



RULE-MAKING ORDER PERMANENT RULE ONLY

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

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: July 27, 2020

TIME: 1:12 PM

WSR 20-16-044

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 chapter 388-280 WAC clarify the role and functions of the United States Department of Health and Human Services (HHS) in eligibility for repatriation services, align repatriation rules with the Washington State Emergency Repatriation Plan, distinguish between emergency and non-emergency repatriation assistance, fix incorrect cross-references, and spell out abbreviations for clarity.

Citation of rules affected by this order:

New: None

Repealed: None

Amended: WAC 388-280-0010, WAC 388-280-0020, WAC 388-280-0030, WAC 388-280-0040, WAC 388-280-0050, WAC 388-280-0060

Suspended: None

Statutory authority for adoption: RCW 74.04.050, RCW 74.04.055, RCW 74.04.057, RCW 74.08.090

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 20-12-040 on May 27, 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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>6</u>	Repealed	___
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The number of sections adopted using:

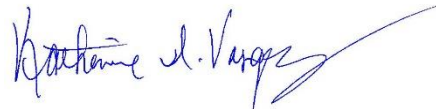
Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	<u>6</u>	Repealed	___

Date Adopted: July 27, 2020

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



AMENDATORY SECTION (Amending WSR 00-19-077, filed 9/19/00, effective 11/1/00)

WAC 388-280-0010 What is the United States Repatriation Program?

The United States Repatriation Program (~~(assists a)~~) provides temporary assistance to U.S. ((citizen or dependent)) citizens and dependents who ((is:

~~(1) Without)) are brought from a foreign country to the United States because of lack of financial resources((; and~~

~~(2) Returned or brought back to the U.S. from a foreign country because of:~~

~~(a) Mental illness; or~~

~~(b) Destitution, physical illness, or a)), illness, war, threat of war, natural disaster, or similar crisis ((such as war)).~~

"Assistance" means non-emergency benefits and services. "Emergency" means an activation of the state emergency repatriation plan. During an emergency, you may get emergency assistance at an emergency repatriation center when you arrive at a port of entry. Benefits and services available during an emergency depend on what is available at the time of incident. You may apply for non-emergency assistance in your state of final destination after receiving assistance at an emergency repatriation center.

For the purposes of this chapter, "we" and "us" means the department of social and health services.

AMENDATORY SECTION (Amending WSR 00-19-077, filed 9/19/00, effective 11/1/00)

WAC 388-280-0020 How do I apply for repatriation assistance?

You apply for repatriation assistance by contacting the U.S. ((State)) department of health and human services (HHS) or us.

(1) If you contact ~~((the U.S. State Department))~~ HHS, we consider a referral from them as an approved application.

(2) If you contact us directly, we apply for you to ~~((the U.S. Department of Health and Human Services (HHS))~~) HHS.

(3) During an emergency, repatriation assistance is provided to you at an emergency repatriation center at a port of entry in Washington state.

AMENDATORY SECTION (Amending WSR 00-19-077, filed 9/19/00, effective 11/1/00)

WAC 388-280-0030 Do I have to repay the repatriation assistance?

Repatriation assistance is a loan. You, or your representative if you are ~~((mentally ill))~~ incapacitated, must:

(1) Sign a statement recognizing repatriation assistance as a loan; and

(2) Agree to repay the funds.

Repayment goes to the U.S. department of health and human services (HHS), and HHS is responsible for collecting repayment of this loan.

AMENDATORY SECTION (Amending WSR 00-19-077, filed 9/19/00, effective 11/1/00)

WAC 388-280-0040 Are there limits to my income and resources?

(1) You are ~~((ineligible))~~ not eligible to receive ~~((repatriate))~~ repatriation assistance if ~~((you have nonexempt))~~ your:

(a) Income, as defined by temporary assistance for needy families (TANF) equal to or greater than the TANF need standards as described in WAC ~~((388-450-0005))~~ 388-478-0015; or

(b) Resources, as defined by TANF under WAC 388-470-0005 that are available to meet your resettlement needs.

(2) We consider a resource available to you when:

(a) The value can be determined;

(b) It is controlled by you; and

(c) You can use the resource to meet your needs.

(3) Income limits do not apply during emergency repatriation incidents as defined in the Washington state Emergency Repatriation Plan.

AMENDATORY SECTION (Amending WSR 00-19-077, filed 9/19/00, effective 11/1/00)

WAC 388-280-0050 How long can I receive repatriation assistance?

(1) If you are ~~((mentally ill))~~ incapacitated, you receive temporary care until you:

(a) Can be released to the care of a relative or state agency; or

(b) Are discharged or granted release from hospitalization.

(2) If you are not ~~((mentally ill))~~ incapacitated, you may receive repatriation assistance up to twelve months as follows:

(a) "Temporary assistance" meaning repatriation assistance provided during the first ninety days after you return to the United States.

(b) "Extended assistance" meaning repatriation assistance provided for up to nine months after the end of your temporary assistance. We must have approval in advance from ~~((HHS))~~ the U.S. department of health and human services (HHS), so you must ask us to apply for extended assistance while receiving temporary assistance and be:

(i) Ineligible for any other assistance program; and

(ii) Unable to support or care for yourself due to age, illness, or lack of job skills.

(3) During an emergency, you may only receive repatriation assistance as long as you remain in the emergency repatriation center. Once you leave the emergency repatriation center, you may apply for non-emergency repatriation assistance.

WAC 388-280-0060 What services are available to me under the repatriation program? (1) ~~The ((HHS)) U.S. department of health and human services (HHS) sets limits on how much we pay for repatriation assistance. ((The limits are:~~

~~(a) The temporary assistance for needy families (TANF) payment standards under WAC 388-478-0015 for goods and services to meet basic needs;~~

~~(b) Up to five hundred sixty dollars per person to meet resettlement costs, if necessary, and for only one month while you receive temporary assistance.))~~

(2) Within payment limits, repatriation assistance includes:

(a) Travel to your place of residence, limited to:

(i) One domestic trip at the lowest fare and using the most direct means;

(ii) Meals and lodging while you are traveling;

(iii) Money for incidentals; and

(iv) If you are ~~((ill or disabled))~~ incapacitated, travel expenses for an escort.

(b) Goods and services necessary for your health and welfare, including:

(i) Transportation for medical treatment, hospitalization or social services;

(ii) Temporary shelter;

(iii) Meals;

(iv) Clothing;

(v) Hospitalization to treat mental or acute illness or other medical care; and

(vi) Guidance, counseling and other social services.

~~((c) Resettlement costs, including:~~

~~(i) Utility or housing deposits; and~~

~~(ii) Basic household goods, such as cookware or blankets.))~~

(3) Benefits, services, and assistance available during an emergency at an emergency repatriation center are described in the Washington state Emergency Repatriation Plan.