



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 22, 2022

TIME: 12:24 PM

WSR 23-02-011

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

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) _____

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 adopting emergency amendments to WAC 388-412-0040, "Can I get my benefits replaced" to issue replacement benefits to households whose cash benefits were either cloned or skimmed between March 1, 2022 and December 31, 2022. Loss in benefits must be reported to or verified by the department no later than March 31, 2023, and the department will provide a one-time replacement of no more than \$300.

Citation of rules affected by this order:

New: N/A
 Repealed: N/A
 Amended: WAC 388-412-0040
 Suspended: N/A

Statutory authority for adoption: RCW 74.04.005; 74.04.050; 74.04.055; 74.04.057; 74.04.510; 74.04.655; 74.04.660; 74.04.770; 74.04.0052; 74.08.043; 74.08.090; 74.08.335; 74.08A.100; 74.08A.120; 74.08A.230; and 74.62.030

Other authority:

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: Emergency adoption of these amendments is necessary to issue replacement benefits to households whose cash benefits were either cloned or skimmed between March 1, 2022 and December 31, 2022. Loss in benefits must be reported to or verified by the department no later than March 31, 2023, and the department will provide a one-time replacement of no more than \$300.

**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 | _____ | Repealed | _____ |

The number of sections adopted at the request of a nongovernmental entity:

New ____ Amended ____ Repealed ____

The number of sections adopted on the agency's own initiative:

New ____ Amended ____ Repealed ____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New ____ Amended 1 Repealed ____

The number of sections adopted using:

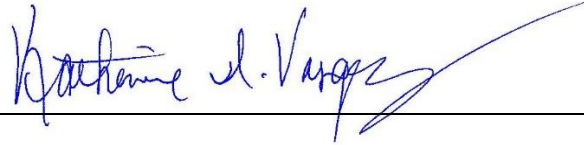
| | | | | | | |
|--------------------------------|-----|------|---------|----------|----------|------|
| Negotiated rule making: | New | ____ | Amended | ____ | Repealed | ____ |
| Pilot rule making: | New | ____ | Amended | ____ | Repealed | ____ |
| Other alternative rule making: | New | ____ | Amended | <u>1</u> | Repealed | ____ |

Date Adopted: December 22, 2022

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



WAC 388-412-0040 Can I get my benefits replaced? Under certain conditions, we may replace your benefits.

(1) You may get your EBT cash and/or food assistance benefits replaced if:

(a) We make a mistake that causes you to lose benefits;

(b) The EBT card mailed to you is stolen from the mail; you never had the ability to use the benefits; and you lost benefits;

(c) You left a drug or alcohol treatment facility on or before the ~~((fifteenth))~~ 15th of the month and the facility does not have enough food assistance benefits in their EBT account for one-half of the allotment that they owe you;

(d) Your EBT benefits that were recently deposited into an inactive EBT account were canceled by mistake; ~~((or))~~

(e) The food that your household purchased with food assistance benefits was destroyed in a household disaster or misfortune.

(i) For us to replace your benefits, you must report the loss to the department within ~~((ten))~~ 10 days from the date of the loss.

(ii) We replace the amount of your loss, up to a one-month benefit amount ~~((-))~~ ; or

(f) Your cash assistance benefits were stolen between March 1, 2022, and December 31, 2022, as a result of cloning or skimming.

(i) Once verified, we will provide a one-time cash benefit replacement of no more than \$300.

(ii) Loss of benefits must be reported to or verified by the department no later than March 31, 2023.

(iii) We will not replace benefits received under the low income home energy assistance program (LIHEAP), transitional cash assistance (TCA), and state supplemental payments (SSP).

(2) We will not replace your benefits if your loss is for a reason other than those listed in subsection (1) above if:

(a) We decided that your request is fraudulent;

(b) Your food assistance benefits were lost, stolen, or misplaced after you received them;

(c) You already received two replacements for food destroyed in household disaster or misfortune within the last five months; or

(d) You received disaster supplemental nutrition assistance program (D-SNAP) benefits for the same month you requested a replacement for food assistance.

(3) **EBT cards.** It is your responsibility to keep track of your household's EBT card.

(a) If you have multiple EBT cards replaced, we may suspect you to be trafficking benefits as described under WAC 388-412-0046 (2)(d).

(b) If we suspect trafficking, we will refer your case for investigation by the office of fraud and accountability. Persons trafficking in food assistance benefits may be subject to fines, disqualification from food assistance, and legal action including criminal prosecution.