



# 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: June 30, 2020

TIME: 9:05 AM

WSR 20-14-089

**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:** Amendments to WAC 388-460-0010, Do I have an authorized representative for basic food if I live in a treatment center or group home?, comply with changes to federal regulations regarding the amount of basic food benefits returned to recipients that leave substance use treatment centers and group homes. These amendments align with federal regulations, including a state option to prorate benefits when a recipient leaves a treatment center after the 15th day of a month. This option is in the best interest of recipients, allowing remaining basic food benefits to be returned to their electronic benefit transfer (EBT) card upon departure from the treatment center.

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

New: None  
 Repealed: None  
 Amended: WAC 388-460-0010  
 Suspended: None

**Statutory authority for adoption:** RCW 74.04.500, RCW 74.04.510, RCW 74.08A.120

**Other authority:** 7 C.F.R. 273.11 (e) and (f)

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

Adopted under notice filed as WSR 20-09-099 on April 16, 2020 (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Federal statute:	New	___	Amended	___	Repealed	___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	<u>1</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	Repealed	___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 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	___	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>1</u>	Repealed	___

**Date Adopted:** June 30, 2020

**Name:** Katherine I. Vasquez

**Title:** DSHS Rules Coordinator

**Signature:**



**WAC 388-460-0010 Do I have an authorized representative for basic food if I live in a treatment center or group home?** (1) If you live in a qualified developmental disabilities administration (DDA) group home under WAC 388-408-0040, you may choose to apply for basic food benefits:

- (a) On your own behalf;
- (b) Through an authorized representative of your choice; or
- (c) Through the DDA group home acting as your authorized representative.

(2) If you live in a qualified drug and alcohol treatment center under WAC 388-408-0040, a designated treatment center employee (~~must~~) may apply for your basic food benefits, and the center will act as your authorized representative.

(3) When the qualified drug and alcohol treatment (~~facility~~) center or qualified DDA group home is your authorized representative, it must:

- (a) Be aware of your circumstances;
- (b) Notify the department of any changes in your income, resources, or circumstances within ten days of the change;
- (c) Use your basic food benefits for meals served to you; and
- (d) Give you a change in circumstances report form, when the center or group home learns you plan to leave, and advise you to report any changes as required under WAC 388-418-0005 to the department within ten days of the date of change.

(4) When a center or group home is an authorized representative for residents, the facility accepts responsibility for:

- (a) Any misrepresentation or intentional program violation; and
- (b) Liability for basic food benefits held at the facility on behalf of residents.

(5) When you leave a facility and the treatment center or group home is your authorized representative, it must:

- (a) (~~Either~~) Account for any benefits withdrawn;
- (b) Return your basic food allotment as follows:

(i) Return (~~to you a prorated amount~~) all of your basic food allotment (~~for that month based on the number of days remaining in the month~~) if you leave the center or group home and no benefits have been spent on your behalf; ((or))

(ii) Return one-half of your basic food allotment if you leave the center or group home on or before the fifteenth of the month; or

(iii) Return a prorated amount of your basic food allotment based on the number of days remaining in the month if you leave a qualified drug and alcohol treatment center on or after the sixteenth of the month;

(c) Notify the department (~~(, within five days of your departure,))~~ that the facility is unable to refund your prorated share anytime during the month;

(~~b~~) (d) Notify the department of your change in address (~~(, new address if available,))~~ and other change of circumstances and that the facility is no longer your authorized representative; and

(~~e~~) (i) Provide you with your electronic benefits transfer (EBT) card (~~(within five days of leaving the facility))~~ if the facility was in possession of the card; or

((d)) (ii) Return your EBT card to the department (~~within five days~~) by the end of the month if they are unable to provide it to you.