

Department of Social and Health Services

Olympia, Washington

Social Services Manual

Revision # [68](#)

CATEGORY / INCAPACITY DETERMINATION – CASE MANAGEMENT

[HTTP://WWW.DSHS.WA.GOV/MANUALS/SOCIALSERVICES/SECTIONS/INCAP_E_TREAT.SHTML](http://www.dshs.wa.gov/manuals/socialservices/sections/incap_e_treat.shtml)

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Summary : The incapacity case management chapter replaces and revises the information and responsibilities previously listed in the Case Management and Making and Monitoring Treatment Or Referral Requirements chapters.

~~INCAPACITY DETERMINATION - MAKING AND MONITORING TREATMENT OR REFERRAL REQUIREMENTS~~ CASE MANAGEMENT

Revised ~~June 9~~ December, 2009

Purpose: Social worker are agents of change who empower our clients to improve their own lives.

In order to assist our incapacity clients in their goal to return to employment or reduce their need for assistance, it is important that we follow the basic principles of social work as well as the following:

- Be aware of and develop professional working relationships with local service agencies and treatment providers.
- Make sound incapacity decisions using clear, objective medical evidence, based upon program

rules as described in Chapter 388-448 WAC.

- Require and monitor any treatment that will assist the incapacitated client to become employed or reduce the need for assistance.
- All social workers are required to use the Inclusive Case Management System (ICMS) as a case management and tracking tool. Use ICMS for all documentation and the generation of forms from the time of the initial application interview through the time the case is closed.
- Be aware of accessibility issues and the need to provide Equal Access.

[WAC 388-448-0130](#)

Treatment and referral requirements

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WAC 388-448-0130

Effective August 1, 2001

WAC 388-448-0130 Treatment and referral requirements

We refer you to medical providers for available medical treatment or other agencies for treatment, rehabilitation or work activities when we decide it will improve your ability to be gainfully employed or reduce your need for GAU. "**Available medical treatment**" means medical, surgical, chemical dependency, or mental health services, or a combination of them.

1. When you are first approved and at each review determination, we give you written information regarding your treatment requirements.
2. You must accept and follow through on required medical treatment and referrals to other agencies and services, including applying for SSI, unless you have good cause for not doing so. Examples of good cause are found in [WAC 388-448-0140](#).
3. We may require you to undergo alcohol or drug treatment before reviewing your eligibility for GAU.
4. You may request a fair hearing if you disagree with the treatment or referral requirements we set for you

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WORKER RESPONSIBILITIES GA CASE PLAN (14-249)

Identifying Requirements

NOTE: Give the person an orientation or have a follow-up interview following incapacity approval as a best practice. Improve treatment results by hearing a person's concerns, identifying goals, and explaining program rules.

1. Gather information about the person's treatment concerns, employment and health goals, and social network. Explain the program benefits and expectations. This may be accomplished by:
 - a. A post-approval case management meeting.
 - b. A General Assistance orientation.
 - c. Dedicating a portion of the intake interview to case management.
2. Determine what the person is able to do:
 - a. If the person has a short-term medical condition, it may be appropriate to only require the person to follow through medical appointments as determined by the person's medical provider.
 - b. If the person is able to participate in pre-employment activities, include referrals to vocational or rehabilitation services available in the community.
 - c. If the person appears to meet SSI disability criteria (citizen or SSA qualified alien), refer the person to the SSI facilitator.
 - d. Refer non-citizens for naturalization services.

NOTE: If a person has received or approved for 12 months or more of GA-U, the person must participate in pre-employment activities or you must clearly document why a client with chronic impairments does not meet disability criteria, cannot participate in any activities, and what needs to happen before or when the person will become able to participate in pre-employment activities

Case Plan

1. Create a GA Case Plan for each person receiving GA. Send a copy to the person.
2. Help the person understand the participation and verification requirements.
3. List all the information the person needs to participate.
 - a. Give details in the plan. Include the "what, where, and when."
 - b. Describe the steps that are necessary to achieve self-sufficiency.
4. Verification strategies may vary, depending on the assessment.
 - a. Monitor regularly, but not necessarily every month.
 - b. Ensure progress is being made.
 - c. Engage the person in active participation.

5. Update the GA Case Plan when requirements change.

NOTE: It is a best practice to discuss a specific agency referral with the client in person, or by telephone, prior to sending a written notice of the referral.

Resources

1. See the Alcohol and Substance Abuse chapter for information, and the Chemical Dependency chapter for chemical dependency assessment and treatment.
2. See the Naturalization chapter for facilitation and naturalization services for non-citizens.
3. Refer to the Division of Developmental Disabilities (DDD) when medical evidence documents one of the following diagnoses began prior to age 18:
 - a. Mental retardation or severe cognitive impairment.
 - b. Cerebral palsy.
 - c. Epilepsy.
 - d. Autism.
4. See the Division of Vocational Rehabilitation (DVR) chapter for DVR information and referrals.
5. See the Workforce Development Council chapter for Employment Security vocational training.
6. Tribal programs are available in some areas and may include:
 - a. Medical services,
 - b. Chemical dependency treatment, and
 - c. Vocational training and employment services.
7. The Veterans Administration (VA) serves persons who were active in military service and honorably discharged. Services may include:
 - a. Disability benefits.
 - b. Mental health counseling.
 - c. Medical services.
 - d. Chemical dependency treatment.
 - e. Vocational education.
8. Private and non-profit agencies may also provide services such as vocational education, housing assistance, and counseling. Look for these types of resources in your area. Some well known companies are:
 - a. Goodwill Industries.
 - b. AARP.
 - c. United Way.
 - d. AmeriCorps.
 - e. Salvation Army.

f. St Vincent de Paul.

5.

NON-U.S. CITIZENS / NATURALIZATION REFERRAL

~~Refer all non-U.S. citizens who appear to meet SSA disability criteria directly to the local SSA District Office before providing facilitation services.~~

~~1. **When SSA accepts an application** from a GAU or TANF non-U.S. citizen:~~

~~a. Verify with the local SSA office that an application has been filed,~~

~~b. For GA recipients, submit a request for GAX certification and verify SSA shows there is a DSHS 18-235, Interim Assistance Reimbursement Authorization is on file, and~~

~~c. Provide the necessary accommodations and facilitation services to assist the recipient with the application process.~~

~~2. **When SSA rejects an application** or does not allow a qualified alien (as defined in WAC 388-424-0005) to apply **because of citizenship status** AND the qualified alien has lived in the United States for at least four years:~~

~~a. Advise the person that if they become a U.S. citizen (naturalize), they will then be eligible to apply for federal benefits. The list of naturalization services contractors is in Section M, NATURALIZATION REFERRAL LIST,~~

~~b. Revise the GA Case Plan. Refer the non-U.S. citizen for screening by a contractor to determine if it is in their interest to naturalize - **do not require the person to become a citizen**. Provide information about the naturalization screening referral in the GA Case Plan.~~

Transfer-In Cases

1. Review the case and decide if the GA Case Plan needs updating.

~~2.~~ Provide your contact information with a new GA Case Plan even when there are no changes.

~~2.~~ -

Monitoring Tracking Referrals

~~1. Tracking and verification strategies may vary, depending on the case plan and referral type.~~

~~a. Work with the individual's provider to determine how often you should monitor compliance with treatment referrals.~~

- b. Monitor regularly, but not necessarily every month.
- c. Be respectful of the service provider's time and preferences. Verification of cooperation with a provider can be obtained using the 14-478 treatment monitoring letter, email, or by telephone. Use the method the **provider** prefers.
- d. Document all tracking and verification actions in ICMS.
- e. Ensure progress is being made.
- f. Engage the person in active participation by explaining the purpose of each referral, and contacting the person after the treatment or service has begun.

- ~~1. Send a warning letter when verification is not received.~~
- ~~2. If there is no response to the letter, assume refusal to cooperate without good cause.~~
- ~~3. Refer to Good Cause and Penalties for determining good cause and sanctions for non-compliance.~~
- ~~4. Take action on a person's non-compliance right away. Do not wait until the case is up for review.~~

WAC 388-448-0140
Effective August 1, 2001

WAC 388-448-0140 Good cause for refusing medical treatment or other agency referrals

We may determine that you have good cause for refusing required treatment or referrals to other agencies. We may require you to provide proof to support your good cause claim. Valid reasons for refusing treatment and other agency referrals include, but are not limited to, the following:

- 1. Valid reasons for refusing treatment referrals:
 - a. You are so fearful of the treatment that your fear could interfere with the treatment or reduce its benefits;
 - b. Treatment could cause further limitations or loss of a function or an organ and you are not willing to take that risk;
 - c. You practice an organized religion that prohibits treatment; or
 - d. Treatment is not available without cost to you.
- 2. Valid reasons for refusing treatment or other agency referrals:
 - a. We did not give you enough information about the requirement;
 - b. You did not receive written notice of the requirement;
 - c. The requirement was made in error;
 - d. You are temporarily unable to participate because of documented interference, or

- e. Your medical condition or limitations are consistent with the definition of necessary supplemental accommodation (NSA), [WAC 388-472-0020](#), and your condition or limitations contributed to your refusal per [WAC 388-472-0050](#).

This is a reprint of the official rule as published by the [Office of the Code Reviser](#). If there are previous versions of this rule, they can be found using the [Legislative Search page](#).

Determining Good Cause

- ~~1. Determine if a person has good cause before taking any adverse action.~~
- ~~2. Consider whether an unrecognized need for or lack of accommodation contributed to the refusal or failure to follow through.~~
 - ~~a. If so, do not sanction. Create or adjust the NSA Plan.~~
 - ~~b. See NECESSARY SUPPLEMENTAL ACCOMMODATION (NSA) for more information.~~
- ~~3. The person must provide supporting verification when claiming a reason listed under WAC 388-448-0140. See the Verification chapter in the EA-Z manual.~~
- ~~4. When a person gives a reason that is not listed in WAC, assess whether the reason for not participating is valid. Other circumstances other than those specified in WAC may prevent the person from participating.~~
- ~~5. If necessary, update the GA Case Plan to include only items that the person is capable of participating in.~~
- ~~6. Apply the appropriate penalty using a 14-118 when there is not good cause for non-participation.~~

WAC 388-448-0150

Effective September 1, 2000

WAC 388-448-0150 Penalty for refusing medical treatment or other agency referrals

1. If you refuse required treatment or agency referral without having good cause, we will stop your GAU benefits.
2. We stop your GAU benefits until you agree to accept and pursue the required treatment service or referral.
3. If you reapply, you must wait for a penalty period to pass before you begin getting benefits. The penalty is based on how often you have refused:

Refusal	Penalty
First	One week
Second within six months	One month
Third and subsequent within one year	Two months

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Non Compliance

1. Send form 14-509 GA Good Cause letter when verification isn't received.
2. If there is no response to the good cause letter, assume refusal to cooperate without good cause.
3. Refer to Good Cause and Penalties for determining good cause and sanctions for non-compliance.
4. Take action on a person's non-compliance immediately. Don't wait until the incapacity review.

Determining Good Cause

1. Determine if a person has good cause before taking any adverse action.
2. Consider whether an unrecognized need for or lack of accommodation contributed to the refusal or failure to follow through.
 - a. If so, do not sanction. Create or adjust the Equal Access Plan.
 - b. See Equal Access for more information.
3. The person must provide supporting verification when claiming a reason listed under WAC 388-448-0140. See the Verification chapter in the EA-Z manual.
4. If necessary, update the GA Case Plan to include only items that the person is capable of participating in.
5. Apply the appropriate penalty using a 14-118 when there is not good cause for non-participation

WAC 388-448-0200 Can I get general assistance while waiting for Supplemental Security Income (SSI)?

1. You may receive general assistance benefits while you are waiting to receive Social Security Supplemental Security Income (SSI) benefits only when you:
 - a. Have filed your SSI application with the Social Security Administration (SSA), follow through with SSA directions and requirements to process your application including keeping all interview and consultative examination appointments, and do not withdraw your application;
 - b. Agree to assign the initial or reinstated SSI payment to us provided under WAC 388-448-0210;
 - c. Are otherwise eligible according to 388-400-0025; and
 - d. Meet incapacity criteria listed in 388-448-0001.

2. When we obtain certification that you are likely to qualify for SSI, we also approve categorical needy medical coverage under 388-505-0110.

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SSI Applicants

If a person fails to apply for SSI, or follow through with **any** SSA requirement:

1. Send form 14-509 GA Good Cause letter to schedule an appointment with a SSIF.
2. If the person had good cause for failing to comply with the SSI application process, explain the requirement and coordinate with DDDS or SSA to help the person fulfill the requirement.
3. If the person failed to file an SSI application, reconsideration, or hearing request, complete the application or request at the good cause appointment regardless of whether good cause is established.
4. Terminate GA cash benefits until the person has signed the IARA, filed the SSI application, completed the consultative examination, or any other SSA requirement.

Note: For a person identified as potentially disabled, compliance with DSHS and SSA is a condition of eligibility for GA. When cash assistance has been terminated because the person failed to comply with pursuing disability benefits even if they claim good cause, only authorize further GA cash assistance **after** the person verifies they have taken action to comply.

Apply the appropriate penalty using a 14-118 when there isn't good

Penalty Guidelines Requirements

1. Use a 14-118, Incapacity Decision to notify financial services to stop GA benefits when you **decide determine** that the person ~~does not~~ **doesn't** have **good cause**.
2. When the period of ineligibility penalty coincides with the last month of incapacity, send a 14-217, Notice of Information Required for Incapacity Review, to the person.
3. When the person reapplies:
 - a. Deny GA benefits when the person continues to refuse requirements.
 - b. When the person agrees to cooperate, use DSHS 14-118, Incapacity Decision to notify financial services to reopen GA benefits **after the appropriate penalty period**. The person must demonstrate willingness to pursue the program requirements.

NOTE: The penalty periods in WAC 388-448-0150 are defined in RCW 74.04.005. Termination and penalties for failure to accept a referral for services which can reasonably be expected to enable the person to work, **or** reduce the need for assistance, is mandated by **State Law**.

4. The period of ineligibility penalty begins the date of re-application or the first of the following month, whichever is later.
 - a. Impose a subsequent period of ineligibility (second, third, and subsequent failures) only when there is an additional refusal to cooperate with the **same** treatment or referral requirement as the previous penalty.
 - b. Failure to cooperate with a **different** treatment or referral requirement counts as a new first failure.
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RESOURCES

~~The following agencies can provide services to assist people to become employable.~~

1. ~~Chemical dependency treatment agencies serve people who have a problem with alcoholism or drug addiction:~~
 - a. ~~A DASA-contracted chemical dependency treatment agency determines if a person has a chemical dependency.~~
 - b. ~~When chemical dependency is established, the treatment agency will recommend and provide services as appropriate.~~
 - c. ~~Use the treatment agency recommendations to revise the GA Case Plan.~~
 - d. ~~Persons who are eligible for GA but are chemically dependent receive residential treatment in a DASA-contracted residential treatment agency. **Persons may remain on GA while receiving treatment.**~~
 - e. ~~DASA contracts with counties to provide outpatient chemical dependency treatment services free of charge to low income clients, including GAU clients.~~
 - f. ~~DASA requires contracted treatment agencies to include planning for vocational goals or finding a job in the agency's treatment plan.~~
 - g. ~~Medicaid eligible persons (GAX, SSI) use their medical identification card to get outpatient chemical dependency treatment services.~~
 - h. ~~If the person is eligible for both GA and ADATSA Shelter, inform the person of their right to choose the desired program.~~
2. ~~Refer to the ~~when medical evidence documents one of the following diagnoses began prior to age 18:~~~~

- a. ~~Mental retardation or severe cognitive impairment,~~
 - b. ~~Cerebral palsy,~~
 - c. ~~Epilepsy, or~~
 - d. ~~Autism.~~
3. ~~The Division of Vocational Rehabilitation (DVR) serves people who:~~
- a. ~~Have a physical, mental, or sensory limitation,~~
~~DVR assigns higher priority to people whose limitations are severe and permanent.~~
~~The limitation must hinder the person's ability to prepare for, get, or keep a job that matches their capabilities and potential.~~
 - b. ~~Intend to and can work after receiving vocational rehabilitation services, and~~
 - c. ~~Require vocational rehabilitation services to prepare for, get or keep a job.~~
4. ~~are available in some areas and may include:~~
- a. ~~Medical services,~~
 - b. ~~Chemical dependency treatment, and~~
 - c. ~~Vocational training and employment services.~~
5. ~~The serves persons who were active in military service and honorably discharged. Services may include:~~
- a. ~~Disability benefits,~~
 - b. ~~Mental health counseling,~~
 - c. ~~Medical services, and~~
 - d. ~~Chemical dependency treatment.~~
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LINKS

DASA (ADATSA and Treatment Expansion):

- ~~Division of Alcohol and Substance Abuse (DASA)~~

- [DASA-DBHR Treatment Expansion](#)
- [Protocols](#) for Treatment Expansion Clients
- [DASA-DBHR Green Book](#) (Directory of Certified Chemical Dependency Services in Washington State)
- [Division of Vocational Rehabilitation](#)

— **DVR:**

[Division of Vocational Rehabilitation](#)

DSHS:

- [GAU](#)
- [ESA Policy Review Page \(Blue Page\)](#)

Social Security:

- [Social Security Administration](#)
- [SSI](#)
- [SSDI](#)
- [Social Security Employment Programs](#)
- [Veterans Affairs:](#)
- [Veterans Benefits Fact Sheets](#)

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