



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: July 15, 2022

TIME: 9:26 AM

WSR 22-15-048

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 388-412-0025, How do I receive my benefits?

The amendments align policy regarding replacement of cancelled benefits from an Electronic Benefit Transfer (EBT) account with that of current federal regulations. Supplemental Nutrition Assistance Program regulations (7 CFR 274.2 (i)(3)) define that cancelled food benefits cannot be replaced.

Citation of rules affected by this order:

New: None
Repealed: None
Amended: WAC 388-412-0025
Suspended: None

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

Other authority: 7 C.F.R. 274.2(i)(3)

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 22-01-127 on December 13, 2021 and WSR 22-08-026 on March 25, 2022 (date). Describe any changes other than editing from proposed to adopted version: No changes from rule proposed under WSR 22-08-026.

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Federal statute:	New	___	Amended	___	Repealed	___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	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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:

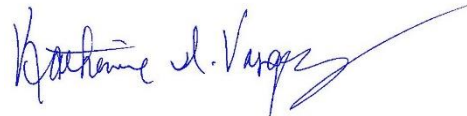
Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	<u>1</u>	Repealed	___

Date Adopted: July 15, 2022

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



WAC 388-412-0025 How do I receive my benefits? (1) You can choose to get your cash benefits by:

(a) Electronic benefit transfer (EBT), which is a direct deposit into a DSHS account that you access with a debit card called the Washington EBT Quest card;

(b) Electronic funds transfer (EFT), which is a direct deposit into your own bank account;

(c) A warrant (check) to an approved authorized representative (AREP);

(d) A warrant (check) to a payee who is not approved for direct deposit; or

(e) A warrant (check) to you if you get:

(i) Diversion cash assistance (DCA) that is not paid directly to a vendor;

(ii) Ongoing additional requirements (OAR) that cannot be paid directly to a vendor; or

(iii) Clothing and personal incidentals (CPI) payments.

(2) We send your **basic food** benefits to you by EBT.

(3) EBT accounts:

(a) We set up an EBT account for the head of household of each assistance unit (AU) that receives benefits by EBT.

(b) You use a Quest debit card to access your benefits in your EBT account. You select a personal identification number (PIN) that you must enter when using this card.

(c) You must use your cash and basic food benefits from your EBT account. We cannot transfer cash to your bank account or change cash or basic food benefits to checks.

(4) **Suspended EBT benefits:**

(a) We suspend access to benefits from your EBT account if:

(i) You are a single-person household; and

(ii) We are notified that you are incarcerated over (~~(thirty)~~) 30 days.

(b) You must contact the department upon release to activate your EBT account for use within (~~(forty-eight)~~) 48 hours.

(5) **Unused EBT benefits:**

(a) If you do not use your EBT account within (~~(two-hundred-seventy-four)~~) 274 days, we cancel the cash and basic food on your account; or

(b) Benefits on your account will be (~~(eanceled)~~) cancelled upon verification you and all members of your household are deceased.

(6) **Replacing benefits:**

(a) **Replacing basic food benefits:** We cannot replace cancelled basic food benefits.

~~((i) We can replace cancelled benefits we deposited less than three hundred sixty-five 274 days from the date you ask for us to replace your benefits.~~

~~(ii) We cannot replace cancelled benefits deposited three hundred sixty-five 274 or more days from the date you ask us to replace your benefits.)~~

(b) **Replacing cash benefits:** We **can replace** cancelled cash benefits for you or another member of your assistance unit. Cash benefits are not transferable to someone outside of your assistance unit.

(c) **Replacing cash warrants:**

(i) If we issued you cash benefits as a warrant we can replace these benefits for you or a member of your assistance unit. Cash benefits are not transferable to someone outside of your assistance unit.

(ii) If we issued the benefits as a warrant (~~(one hundred sixty)~~) 160 or fewer days ago, your local office can replace the warrant.

(iii) If we issued the benefits as a warrant more than (~~(one hundred sixty)~~) 160 days ago, the Office of Accounting Services (OAS) can replace the warrant. We will contact OAS with the request.

(7) **Correcting your EBT balance:** When you make a purchase with your EBT card a system error can occur where the purchase amount is not deducted from your EBT account. When the error is discovered the following will happen:

(a) You will be notified in writing of the system error before the money is removed from your account; and

(b) You will have (~~(ninety)~~) 90 days to request an administrative hearing. If you ask for an administrative hearing within (~~(ten)~~) 10 calendar days, the money will not be removed from your EBT account unless:

(i) You withdraw your administrative hearing request in writing;

(ii) You do not follow through with the administrative hearing process; or

(iii) The administrative law judge tells us in writing to remove the money.