



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 the following WAC sections to clarify the differences and similarities in definitions, eligibility requirements, reporting requirements, and benefit calculation for the Washington State Combined Application Program (WASHCAP) demonstration project and Basic Food.

388-492-0020 "What are WASHCAP food benefits and what do I need to know about WASHCAP?"

388-492-0030 "Who can get WASHCAP?"

388-492-0080 "Where do I report changes?"

388-492-0100 "How is my eligibility for WASHCAP food benefits reviewed?"

Citation of existing rules affected by this order:

Repealed: None

Amended: WAC 388-492-0020, 388-492-0030, 388-492-0080, 388-492-0100

Suspended: None

Statutory authority for adoption: RCW 74.04.050, 74.04.055, 74.04.057, 74.04.500, 74.08.090, 74.08A.903

Other authority: Title 7 CFR Part 273

PERMANENT RULE (Including Expedite 1d Rule Making)

Adopted under notice filed as WSR 14-18-027 filed August 26, 2014

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: NA

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

Date adopted:

October 31, 2014

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: November 03, 2014

TIME: 11:38 AM

WSR 14-22-075

**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Federal statute:	New	_____	Amended	_____	Repealed	_____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	<u>4</u>	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____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	4	Repealed	_____

WAC 388-492-0020 What are WASHCAP food benefits and what do I need to know about WASHCAP? WASHCAP means the Washington State Combined Application Project.

(1) WASHCAP is a simplified food benefits program for most single supplemental security income (SSI) recipients.

(a) WASHCAP uses policy of the supplemental nutrition assistance program (SNAP).

(i) The food and nutrition act of 2008;

(ii) Federal regulations for the SNAP program under Title 7 of the Code of Federal Regulations; and

(iii) The current demonstration project waiver for WASHCAP approved by USDA food and nutrition service (FNS).

(b) Unless specifically stated in ((this WAC)) chapter 388-492 WAC, WASHCAP food benefits follow all the program requirements of the Basic Food program as described under Title 388 WAC ((388-400-0040)).

(2) The Social Security Administration (SSA) asks you if you want to get food benefits when you apply for SSI in Washington state. You do not have to go to your local community services office (CSO) to apply for WASHCAP.

(3) If you meet the requirements of WAC 388-492-0030, you will get WASHCAP food benefits unless you can choose Basic Food benefits under WAC 388-492-0040.

(4) If you are eligible for WASHCAP food benefits under WAC 388-492-0030, SSA will electronically ~~((sends))~~ send us the information we need to open and update your WASHCAP food benefits.

(5) When the DSHS and SSA systems match exactly, WASHCAP food benefits begin the first month after the month you apply and are eligible for ongoing SSI and meet WASHCAP program requirements.

~~((6) ((You do not have to go to your local community services office (CSO) to apply for WASHCAP.~~

~~((7))~~ If you want Basic Food benefits before WASHCAP food benefits begin, you can apply:

(a) By contacting the customer service center (CSC) at 1-877-501-2233 to request an application be mailed to you;

(b) ~~((Over the internet))~~ Online at washingtonconnection.org;

(c) At any community services office (CSO);

(d) At any home and community services office (HCS); or

(e) At any Social Security Administration (SSA) office.

~~((8))~~ (7) If you get Basic Food benefits, these benefits will continue:

(a) Through the end of your certification period; or

(b) Through the month before your WASHCAP food benefits start.

~~((9) While you get WASHCAP food benefits,))~~ (8) We calculate your WASHCAP benefits using the information we receive from SSA. Because of this, you must report all changes to SSA.

~~((10))~~ (9) You do not have to report changes to your WASHCAP worker. See WAC 388-492-0080.

(10) When the department learns of a change in your circumstances, we may also update your WASHCAP food benefits.

WAC 388-492-0030 Who can get WASHCAP? (1) You can ~~((get))~~ re-ceive WASHCAP food benefits if:

(a) You ~~((are eligible to))~~ receive federal SSI benefits; and
(b) You do not have earned income when you apply for WASHCAP; and
(c) You are eighteen years of age or older; and
~~((e))~~ (i) You live alone, or SSA considers you as a single household; ~~((or))~~

~~((d))~~ (ii) You are age eighteen through twenty-one, living with your parent(s) who do not get Basic Food benefits, and you purchase food separately; or

~~((e))~~ (iii) You live with others but buy and cook your food separately from them ~~((; and))~~.

~~((f))~~ You do not have earned income when you apply for SSI; or

~~(g) You already get WASHCAP food benefits and become employed and receive earned income for less than three consecutive months and are still eligible to receive federal SSI cash benefits; or~~

~~(h) You already get WASHCAP and move to an institution for ninety days or less.)~~

(2) You are not eligible for WASHCAP food benefits if:

(a) You live in an institution;

(b) You are under age eighteen;

(c) You live with your spouse;

(d) You are under age twenty-two and you live with your parent(s) who are getting Basic Food benefits;

(e) You begin working after you have been approved for WASHCAP and have earned income for more than three consecutive months;

(f) You live with others and do not buy and cook your food separately from them; or

(g) You live with your child who is under 22 years of age that you are responsible for;

(h) You are ineligible for Basic Food benefits ~~((under))~~ for a reason described in WAC 388-400-0040 ~~((14)(b) and (e))~~ (12).

(3) If you already receive WASHCAP, and begin receiving earned income, you can continue to receive WASHCAP only if:

(a) You do not have earned income for three or more consecutive months;

(b) SSI removes earned income from the State Data Exchange (SDX) SSA uses to communicate changes to the department; and

(c) You continue to receive SSI.

(4) If you already receive WASHCAP and move to an institution, you can continue to receive WASHCAP if you are in the institution for ninety days or less. We must close WASHCAP benefits earlier than 90 days if you move to an institution, you are not responsible for your own food purchase or preparation, and the change is reported directly the department.

(5) We use ~~((SSA))~~ information from SSA as well as other sources including local, state, and federal agencies to determine your WASHCAP eligibility.

AMENDATORY SECTION (Amending WSR 10-23-115, filed 11/17/10, effective 12/18/10)

WAC 388-492-0080 Where do I report changes? (1) You report all changes to the Social Security Administration (SSA) according to their reporting requirements. ~~((Social Security reports these changes to your WASHCAP worker))~~ SSA provides the department the necessary information to update your WASHCAP benefits.

(2) Even if you don't report a change, we use information from SSA as well as other sources including local, state, and federal agencies to determine your WASHCAP eligibility.

(3) SSA will not accept or report shelter costs changes to WASHCAP until SSA does its redetermination.

~~((3))~~ (4) You do not have to report any changes to your WASHCAP worker.

~~((4))~~ (5) You can choose to report the following changes to your WASHCAP worker to see if you will get more food benefits~~((-))~~:

(a) A change in your address;

(b) An increase in your shelter costs; or

(c) An increase in your out-of-pocket medical expenses.

~~((5))~~ (6) If you or someone you authorize reports changes to DSHS, we may need proof ~~((may be required))~~ of the change.

~~((6))~~ (7) If you report a change that could increase the amount of your food benefits, we will not increase the benefit amount if we have asked for proof and it has not been provided.

AMENDATORY SECTION (Amending WSR 10-23-115, filed 11/17/10, effective 12/18/10)

WAC 388-492-0100 How is my eligibility for WASHCAP food benefits reviewed? (1) If the Social Security Administration (SSA) reviews your supplemental security income (SSI) eligibility, they ~~((will))~~ may also complete your review for WASHCAP. SSA sends us this information electronically, which we use to update your benefits.

(a) ~~((and we))~~ We will automatically extend your WASHCAP certification period if you are still eligible for benefits.

(b) If SSA's review tells us you are not eligible for WASHCAP, we will end your WASHCAP benefits. You can apply for benefits under the Washington basic food program.

(2) If SSA does not review your SSI eligibility, we will mail you a one-page application two months before your WASHCAP benefits end. You must complete and return this application to the WASHCAP unit or your local home and community services office (HCS).

(3) We do WASHCAP reviews by mail. If you bring your WASHCAP application to the local office, we will process the application as follows:

(a) If you get long-term care services, your local HCS office will process your application; or

(b) If you do not get long-term care services, ~~((the local office will forward your application to))~~ the WASHCAP central unit will process your application.

(4) If we get your completed application after your WASHCAP food benefits end, we will reopen your benefits back to the first of the month if:

(a) We get your application form (~~((within thirty days from the end of your))~~) any time during the first month following the end of your certification period; and

(b) You are still eligible for WASHCAP food benefits.

(5) If we get your completed application form (~~((more than thirty days after your benefits end, your))~~) after the end of the month following the end of your certification period WASHCAP food benefits open the first of the next month after:

(a) You turn in your application; and

(b) SSA shows you are eligible for WASHCAP in their system.

(6) If your application is not complete, we will return it to you to complete.

(7) If you want Basic Food benefits while you are waiting for WASHCAP food benefits, you must apply for these benefits:

(a) By contacting the customer service center (CSC) at 1-877-501-2233 to request an application be mailed to you;

(b) (~~Over the internet~~) Online at washingtonconnection.org;

(c) At any community services office (CSO);

(d) At any home and community services office (HCS); or

(e) At any Social Security (~~(Adminstration [Administration])~~) Administration (SSA) office.