



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: August 23, 2023

TIME: 10:35 AM

WSR 23-17-166

Agency: Department of Social and Health Services, Economic Services Administration

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) 11/01/2023 (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 adopting amendments to WAC 388-458-0040, "What happens if I ask for an administrative hearing before the change happens?" and creating WAC Chapter 388-494: Diaper Related Payments; 388-494-0010, "What is the diaper related payment?" Effective November 1, 2023, these amendments authorize issuance of diaper related payments to TANF and SFA households with a child under three years old, in compliance with SSB 5838 (Chapter 100, Laws of 2022).

Citation of rules affected by this order:

New: 388-494-0010
 Repealed: None
 Amended: 388-458-0040
 Suspended: None

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

Other authority: SSB 5838 (Chapter 100, Laws of 2022)

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 23-13-118 on June 21, 2023 (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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___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	<u>1</u>	Amended	<u>1</u>	Repealed	___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New	___	Amended	___	Repealed	___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:

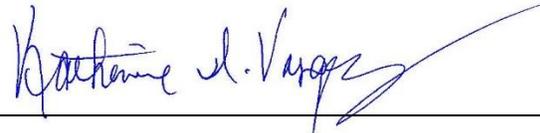
Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	<u>1</u>	Amended	<u>1</u>	Repealed	___

Date Adopted: August 23, 2023

Name: Katherine I. Vasquez

Title: DSHS Rules Coordinator

Signature:



WAC 388-458-0040 What happens if I ask for ((a-fair)) an administrative hearing before the change happens? (1) If you ask for ((a-fair)) an administrative hearing within the ((ten)) 10-day notice period, you may keep getting the amount of benefits you were getting before the change. This is called continued benefits.

(2) If the ((tenth)) 10th day falls on a weekend or holiday, you have until the next business day to ask for ((a-fair)) an administrative hearing and still be able to get continued benefits.

(3) If the ((tenth)) 10th day happens before the end of the month, you have until the end of the month to ask for ((a-fair)) an administrative hearing and still be able to get continued benefits.

(4) For food assistance, you cannot get continued benefits if your certification period is ending.

(5) For diaper related payments, you can get continued benefits if you meet the conditions of WAC 388-494-0010(3).

(6) If you get continued benefits, you keep getting them through the end of the month the ((fair)) administrative hearing decision is mailed unless:

(a) You:

(i) Tell us in writing that you do not want continued benefits;

(ii) Withdraw your ((fair)) administrative hearing request in writing; or

(iii) Do not follow through with the ((fair)) administrative hearing process.

(b) An administrative law judge (ALJ) tells us in writing to stop your continued benefits before the hearing.

(c) For food assistance, your certification period ends.

((+6)) (7) After the ((fair)) administrative hearing, you have to pay back continued benefits you get, as described in chapter 388-410 WAC, if the ALJ agrees with our decision.

NEW SECTION

WAC 388-494-0010 What is the diaper related payment? (1) What is the diaper related payment?

The diaper related payment is a cash assistance payment for certain clients receiving Temporary Assistance for Needy Families (TANF) or State Funded Assistance (SFA) with at least one qualifying child, to support them in meeting the basic needs for diapers and other related necessities essential for early development.

(2) The following definitions apply:

(a) "Assistance Unit" as defined in WAC 388-408-0005.

(b) "Qualifying child" means a child recipient under 3 years old.

(3) Who is eligible for the diaper related payment?

(a) You must have a qualifying child receiving TANF or SFA;

(b) The assistance unit (AU) is active and receiving TANF or SFA benefits for the month of issuance:

(i) AUs must be eligible for a TANF or SFA grant of at least \$10 to receive the payment.

(ii) The payment will not be pro-rated based on application date.

(4) How do I apply for the diaper related payment?

You do not need to apply for the diaper related payment. The department automatically reviews your eligibility for the diaper related payment each month of issuance.

(5) What benefits will I receive if I am eligible for the diaper related payment?

(a) The AU will receive a \$100 diaper related payment each month;

(b) We determine if your AU is eligible to receive the diaper related payment and automatically provide the benefit to you.

(c) The payment is a cash assistance payment issued in the same manner as your TANF or SFA grant.

(6) The diaper related payment benefit amount is set based on annual funding appropriated for the program and the projected total number of eligible households.

(7) The department may discontinue or reduce program benefit issuances during periods of time when funds provided for the diaper related payment are exhausted, projected to be overspent, or not appropriated.