



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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FILED

DATE: September 17, 2018

TIME: 4:04 PM

WSR 18-19-072

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

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 18-15-045 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) The department is proposing to amend WAC 388-478-0055 "How much do I get from my state supplemental payments (SSP)?".

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
October 23, 2018	10:00 a.m.	Office Building 2 DSHS Headquarters 1115 Washington Olympia, WA 98504	Public parking at 11 th and Jefferson. A map is available at: https://www.dshs.wa.gov/sesa/rules-and-policies-assistance-unit/driving-directions-office-bldg-2

Date of intended adoption: Not earlier than October 24, 2018 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: DSHS Rules Coordinator

Address: PO Box 45850
Olympia, WA 98504

Email: DSHSRPAURulesCoordinator@dshs.wa.gov

Fax: 360-664-6185

Other:

By (date) 5:00 p.m. October 23, 2018

Assistance for persons with disabilities:

Contact Jeff Kildahl, DSHS Rules Consultant

Phone: 360-664-6092

Fax: 360-664-6185

TTY: 711 Relay Service

Email: Kildaja@dshs.wa.gov

Other:

By (date) October 9, 2018

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The department is proposing to amend WAC 388-478-0055 to update the monthly SSP Rate for those in medical institutions effective January 1, 2019 from \$27.28 to \$40.00. The maximum Personal Needs Allowance (PNA) standard has increased to seventy dollars for those in medical institutions and residential settings. The PNA is comprised of a social security withholding of \$30.00 and the remainder of the PNA is supplemented with State Supplemental Payments (SSP).

Reasons supporting proposal: This amendment is necessary in order to comply with SHB 2651 (Chapter 137, Laws of 2018), which increases the PNA standard for those in medical and residential settings.

Statutory authority for adoption: RCW 74.04.050, RCW 74.04.057, RCW 74.09.340, RCW 74.08.090

Statute being implemented: RCW 74.09.340

Is rule necessary because of a:

Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

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

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Jared Beard	PO Box 45470, Olympia, WA 98504-5470	360-725-4617
Implementation:	Jared Beard	PO Box 45470, Olympia, WA 98504-5470	360-725-4617
Enforcement:	Jared Beard	PO Box 45470, Olympia, WA 98504-5470	360-725-4617

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

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

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:
TTY:
Email:
Other:

No: Please explain: This amendment is 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."

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)
(Internal government operations)

RCW 34.05.310 (4)(e)
(Dictated by statute)

RCW 34.05.310 (4)(c)
(Incorporation by reference)

RCW 34.05.310 (4)(f)
(Set or adjust fees)

RCW 34.05.310 (4)(d)
(Correct or clarify language)

RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW 34.05.310.

Explanation of exemptions, if necessary: The department is required to amend WAC 388-478-0055 per RCW 74.09.340

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Date: September 13, 2018

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:

WAC 388-478-0055 How much do I get from my state supplemental payments (SSP)? (1) The SSP is a payment from the state to certain SSI eligible people ~~((see))~~ as described in WAC 388-474-0012~~((+))~~.

(2) If you converted to the federal SSI program from state assistance in January 1974~~((7))~~ because you were aged, blind, or disabled, and have remained continuously eligible for SSI since January 1974, the department calls you a grandfathered client. Social Security calls you a ~~((mandatory))~~ minimum income level (MIL) client.

A change in living situation, cost-of-living adjustment (COLA), or federal ~~((payment level (FPL)))~~ benefit rate (FBR) can affect a grandfathered ~~((MIL))~~ MIL client. A grandfathered ~~((MIL))~~ MIL client gets a federal SSI payment and a SSP payment, which totals the higher of one of the following:

(a) The state assistance standard set in December 1973, unless you lived in a medical institution at the time of conversion, plus the federal ~~((cost of living adjustments (COLA)))~~ COLA since then; or

(b) The current payment standard.

(3) The monthly SSP rate standards for eligible persons under WAC 388-474-0012 and individuals residing in an institution are:

SSP eligible persons	Standard
Individual (aged 65 and older)	\$40.00
Individual (blind as determined by SSA)	\$40.00
Individual with an ineligible spouse	\$40.00
Grandfathered (MIL)	Varies by individual based on federal requirements. Payments range between \$0.54 and \$199.77.
Medical institution	Monthly SSP Rate
Individual	((27.28)) <u>\$40.00</u>

(4) We may adjust the SSP rate standards at the end of the calendar year to comply with WAC 388-478-0057.