



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do NOT use for expedited rule making

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

Subject of possible rule making:

The Department is proposing to amend WAC 388-410-0020, "What happens if I receive more Basic Food or WASHCAP benefits than I am supposed to receive?", WAC 388-410-0025, "Am I responsible for an overpayment in my assistance unit?" WAC 388-410-0030, "How does the department calculate my Basic Food or WASHCAP overpayment?" WAC 388-410-0033 "How and when does the department collect a Basic Food or WASHCAP overpayment?" and any other related rules to clarify how state and federal food assistance overpayments are established, calculated, and recovered. The Department is also proposing to clarify client hearing rights related to state and federal food assistance overpayments.

Statutes authorizing the agency to adopt rules on this subject:

RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.04.510, 74.08A.120, 7 U.S.C. §2022, and 7 CFR §273.18

Reasons why rules on this subject may be needed and what they might accomplish:

The proposed changes will add reference to the state funded Food Assistance Program (FAP) to clarify that FAP is one of the food assistance programs covered by these rules. The proposed changes will also clarify how food assistance overpayments are calculated, established, and collected, when administrative hearings are available, and what issues may be considered during hearings related to food assistance overpayments.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

The United States Department of Agriculture, Food and Nutrition Services, regulates federal food benefits affected by this filing. No direct coordination is necessary. Adopted rules will be consistent with federal laws and regulations regarding claims against households under 7 U.S.C. §2022 and 7 CFR §273.18.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the Office of the Code Reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.) Contact: Bob Thibodeau

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DATE
December 22, 2014

NAME (TYPE OR PRINT)
Katherine Vasquez

SIGNATURE

TITLE
DSHS Rules Coordinator

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STATE OF WASHINGTON
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