



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

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

- Preproposal Statement of Inquiry was filed as WSR 09-14-072 ; or
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_ ; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR \_\_\_\_\_

**Title of rule and other identifying information:** (Describe Subject)  
The department is proposing to amend WAC 388-406-0055 When do my benefits start?

**Hearing location(s):**  
Blake Office Park East – Rose Room  
4500 – 10<sup>th</sup> Ave. SE  
Lacey, Washington 98503

(One block north of the intersection of Pacific Ave. SE and Alhadeff Lane. A map or directions are available at <http://www1.dshs.wa.gov/msa/rpau/docket.html> or by calling 360-664-6094)

Date: **September 22, 2009** Time: **10:00 a.m.**

**Submit written comments to:**  
Name: DSHS Rules Coordinator  
Address: PO Box 45850, Olympia WA, 98504  
Delivery: 4500 – 10<sup>th</sup> Ave. SE, Lacey, Washington 98503  
E-mail: [DSHSRPAURulesCoordinator@dshs.wa.gov](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov)  
Fax: (360) 664-6185

By:  
**5 p.m. on September 22, 2009**

**Date of intended adoption:** Not earlier than September 23, 2009  
(Note: This is **NOT** the effective date)

**Assistance for persons with disabilities:** Contact Jennisha Johnson, DSHS Rules Consultant by September 8, 2009  
TTY (360) 664-6178 or (360) 664-6094 or  
by e-mail at [johnsjl4@dshs.wa.gov](mailto:johnsjl4@dshs.wa.gov)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of the proposed rule change is to eliminate the 45-day processing timeframe for General Assistance applications filed by a person in confinement in a correctional facility or institution.

In addition, there is a typographical error that the department is proposing to fix. In 2.d. the text reads “your applied” and should read “you applied” which is from a rule filing in 2003 (WSR 03-22-039).

**Reasons supporting proposal:**  
The proposed amendments are needed to comply with the statutory changes made to RCW 74.08.060 by the enactment of Substitute Senate Bill 6024 (Chapter 198, Laws of 2009). The Governor signed the law on April 23, 2009 which goes into effect on November 1, 2009.

**Statutory authority for adoption:**  
RCWs 74.08.060, 74.04.050, 74.04.055, 74.04.057, and 74.08.090

**Statute being implemented:**  
RCWs 74.08.060, 74.04.050; 74.04.055; 74.04.057, and 74.08.090

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

**DATE**  
August 13, 2009

**NAME** (type or print)  
Don Goldsby

**SIGNATURE**

**TITLE**  
Manager, Rules and Policies Assistance Unit

### CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED**

**DATE: August 18, 2009**

**TIME: 8:52 AM**

**WSR 09-17-101**

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None

**Name of proponent:** (person or organization) Department of Social and Health Services

- Private  
 Public  
 Governmental

Department of Social and Health Services

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Melissa Mathson	PO Box 45470, Olympia WA 98504-5470	(360) 725-4563
Implementation.... Melissa Mathson	PO Box 45470, Olympia WA 98504-5470	(360) 725-4563
Enforcement..... Melissa Mathson	PO Box 45470, Olympia WA 98504-5470	(360) 725-4563

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

Phone: ( )

Fax: ( )

E-mail:

No. Explain why no statement was prepared.

These proposed rules do not have an economic impact on small businesses. The proposed amendments only affect DSHS clients by defining when applications are accepted and when they will be processed.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

Phone: ( )

Fax: ( )

E-mail:

No: Please explain: These amendments are 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." These rules affect client applications for benefits.

AMENDATORY SECTION (Amending WSR 05-19-060, filed 9/16/05, effective 11/1/05)

**WAC 388-406-0055 When do my benefits start?** The date we approve your application affects the amount of benefits you get. If you are eligible for:

(1) Cash assistance, your benefits start:

(a) The date we have enough information to make an eligibility decision; or

(b) No later than the thirtieth day for TANF, SFA, or RCA; or

(c) No later than the forty-fifth day for general assistance (~~((GAU))~~) (GA) unless you are confined in a Washington State public institution as defined in WAC 388-406-0005(6)(a) on the forty-fifth day, in which case your benefits will start on the date you are released from confinement.

(2) Basic Food, your benefits start from the date you applied unless:

(a) You are recertified for Basic Food. If you are recertified for Basic Food, we determine the date your benefits start under WAC 388-434-0010;

(b) You applied for Basic Food while living in an institution.

If you apply for Basic Food while living in an institution, the date you are released from the institution determines your start date as follows. If you are expected to leave the institution:

(i) Within thirty days of the date we receive your application, your benefits start on the date you leave the institution; or

(ii) More than thirty days from the date we receive your application, we deny your application for Basic Food. You may apply for Basic Food again when your date of release from the institution is closer.

(c) We were unable to process your application within thirty days because of a delay on your part. If you caused the delay, but submit required verification by the end of the second thirty-day period, we approve your benefits starting the first day of the month following the month you applied for benefits. We start your benefits from this date even if we denied your application for Basic Food.

(d) We initially denied your application for Basic Food and your assistance unit (AU) becomes categorically eligible (CE) within sixty days from the date (~~(your)~~) you applied. If your AU becoming CE under WAC 388-414-0001 makes you eligible for Basic Food, the date we approve Basic Food is the date your AU became CE.

(e) You are approved for transitional food assistance under chapter 388-489 WAC. We determine the date transitional benefits start as described under WAC 388-489-0015.

(f) You receive transitional food assistance with people you used to live with, and are now approved to receive Basic Food in a different assistance unit:

(i) We must give the other assistance unit ten days notice as described under WAC 388-458-0025 before we remove you from the

transitional food assistance benefits.

(ii) Your Basic Food benefits start the first of the month after we remove you from the transitional benefits. For example, if we remove you from transitional benefits on November 30th, you are eligible for Basic Food on December 1st.

(3) Medical assistance, the date your benefits start is stated in chapter 388-416 WAC.