



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

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

Permanent Rule Only

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 388-468-0005 to comply with Federal Regulations for residency requirements for Basic Food, the Washington Combined Application Program (WASHCAP), the Food Assistance Program (FAP) for legal immigrants, and Transitional food assistance. The amendments also clarify residency requirements for cash and medical programs.

Citation of existing rules affected by this order:

Repealed: None
 Amended: WAC 388-468-0005
 Suspended: None

Statutory authority for adoption: RCW 74.04.050, RCW 74.04.055, RCW 74.04.057, RCW 74.04.510, RCW 74.08.090, 7 CFR 273.2, and 7 CFR 273.3.

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 16-13-113 on June 21, 2016 (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: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

Date adopted:

September 1, 2016

NAME (TYPE OR PRINT)

Katherine Vasquez

SIGNATURE

TITLE

DSHS Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 13, 2016

TIME: 9:19 AM

WSR 16-19-026

**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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	<u>1</u>	Repealed	_____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New	_____	Amended	_____	Repealed	_____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 in 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	_____

WAC 388-468-0005 ((Residency-)) What are the residency requirements for cash and food programs? ((Subsections (1) through (4) applies to cash, the Basic Food program, and medical programs.))

(1) ((A resident is a person who)) For both cash and food programs, you:

(a) ((Currently lives in Washington and intends to continue living here permanently or for an indefinite period of time; or)) Must live in Washington state, but not for any specific period of time to be a resident;

(b) ((Entered the state looking for a job; or)) Must not receive comparable benefits from another state or tribe during the same month;

(c) ((Entered the state with a job commitment)) Are a resident of the state where you are physically located when there is a residency dispute between states; and

(d) Are not required to live in a permanent dwelling or have a fixed address.

(2) ((A person does not need to live in the state for a specific period of time to be considered a resident)) Subsections (3) through (8) of this section apply to cash programs only.

(3) You are a resident if you currently live in Washington state voluntarily and:

(a) Intend to remain in the state not for a temporary purpose; or

(b) Entered the state looking for a job or with a job commitment.

((3)) (4) A child under age eighteen is a resident of the state where ((the child's)) his or her primary custodian ((lives)) is a resident.

((4) A client can temporarily be out of the state for more than one month. If so, the client must supply the department with adequate information to demonstrate the intent to continue to reside in the state of Washington.)) (5) You may temporarily leave Washington state for more than one month and continue to receive benefits if you give the department proof of your intent to continue to reside in Washington state.

((5) A client may not receive comparable benefits from another state for the cash and Basic Food programs.))

(6) ((A)) If you are a former resident of ((the)) Washington state, you can apply for the ((ABD)) aged, blind, or disabled (ABD) cash program while living in another state if:

(a) ((The person)) Your absence was:

(i) ((Plans to return to this state;)) Enforced and beyond your control; or

(ii) ((Intends to maintain a residence in this state; and)) Essential to your welfare and due to your physical or social needs;

((iii) Lives in the United States at the time of the application.))

(b) ((In addition to the conditions in subsection (6)(a)(i), (ii), and (iii) being met, the absence must be:

(i) Enforced and beyond the person's control; or) You plan to return to Washington state;

((ii) Essential to the person's welfare and is due to physical or social needs.)

(c) ((See WAC 388-406-0035, 388-406-0040, and 388-406-0045 for time limits on processing applications.

~~(7) Residency is not a requirement for detoxification services.)~~
You intend to maintain a residence in Washington state; and

(d) You live in the United States of America at the time you applied for the ABD cash program.

~~((8) A person is)) (7) You are not a resident ((when the person enters)) if you entered Washington state only for medical care. ((This person is not eligible for any medical program. The only exception is described in subsection (9) of this section.~~

~~(9) It is not necessary for a person moving)) (8) If you move from another state directly to a nursing facility in Washington state, you do not need to establish residency before entering the facility. ((The person is considered a resident if they intend to remain permanently or for an indefinite period unless)) You are not considered a resident if you are placed in the nursing facility by another state.~~

(9) Subsections (10) and (11) of this section apply to basic food programs only.

~~(10) ((For purposes of medical programs, a client's residence is the state:~~

~~(a) Paying a state supplemental security income (SSI) payment; or~~

~~(b) Paying federal payments for foster or adoption assistance; or~~

~~(c) Where the noninstitutionalized individual lives when medicaid eligibility is based on blindness or disability; or~~

~~(d) Where the parent or legal guardian, if appointed, for an institutionalized:~~

~~(i) Minor child; or~~

~~(ii) Client twenty one years of age or older, who became incapable of determining residential intent before reaching age twenty one.~~

~~(e) Where a client is residing if the person becomes incapable of determining residential intent after reaching twenty one years of age; or~~

~~(f) Making a placement in an out of state institution; or~~

~~(g) For any other institutionalized individual, the state of residence is the state where the individual is living with the intent to remain there permanently or for an indefinite period)) You are a resident for purposes of the basic food program if you live in Washington state.~~

~~(11) ((In a dispute between states as to which is a person's state of residence, the state of residence is the state in which the person is physically located.)) You are not required to intend to live permanently in Washington state.~~