based on age, blindness, disability (SSI-related medical), ((or ADATSA benefits,)) you need to tell us if:~~

- ~~(i) You move;~~
- ~~(ii) A family member moves into or out of your home;~~
- ~~(iii) Your resources change; or~~
- ~~(iv) Your income changes. This includes the income of you, your spouse or your child living with you.~~

~~(c) If you receive) cash benefits, you need to tell us if:~~

- ~~(i) You move;~~
- ~~(ii) Someone moves out of your home;~~
- ~~(iii) Your total gross monthly income goes over the:~~
 - ~~(A) Payment standard under WAC 388-478-0033 if you receive ABD cash; or~~
 - ~~(B) Earned income limit under WAC 388-478-0035 and 388-450-0165 for all other programs;~~

~~(iv) You have liquid resources more than four thousand dollars; or~~

~~(v) You have a change in employment. Tell us if you:~~

- ~~(A) Get a job or change employers;~~
- ~~(B) Change from part-time to full-time or full-time to part-time;~~
- ~~(C) Have a change in your hourly wage rate or salary;~~
- ~~(D) Stop working; or~~

~~((E) See WAC 182-504-0100 for medical care services reporting requirements.))~~

~~((d))~~ (b) If you are a relative or nonrelative caregiver and receive cash benefits on behalf of a child in your care but not for yourself or other adults in your household, you need to tell us if:

- ~~(i) You move;~~
- ~~(ii) The child you are caring for moves out of the home;~~

(iii) Anyone related to you or to the child you are caring for moves into or out of the home;

(iv) There is a change in the earned or unearned income of anyone in your child-only means-testing assistance unit, as defined in WAC 388-450-0162 (3)(b). You do not need to report changes in earned income for your dependent children who are in school full-time (see WAC 388-450-0070).

(v) There is a change in the recipient child's earned or unearned income (see WAC 388-450-0070 for how we count the earned income of a child);

(vi) The recipient child has liquid resources more than four thousand dollars;

(vii) A recipient child in the home becomes a foster child; or

(viii) You legally adopt the recipient child.

~~((c) If you receive **family medical** benefits, you need to tell us if:~~

~~(i) You move;~~

~~(ii) A family member moves out of your home; or~~

~~(iii) If your income goes up or down by one hundred dollars or more a month and you expect this income change will continue for at least two months.)~~

(2) If you do not receive cash assistance ((from any of the programs listed in subsection (1),)) but you do receive benefits from ((any of the programs listed in subsection (2))) basic food, you must report changes for the people in your assistance unit under chapter 388-408 WAC, ((based on all the benefits you receive.)) and tell us if:

(a) ((If you receive **Basic Food** benefits, you need to tell us if:

~~(i) If your household is a categorically eligible household as defined under WAC 388-414-0001, tell us if your total gross monthly income is more than two hundred percent of the federal poverty level; or~~

~~(ii) For all other households tell us if your)) Your total monthly income is more than the maximum gross monthly income as described in WAC 388-478-0060; or~~

~~((iii)) (b) Anyone who receives food benefits in your assistance unit and who must meet work requirements under WAC 388-444-0030 has their hours at work go below twenty hours per week.~~

~~((b) If you receive **children's medical** benefits, you need to tell us if:~~

~~(i) You move; or~~

~~(ii) A family member moves out of the house.~~

~~(c) If you receive **pregnancy medical** benefits, you need to tell us if:~~

~~(i) You move; or~~

~~(ii) You are no longer pregnant.~~

~~(d) If you receive **other medical** benefits, you need to tell us if:~~

~~(i) You move; or~~

~~(ii) A family member moves out of the home.)~~