



# PROPOSED RULE MAKING

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

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: May 27, 2020

TIME: 2:48 PM

WSR 20-12-040

**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** 20-05-060 ; 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 amendments to WAC 388-280-0010, What is the United States Repatriation Program?; WAC 388-280-0020, How do I apply for repatriation assistance?; WAC 388-280-0030, Do I have to repay the repatriation assistance?; WAC 388-280-0040, Are there limits to my income and resources?; WAC 388-280-0050, How long can I receive repatriation assistance?; and WAC 388-280-0060, What services are available to me under the repatriation program?.

### Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
July 7, 2020	10:00 a.m.	Office Building 2 DSHS Headquarters 1115 Washington Street SE Olympia, WA 98504  Or by Skype	Public parking at 11 <sup>th</sup> and Jefferson. A map is available at: <a href="https://www.dshs.wa.gov/office-of-the-secretary/driving-directions-office-bldg-2">https://www.dshs.wa.gov/office-of-the-secretary/driving-directions-office-bldg-2</a>  Due to the COVID 19 pandemic, hearing may be held via Skype, see DSHS website for most up to date information.

**Date of intended adoption:** Not earlier than July 8, 2020 (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](mailto:DSHSRPAURulesCoordinator@dshs.wa.gov)

Fax: 360-664-6185

Other:

By (date) 5:00 p.m. July 7, 2020

### 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](mailto:Kildaja@dshs.wa.gov)

Other:

By (date) June 23, 2020

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Proposed amendments to chapter 388-280 WAC will clarify the role and functions of the United States Department of Health and Human Services (HHS) in eligibility for repatriation services, align repatriation rules with the Washington State Emergency Repatriation Plan, distinguish between emergency and non-emergency repatriation assistance, fix incorrect cross-references, and spell out abbreviations for clarity.

**Reasons supporting proposal:** Amendments proposed under this filing align rule with the current Washington State Emergency Repatriation Plan and support accurate administration of the Repatriation program.

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

**Statute being implemented:** None

**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:

**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

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Olga Walker	PO Box 45470, Olympia, WA 98504-5470	360-725-4641
Implementation:	Olga Walker	PO Box 45470, Olympia, WA 98504-5470	360-725-4641
Enforcement:	Olga Walker	PO Box 45470, Olympia, WA 98504-5470	360-725-4641

**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, "This section does not apply to...rules of the department of social and health services relating only to client medical or financial eligibility..."

**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)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- 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 34.05.328 (5)(b)(vii).

Explanation of exemptions, if necessary: The proposed rules do not affect small businesses. They only affect DSHS clients.

**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:** May 27, 2020

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**

AMENDATORY SECTION (Amending WSR 00-19-077, filed 9/19/00, effective 11/1/00)

**WAC 388-280-0010 What is the United States Repatriation Program?**

The United States Repatriation Program (~~(assists a)~~) provides temporary assistance to U.S. (~~(citizen or dependent)~~) citizens and dependents who (~~(is:~~

~~(1) Without~~) are brought from a foreign country to the United States because of lack of financial resources (~~(; and~~

~~(2) Returned or brought back to the U.S. from a foreign country because of:~~

~~(a) Mental illness; or~~

~~(b) Destitution, physical illness, or a), illness, war, threat of war, natural disaster, or similar crisis ((such as war)).~~

"Assistance" means non-emergency benefits and services. "Emergency" means an activation of the state emergency repatriation plan. During an emergency, you may get emergency assistance at an emergency repatriation center when you arrive at a port of entry. Benefits and services available during an emergency depend on what is available at the time of incident. You may apply for non-emergency assistance in your state of final destination after receiving assistance at an emergency repatriation center.

For the purposes of this chapter, "we" and "us" means the department of social and health services.

AMENDATORY SECTION (Amending WSR 00-19-077, filed 9/19/00, effective 11/1/00)

**WAC 388-280-0020 How do I apply for repatriation assistance?**

You apply for repatriation assistance by contacting the U.S. (~~(State)~~) department of health and human services (HHS) or us.

(1) If you contact (~~(the U.S. State Department)~~) HHS, we consider a referral from them as an approved application.

(2) If you contact us directly, we apply for you to (~~(the U.S. Department of Health and Human Services (HHS))~~) HHS.

(3) During an emergency, repatriation assistance is provided to you at an emergency repatriation center at a port of entry in Washington state.

AMENDATORY SECTION (Amending WSR 00-19-077, filed 9/19/00, effective 11/1/00)

**WAC 388-280-0030 Do I have to repay the repatriation assistance?**

Repatriation assistance is a loan. You, or your representative if you are (~~(mentally ill)~~) incapacitated, must:

(1) Sign a statement recognizing repatriation assistance as a loan; and

(2) Agree to repay the funds.

Repayment goes to the U.S. department of health and human services (HHS), and HHS is responsible for collecting repayment of this loan.

AMENDATORY SECTION (Amending WSR 00-19-077, filed 9/19/00, effective 11/1/00)

**WAC 388-280-0040 Are there limits to my income and resources?**

(1) You are ((ineligible)) not eligible to receive ((repatriate)) repatriation assistance if ((you have nonexempt)) your:

(a) Income, as defined by temporary assistance for needy families (TANF) equal to or greater than the TANF need standards as described in WAC ((388-450-0005)) 388-478-0015; or

(b) Resources, as defined by TANF under WAC 388-470-0005 that are available to meet your resettlement needs.

(2) We consider a resource available to you when:

(a) The value can be determined;

(b) It is controlled by you; and

(c) You can use the resource to meet your needs.

(3) Income limits do not apply during emergency repatriation incidents as defined in the Washington state Emergency Repatriation Plan.

AMENDATORY SECTION (Amending WSR 00-19-077, filed 9/19/00, effective 11/1/00)

**WAC 388-280-0050 How long can I receive repatriation assistance?**

(1) If you are ((mentally ill)) incapacitated, you receive temporary care until you:

(a) Can be released to the care of a relative or state agency; or

(b) Are discharged or granted release from hospitalization.

(2) If you are not ((mentally ill)) incapacitated, you may receive repatriation assistance up to twelve months as follows:

(a) "Temporary assistance" meaning repatriation assistance provided during the first ninety days after you return to the United States.

(b) "Extended assistance" meaning repatriation assistance provided for up to nine months after the end of your temporary assistance. We must have approval in advance from ((HHS)) the U.S. department of health and human services (HHS), so you must ask us to apply for extended assistance while receiving temporary assistance and be:

(i) Ineligible for any other assistance program; and

(ii) Unable to support or care for yourself due to age, illness, or lack of job skills.

(3) During an emergency, you may only receive repatriation assistance as long as you remain in the emergency repatriation center. Once you leave the emergency repatriation center, you may apply for non-emergency repatriation assistance.

**WAC 388-280-0060 What services are available to me under the repatriation program?** (1) The ((HHS)) U.S. department of health and human services (HHS) sets limits on how much we pay for repatriation assistance. ((The limits are:

(a) ~~The temporary assistance for needy families (TANF) payment standards under WAC 388-478-0015 for goods and services to meet basic needs;~~

(b) ~~Up to five hundred sixty dollars per person to meet resettlement costs, if necessary, and for only one month while you receive temporary assistance.)~~

(2) Within payment limits, repatriation assistance includes:

(a) Travel to your place of residence, limited to:

(i) One domestic trip at the lowest fare and using the most direct means;

(ii) Meals and lodging while you are traveling;

(iii) Money for incidentals; and

(iv) If you are ((ill or disabled)) incapacitated, travel expenses for an escort.

(b) Goods and services necessary for your health and welfare, including:

(i) Transportation for medical treatment, hospitalization or social services;

(ii) Temporary shelter;

(iii) Meals;

(iv) Clothing;

(v) Hospitalization to treat mental or acute illness or other medical care; and

(vi) Guidance, counseling and other social services.

((c) ~~Resettlement costs, including:~~

(i) ~~Utility or housing deposits; and~~

(ii) ~~Basic household goods, such as cookware or blankets.)~~

(3) Benefits, services, and assistance available during an emergency at an emergency repatriation center are described in the Washington state Emergency Repatriation Plan.