



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (August 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 06, 2018

TIME: 9:46 AM

WSR 18-17-028

Agency: Department of Social and Health Services, Developmental Disabilities Administration

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 388-823-0025 and WAC 388-823-0050 in order to simplify the application process for potential clients including children receiving foster care and dependents of military service members, align requirements with the Health Care Authority's rules under Title 182 WAC, amend who can request a DDA eligibility determination, and clarify who is considered a Washington state resident.

Citation of rules affected by this order:

New: None
Repealed: None
Amended: WAC 388-823-0025, WAC 388-823-0050
Suspended: None

Statutory authority for adoption: RCW 71A.12.030

Other authority: RCW 74.04.815

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 18-12-110 on June 6, 2018 (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:

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**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___
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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New	___	Amended	___	Repealed	___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	<u>2</u>	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>2</u>	Repealed	___

Date adopted: August 3, 2018

Name: Cheryl Strange

Title: DSHS Secretary

Signature:



AMENDATORY SECTION (Amending WSR 14-12-046, filed 5/29/14, effective 7/1/14)

WAC 388-823-0025 Who ((~~can~~)) may apply for a DDA eligibility determination? (1) You ((~~must be a resident of the state of Washington, as described in WAC 388-823-0050, to~~)) may apply for ((~~an~~)) a DDA eligibility determination on your own behalf.

(2) ((~~The following individuals can apply~~)) A person may submit an application for a DDA eligibility determination on your behalf if the person is:

(a) ((~~If a court has not appointed the child as his own decision maker, a parent or legal representative must apply on behalf of a child under the age of eighteen years~~)) Delegated to consent to routine medical care for you under WAC 388-148-1560;

(b) ((~~If there is a legal guardian of an applicant age eighteen years or older, the legal guardian must apply on behalf of the adult applicant; or~~

(c) ~~If there is no legal guardian of an adult applicant age eighteen years or older, the adult applicant can apply on his/her own behalf~~)) Your parent if you are under eighteen;

(c) Your caretaker relative under WAC 182-500-0020;

(d) Your spouse;

(e) Your authorized representative under WAC 182-503-0130; or

(f) Applying for you because a medical condition prevents you from applying on your own behalf.

(3) ((~~A request for eligibility determination requires the signature of the applicant or their legal representative. With the consent of the applicant, any person, agency, or advocate may assist with the application process~~)) If you or your legal representative request it, DDA will withdraw your eligibility application or terminate your eligibility.

AMENDATORY SECTION (Amending WSR 14-12-046, filed 5/29/14, effective 7/1/14)

WAC 388-823-0050 ((~~For DDA eligibility, who is considered to be a resident of the state of~~)) Do I have to be considered a Washington state resident to be eligible for DDA?

(1) You must ((~~live in the state of~~)) be considered a Washington state resident to ((~~apply or continue to be a client of~~)) be eligible for DDA. If ((~~you are a child under the age of eighteen, your primary custodian or legal guardian must also live in the state of~~)) DDA does not consider you a Washington state resident, you are not eligible for DDA and DDA will deny or terminate your eligibility. ((~~Proof that you live in the state of Washington may include documentation such as a lease agreement, school records, or mail addressed to you. Such documentation will not be considered proof of residency if you have been denied medicaid or other benefits due to failure to meet residency requirements under WAC 388-468-0005.~~))

(2) ((~~DDA will not process your request for determination of eligibility or will terminate your eligibility if you do not live in the state of~~)) You are considered a Washington state resident if you:

(a) Meet residency requirements under WAC 182-503-0520 or 182-503-0525; or

(b) Are a dependent of a military service member and legal resident under RCW 74.04.815.

(3) If DDA learns that you are not a Washington state resident, DDA must terminate your eligibility.

(4) You must inform your DDA case resource manager when your address changes.

(5) If DDA receives returned mail from you with no forwarding address, DDA will try to verify you are a Washington state resident by trying to contact you or anyone identified by you to receive notices.

(6) If DDA cannot contact you or verify you are a Washington state resident, DDA must terminate your eligibility.

(7) If your eligibility was terminated because DDA could not contact you, DDA will restore your eligibility if you:

(a) Verify your continuous Washington state residency;

(b) Request your eligibility be restored; and

(c) Were determined eligible on or after June 1, 2005.