



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 16, 2018

TIME: 9:42 AM

WSR 18-21-097

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

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 388-460-0010 "Do I have an authorized representative for Basic Food if I live in a treatment center or group home?" to align with federal regulations regarding authorized representatives recently made effective through 7 C.F.R. 273.11 (e) and (f).

Citation of rules affected by this order:

New: None
 Repealed: None
 Amended: WAC 388-460-0010
 Suspended: None

Statutory authority for adoption: RCW 74.04.500, RCW 74.04.050, RCW 74.04.055, RCW 74.04.57, RCW 74.04.510

Other authority: 7 C.F.R. 273.11 (e) and (f)

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.

Reasons for this finding: The department must amend WAC 388-460-0010 to implement recent changes to 7 C.F.R. 273.11 (e) and (f).

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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	1	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

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

New ____ Amended ____ Repealed ____

The number of sections adopted on the agency's own initiative:

New ____ Amended ____ Repealed ____

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

New ____ Amended ____ Repealed ____

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	____

Date Adopted: October 12, 2018	Signature: 
Name: Katherine I. Vasquez	
Title: DSHS Rules Coordinator	

WAC 388-460-0010 Do I have an authorized representative for basic food if I live in a treatment center or group home? (1) If you live in a qualified developmental disabilities administration (DDA) group home under WAC 388-408-0040, you may choose to apply for basic food benefits:

(a) On your own behalf;
(b) Through an authorized representative of your choice; or
(c) Through the DDA group home acting as your authorized representative.

(2) If you live in a qualified drug and alcohol treatment center under WAC 388-408-0040, you ~~((must))~~ must have an employee of the facility as your authorized representative for basic food.

(3) The person acting as authorized representative for residents in a qualified drug and alcohol treatment facility or qualified DDA group home must:

(a) Be aware of the resident's circumstances;
(b) Notify the department of any changes in income, resources, or circumstances within ten days of the change;

(c) Use the resident's basic food benefits for meals served to the resident; and

(d) ~~((Keep enough benefits in the facility's account to transfer one-half of a client's monthly allotment to the client's own account. If the client leaves the facility on or before the fifteenth of the month, the facility must return one-half of the client's Basic Food allotment for that month))~~ Give you a change in circumstances report form, when the representative learns you plan to leave the center, and advise you to report any changes as required under WAC 388-418-0005 to the department within ten days of the date of change.

(4) When a facility assigns an employee as the authorized representative for residents, the facility accepts responsibility for:

(a) Any misrepresentation or intentional program violation; and
(b) Liability for basic food benefits held at the facility on behalf of the resident.

(5) When you leave a facility, the person acting as your authorized representative must:

(a) Either:
(i) Return to you a prorated amount of your basic food allotment for that month based on the number of days remaining in the month; or

(ii) Notify the department, within five days of your departure, that the facility is unable to refund your prorated share;

(b) Notify the department of your change in address, new address if available, and that the facility is no longer your authorized representative; and

(c) Provide you with your electronic benefits transfer (EBT) card within five days of leaving the facility if the facility was in possession of the card.