



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 07, 2019
TIME: 2:34 PM

WSR 19-03-037

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

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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 changes to federal regulations specifying how and when treatment centers and group homes act as authorized representatives for residents who receive Basic Food.

When effective, this filing cancels and supersedes the emergency adopted under WSR 18-21-097.

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 Repealed: None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 74.04.510, RCW 74.08A.120

Other authority: 7 CFR 273.11 (e) and (f)

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 18-23-099 on November 20, 2018 (date).
 Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:
 Address:
 Phone:
 Fax:
 TTY:
 Email:
 Web site:
 Other:

**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Federal statute:	New	___	Amended	___	Repealed	___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	<u>1</u>	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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 on 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New	___	Amended	___	Repealed	___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:

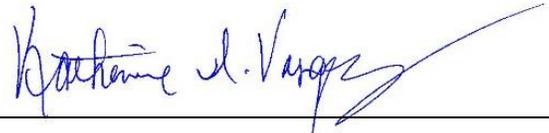
Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	<u>1</u>	Repealed	___

Date Adopted: January 7, 2019

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



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** have an employee of the facility as your authorized representative))~~ a designated treatment center employee must apply for your basic food benefits, and the center will act as your authorized representative.

(3) ~~When the ((person acting as authorized representative for residents in a))~~ qualified drug and alcohol treatment facility or qualified DDA group home is your authorized representative, it must:

- (a) Be aware of ~~((the resident's))~~ your circumstances;
- (b) Notify the department of any changes in your income, resources, or circumstances within ten days of the change;
- (c) Use ~~((the resident's))~~ your basic food benefits for meals served to ~~((the resident))~~ you; 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 center or group home learns you plan to leave, 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))~~ center or group home is an 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))~~ residents.

(5) When you leave a facility and the center or group home is your authorized representative, it 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; or

(d) Return your EBT card to the department within five days if they are unable to provide it to you.