



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: September 11, 2019

TIME: 9:26 AM

WSR 19-19-032

**Agency:** Department of Social and Health Services, Economic Services 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 388-408-0040 "How does living in an institution affect my eligibility for Basic Food?" and WAC 388-420-010 "Alcohol and drug treatment centers" to update references to the Division of Behavioral Health and Recovery (DBHR) to reflect the Department of Health (DOH) as the responsible agency. The department is also amending obsolete WAC cross-references to show the correct references.

**Citation of rules affected by this order:**

New: None

Repealed: None

Amended: WAC 388-408-0040, WAC 388-420-010

Suspended: None

**Statutory authority for adoption:** RCW 74.04.050, RCW 74.04.055, RCW 74.04.057, RCW 74.04.500, RCW 74.04.510, RCW 74.08.090, RCW 74.08A.120

**Other authority:** 7 C.F.R. 273.11

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 19-10-046 on April 29, 2019 (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:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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 on 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:** September 10, 2019

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**



**WAC 388-408-0040 How does living in an institution affect my eligibility for Basic Food?** (1) For basic food, an "institution" means a place where people live that provides residents more than half of three meals daily as a part of their normal services.

(2) Most residents of institutions are not eligible for basic food.

(3) If you live in one of the following institutions, you may be eligible for basic food even if the institution provides the majority of your meals:

(a) Federally subsidized housing for the elderly;

(b) Qualified drug and alcohol treatment centers when an employee of the treatment center is the authorized representative as described under WAC 388-460-0010;

(c) Qualified developmental disabilities administration (DDA) group homes for persons with disabilities;

(d) A shelter for battered women and children when the resident left the home that included the abuser; or

(e) Nonprofit shelters for the homeless.

(4) A qualified DDA group home is a nonprofit residential facility that:

(a) Houses sixteen or fewer persons with disabilities as defined under WAC 388-400-0040(9); and

(b) Is certified by DDA.

(5) A qualified drug and alcohol treatment center is a residential facility that:

(a) Is authorized as a retailer by the U.S. Department of Agriculture, Food and Nutrition Service or operated by a private nonprofit organization; and

(b) Meets the (~~division of behavioral health and recovery (DBHR) chemical dependency~~) department of health (DOH) residential substance use disorder treatment services licensing and certification rules in WAC (~~388-877B-0200~~) 246-341-1108.

(6) The qualified drug and alcohol treatment center described in subsection (5) in this section must be:

(a) Receiving funds under part B of Title XIX of the Public Health Service Act;

(b) Eligible to receive funds under part B of Title XIX of the Public Health Service Act, but does not receive these funds; or

(c) Operating to further the purposes of part B of the Public Health Service Act to provide treatment and rehabilitation of drug addicts or alcoholics.

(7) Elderly or disabled individuals and their spouses may use basic food benefits to buy meals from the following meal providers if FNS has approved them to accept basic food benefits:

(a) Communal dining facility; or

(b) Nonprofit meal delivery service.

(8) If you are homeless, you may use your basic food benefits to buy prepared meals from nonprofit organizations the department has certified as meal providers for the homeless.

AMENDATORY SECTION (Amending WSR 14-21-119, filed 10/17/14, effective 11/17/14)

**WAC 388-420-010 Alcohol and drug treatment centers.** (1) Food assistance is only available to a resident of a drug and alcohol treatment center when the treatment center is administered by a public or private nonprofit agency. In addition, the residential treatment center must be:

(a) Licensed by the (~~(division of behavioral health and recovery (DBHR))~~) department of health (DOH) as a behavioral health agency (see chapter (~~(388-877)~~) 246-341 WAC); and

(b) Certified by (~~(DBHR)~~) DOH to provide (~~(chemical dependency)~~) residential substance use disorder treatment services (see WAC (~~(388-877B-0200)~~) 246-341-1108).

(2) A resident is considered a one person assistance unit. However if the resident's spouse or child is also living in the treatment center, the spouse or child is included in the resident's assistance unit.

(3) The resident must have a designated employee of the treatment center act as an authorized representative as specified in chapter 388-460 WAC.

(4) The authorized representative receives and uses the food assistance benefits for meals the resident is served in the treatment center.

(5) The authorized representative also has responsibilities as specified in chapter 388-460 WAC.