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HOUSE BILL 2433

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State of Washington

60th Legislature

2008 Regular Session

By Representatives O'Brien, Ross, Goodman, Warnick, Hankins, Clibborn, Hinkle, Eddy, McCoy, Roberts, Takko, Flannigan, Eickmeyer, Ericks, Sullivan, Sells, Linville, VanDeWege, Blake, Hurst, Morrell, Campbell, Kessler, Roach, Rolfes, Dunn, Simpson, Barlow, Kelley, and McDonald

Prefiled 12/03/07. Read first time 01/14/08. Referred to Committee on Human Services.

1 AN ACT Relating to general assistance benefits for incarcerated  
2 persons; amending RCW 74.04.005, 74.09.035, 70.48.130, and 70.48.130;  
3 providing an effective date; and providing an expiration date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 74.04.005 and 2003 1st sp.s. c 10 s 1 are each amended  
6 to read as follows:

7 For the purposes of this title, unless the context indicates  
8 otherwise, the following definitions shall apply:

9 (1) "Public assistance" or "assistance"--Public aid to persons in  
10 need thereof for any cause, including services, medical care,  
11 assistance grants, disbursing orders, work relief, general assistance  
12 and federal-aid assistance.

13 (2) "Department"--The department of social and health services.

14 (3) "County or local office"--The administrative office for one or  
15 more counties or designated service areas.

16 (4) "Director" or "secretary" means the secretary of social and  
17 health services.

18 (5) "Federal-aid assistance"--The specific categories of assistance  
19 for which provision is made in any federal law existing or hereafter

1 passed by which payments are made from the federal government to the  
2 state in aid or in respect to payment by the state for public  
3 assistance rendered to any category of needy persons for which  
4 provision for federal funds or aid may from time to time be made, or a  
5 federally administered needs-based program.

6 (6)(a) "General assistance"--Aid to persons in need who:

7 (i) Are not eligible to receive federal-aid assistance, other than  
8 food stamps or food stamp benefits transferred electronically and  
9 medical assistance; however, an individual who refuses or fails to  
10 cooperate in obtaining federal-aid assistance, without good cause, is  
11 not eligible for general assistance;

12 (ii) Meet one of the following conditions:

13 (A) Pregnant: PROVIDED, That need is based on the current income  
14 and resource requirements of the federal temporary assistance for needy  
15 families program; or

16 (B) Subject to chapter 165, Laws of 1992, incapacitated from  
17 gainful employment by reason of bodily or mental infirmity that will  
18 likely continue for a minimum of ninety days as determined by the  
19 department.

20 (C) Persons who are unemployable due to alcohol or drug addiction  
21 are not eligible for general assistance. Persons receiving general  
22 assistance on July 26, 1987, or becoming eligible for such assistance  
23 thereafter, due to an alcohol or drug-related incapacity, shall be  
24 referred to appropriate assessment, treatment, shelter, or supplemental  
25 security income referral services as authorized under chapter 74.50  
26 RCW. Referrals shall be made at the time of application or at the time  
27 of eligibility review. Alcoholic and drug addicted clients who are  
28 receiving general assistance on July 26, 1987, may remain on general  
29 assistance if they otherwise retain their eligibility until they are  
30 assessed for services under chapter 74.50 RCW. Subsection  
31 (6)(a)(ii)(B) of this section shall not be construed to prohibit the  
32 department from granting general assistance benefits to alcoholics and  
33 drug addicts who are incapacitated due to other physical or mental  
34 conditions that meet the eligibility criteria for the general  
35 assistance program;

36 (iii) Are citizens or aliens lawfully admitted for permanent  
37 residence or otherwise residing in the United States under color of  
38 law; and

1 (iv) Have furnished the department their social security account  
2 number. If the social security account number cannot be furnished  
3 because it has not been issued or is not known, an application for a  
4 number shall be made prior to authorization of assistance, and the  
5 social security number shall be provided to the department upon  
6 receipt.

7 (b) Notwithstanding the provisions of subsection (6)(a)(i), (ii),  
8 and (c) of this section, general assistance shall be provided to the  
9 following recipients of federal-aid assistance:

10 (i) Recipients of supplemental security income whose need, as  
11 defined in this section, is not met by such supplemental security  
12 income grant because of separation from a spouse; or

13 (ii) To the extent authorized by the legislature in the biennial  
14 appropriations act, to recipients of temporary assistance for needy  
15 families whose needs are not being met because of a temporary reduction  
16 in monthly income below the entitled benefit payment level caused by  
17 loss or reduction of wages or unemployment compensation benefits or  
18 some other unforeseen circumstances. The amount of general assistance  
19 authorized shall not exceed the difference between the entitled benefit  
20 payment level and the amount of income actually received.

21 (c) General assistance shall be provided only to persons who are  
22 not members of assistance units receiving federal aid assistance,  
23 except as provided in subsection (6)(a)(ii)(A) and (b) of this section,  
24 and will accept available services which can reasonably be expected to  
25 enable the person to work or reduce the need for assistance unless  
26 there is good cause to refuse. Failure to accept such services shall  
27 result in termination until the person agrees to cooperate in accepting  
28 such services and subject to the following maximum periods of  
29 ineligibility after reapplication:

30 (i) First failure: One week;

31 (ii) Second failure within six months: One month;

32 (iii) Third and subsequent failure within one year: Two months.

33 (d) Persons found eligible for general assistance based on  
34 incapacity from gainful employment may, if otherwise eligible, receive  
35 general assistance pending application for federal supplemental  
36 security income benefits. Any general assistance that is subsequently  
37 duplicated by the person's receipt of supplemental security income for

1 the same period shall be considered a debt due the state and shall by  
2 operation of law be subject to recovery through all available legal  
3 remedies.

4 (e) The department shall adopt by rule medical criteria for general  
5 assistance eligibility to ensure that eligibility decisions are  
6 consistent with statutory requirements and are based on clear,  
7 objective medical information.

8 (f) The process implementing the medical criteria shall involve  
9 consideration of opinions of the treating or consulting physicians or  
10 health care professionals regarding incapacity, and any eligibility  
11 decision which rejects uncontroverted medical opinion must set forth  
12 clear and convincing reasons for doing so.

13 (g) Recipients of general assistance based upon a finding of  
14 incapacity from gainful employment who remain otherwise eligible shall  
15 have their benefits discontinued unless the recipient demonstrates no  
16 material improvement in their medical or mental condition. The  
17 department may discontinue benefits when there was specific error in  
18 the prior determination that found the recipient eligible by reason of  
19 incapacitation. Recipients of general assistance based upon pregnancy  
20 who relinquish their child for adoption, remain otherwise eligible, and  
21 are not eligible to receive benefits under the federal temporary  
22 assistance for needy families program shall not have their benefits  
23 terminated until the end of the month in which the period of six weeks  
24 following the birth of the recipient's child falls. Recipients of the  
25 federal temporary assistance for needy families program who lose their  
26 eligibility solely because of the birth and relinquishment of the  
27 qualifying child may receive general assistance through the end of the  
28 month in which the period of six weeks following the birth of the child  
29 falls.

30 (h) No person may be considered an eligible individual for general  
31 assistance with respect to any month if during that month the person:

32 (i) Is fleeing to avoid prosecution of, or to avoid custody or  
33 confinement for conviction of, a felony, or an attempt to commit a  
34 felony, under the laws of the state of Washington or the place from  
35 which the person flees; or

36 (ii) Is violating a condition of probation, community supervision,  
37 or parole imposed under federal or state law for a felony or gross  
38 misdemeanor conviction.

1       (i) A recipient of general assistance who is otherwise eligible for  
2 benefits, shall have his or her benefits suspended, but not terminated,  
3 if the recipient has been confined in a city, county, or state facility  
4 for a period of more than thirty days. The benefits shall remain  
5 suspended during the period of confinement and will automatically be  
6 reinstated when the recipient is released from confinement, so long as  
7 the recipient remains otherwise eligible for benefits.

8       (7) "Applicant"--Any person who has made a request, or on behalf of  
9 whom a request has been made, to any county or local office for  
10 assistance.

11       (8) "Recipient"--Any person receiving assistance and in addition  
12 those dependents whose needs are included in the recipient's  
13 assistance.

14       (9) "Standards of assistance"--The level of income required by an  
15 applicant or recipient to maintain a level of living specified by the  
16 department.

17       (10) "Resource"--Any asset, tangible or intangible, owned by or  
18 available to the applicant at the time of application, which can be  
19 applied toward meeting the applicant's need, either directly or by  
20 conversion into money or its equivalent. The department may by rule  
21 designate resources that an applicant may retain and not be ineligible  
22 for public assistance because of such resources. Exempt resources  
23 shall include, but are not limited to:

24       (a) A home that an applicant, recipient, or their dependents is  
25 living in, including the surrounding property;

26       (b) Household furnishings and personal effects;

27       (c) A motor vehicle, other than a motor home, used and useful  
28 having an equity value not to exceed five thousand dollars;

29       (d) A motor vehicle necessary to transport a (~~physically~~  
30 ~~disabled~~) household member with a physical disability. This exclusion  
31 is limited to one vehicle per (~~physically disabled~~) person with a  
32 physical disability;

33       (e) All other resources, including any excess of values exempted,  
34 not to exceed one thousand dollars or other limit as set by the  
35 department, to be consistent with limitations on resources and  
36 exemptions necessary for federal aid assistance. The department shall  
37 also allow recipients of temporary assistance for needy families to

1 exempt savings accounts with combined balances of up to an additional  
2 three thousand dollars;

3 (f) Applicants for or recipients of general assistance shall have  
4 their eligibility based on resource limitations consistent with the  
5 temporary assistance for needy families program rules adopted by the  
6 department; and

7 (g) If an applicant for or recipient of public assistance possesses  
8 property and belongings in excess of the ceiling value, such value  
9 shall be used in determining the need of the applicant or recipient,  
10 except that: (i) The department may exempt resources or income when  
11 the income and resources are determined necessary to the applicant's or  
12 recipient's restoration to independence, to decrease the need for  
13 public assistance, or to aid in rehabilitating the applicant or  
14 recipient or a dependent of the applicant or recipient; and (ii) the  
15 department may provide grant assistance for a period not to exceed nine  
16 months from the date the agreement is signed pursuant to this section  
17 to persons who are otherwise ineligible because of excess real property  
18 owned by such persons when they are making a good faith effort to  
19 dispose of that property: PROVIDED, That:

20 (A) The applicant or recipient signs an agreement to repay the  
21 lesser of the amount of aid received or the net proceeds of such sale;

22 (B) If the owner of the excess property ceases to make good faith  
23 efforts to sell the property, the entire amount of assistance may  
24 become an overpayment and a debt due the state and may be recovered  
25 pursuant to RCW 43.20B.630;

26 (C) Applicants and recipients are advised of their right to a fair  
27 hearing and afforded the opportunity to challenge a decision that good  
28 faith efforts to sell have ceased, prior to assessment of an  
29 overpayment under this section; and

30 (D) At the time assistance is authorized, the department files a  
31 lien without a sum certain on the specific property.

32 (11) "Income"--(a) All appreciable gains in real or personal  
33 property (cash or kind) or other assets, which are received by or  
34 become available for use and enjoyment by an applicant or recipient  
35 during the month of application or after applying for or receiving  
36 public assistance. The department may by rule and regulation exempt  
37 income received by an applicant for or recipient of public assistance  
38 which can be used by him or her to decrease his or her need for public

1 assistance or to aid in rehabilitating him or her or his or her  
2 dependents, but such exemption shall not, unless otherwise provided in  
3 this title, exceed the exemptions of resources granted under this  
4 chapter to an applicant for public assistance. In addition, for cash  
5 assistance the department may disregard income pursuant to RCW  
6 74.08A.230 and 74.12.350.

7 (b) If, under applicable federal requirements, the state has the  
8 option of considering property in the form of lump sum compensatory  
9 awards or related settlements received by an applicant or recipient as  
10 income or as a resource, the department shall consider such property to  
11 be a resource.

12 (12) "Need"--The difference between the applicant's or recipient's  
13 standards of assistance for himself or herself and the dependent  
14 members of his or her family, as measured by the standards of the  
15 department, and value of all nonexempt resources and nonexempt income  
16 received by or available to the applicant or recipient and the  
17 dependent members of his or her family.

18 (13) For purposes of determining eligibility for public assistance  
19 and participation levels in the cost of medical care, the department  
20 shall exempt restitution payments made to people of Japanese and Aleut  
21 ancestry pursuant to the Civil Liberties Act of 1988 and the Aleutian  
22 and Pribilof Island Restitution Act passed by congress, P.L. 100-383,  
23 including all income and resources derived therefrom.

24 (14) In the construction of words and phrases used in this title,  
25 the singular number shall include the plural, the masculine gender  
26 shall include both the feminine and neuter genders and the present  
27 tense shall include the past and future tenses, unless the context  
28 thereof shall clearly indicate to the contrary.

29 **Sec. 2.** RCW 74.09.035 and 1987 c 406 s 12 are each amended to read  
30 as follows:

31 (1) To the extent of available funds, medical care services may be  
32 provided to recipients of general assistance, and recipients of alcohol  
33 and drug addiction services provided under chapter 74.50 RCW, in  
34 accordance with medical eligibility requirements established by the  
35 department.

36 (2) Determination of the amount, scope, and duration of medical  
37 care services shall be limited to coverage as defined by the

1 department, except that adult dental, and routine foot care shall not  
2 be included unless there is a specific appropriation for these  
3 services.

4 (3) The department shall establish standards of assistance and  
5 resource and income exemptions, which may include deductibles and co-  
6 insurance provisions. In addition, the department may include a  
7 prohibition against the voluntary assignment of property or cash for  
8 the purpose of qualifying for assistance.

9 (4) Residents of skilled nursing homes, intermediate care  
10 facilities, and intermediate care facilities for the mentally retarded  
11 who are eligible for medical care services shall be provided medical  
12 services to the same extent as provided to those persons eligible under  
13 the medical assistance program.

14 (5) A recipient of medical care services who is eligible for  
15 general assistance benefits shall continue to be provided medical  
16 services under this section while the recipient is confined in a city  
17 or county jail facility, regardless of whether the individual's general  
18 assistance unemployable benefits have been suspended under RCW  
19 74.04.005.

20 (6) Payments made by the department under this program shall be the  
21 limit of expenditures for medical care services solely from state  
22 funds.

23 ~~((6))~~ (7) Eligibility for medical care services shall commence  
24 with the date of certification for general assistance or the date of  
25 eligibility for alcohol and drug addiction services provided under  
26 chapter 74.50 RCW.

27 **Sec. 3.** RCW 70.48.130 and 2007 c 259 s 66 are each amended to read  
28 as follows:

29 It is the intent of the legislature that all jail inmates receive  
30 appropriate and cost-effective emergency and necessary medical care.  
31 Governing units, the department of social and health services, and  
32 medical care providers shall cooperate to achieve the best rates  
33 consistent with adequate care.

34 Payment for emergency or necessary health care shall be by the  
35 governing unit, except that the department of social and health  
36 services shall directly reimburse the provider pursuant to chapter  
37 74.09 RCW, in accordance with the rates and benefits established by the



1 department, if the confined person is eligible under the department's  
2 medical care programs as authorized under chapter 74.09 RCW. (~~After~~  
3 ~~payment by the department, the financial responsibility for any~~  
4 ~~remaining balance, including unpaid client liabilities that are a~~  
5 ~~condition of eligibility or participation under chapter 74.09 RCW,~~  
6 ~~shall be borne by the medical care provider and the governing unit as~~  
7 ~~may be mutually agreed upon between the medical care provider and the~~  
8 ~~governing unit. In the absence of mutual agreement between the medical~~  
9 ~~care provider and the governing unit, the financial responsibility for~~  
10 ~~any remaining balance shall be borne equally between the medical care~~  
11 ~~provider and the governing unit.)) Amounts paid by the department of  
12 social and health services on behalf of the confined person shall be  
13 considered payment in full for emergency or necessary health services  
14 provided under this section. Total payments from all sources to  
15 providers for care rendered to confined persons eligible under chapter  
16 74.09 RCW shall not exceed the amounts that would be paid by the  
17 department for similar services provided under Title XIX medicaid,  
18 unless additional resources are obtained from the confined person.~~

19 As part of the screening process upon booking or preparation of an  
20 inmate into jail, general information concerning the inmate's ability  
21 to pay for medical care shall be identified, including insurance or  
22 other medical benefits or resources to which an inmate is entitled.  
23 This information shall be made available to the department, the  
24 governing unit, and any provider of health care services.

25 The governing unit or provider may obtain reimbursement from the  
26 confined person for the cost of health care services not provided under  
27 chapter 74.09 RCW, including reimbursement from any insurance program  
28 or from other medical benefit programs available to the confined  
29 person. Nothing in this chapter precludes civil or criminal remedies  
30 to recover the costs of medical care provided jail inmates or paid for  
31 on behalf of inmates by the governing unit. As part of a judgment and  
32 sentence, the courts are authorized to order defendants to repay all or  
33 part of the medical costs incurred by the governing unit or provider  
34 during confinement.

35 To the extent that a confined person is unable to be financially  
36 responsible for medical care and is ineligible for the department's  
37 medical care programs under chapter 74.09 RCW, or for coverage from  
38 private sources, and in the absence of an interlocal agreement or other

1 contracts to the contrary, the governing unit may obtain reimbursement  
2 for the cost of such medical services from the unit of government that  
3 initiated the charges on which the person is being held in the jail:  
4 PROVIDED, That reimbursement for the cost of such services shall be by  
5 the state for state prisoners being held in a jail who are accused of  
6 either escaping from a state facility or of committing an offense in a  
7 state facility.

8 There shall be no right of reimbursement to the governing unit from  
9 units of government that initiated the charges for which a person is  
10 being held in the jail for care provided after the charges are disposed  
11 of by sentencing or otherwise, unless by intergovernmental agreement  
12 pursuant to chapter 39.34 RCW.

13 Under no circumstance shall necessary medical services be denied or  
14 delayed because of disputes over the cost of medical care or a  
15 determination of financial responsibility for payment of the costs of  
16 medical care provided to confined persons.

17 Nothing in this section shall limit any existing right of any  
18 party, governing unit, or unit of government against the person  
19 receiving the care for the cost of the care provided.

20 **Sec. 4.** RCW 70.48.130 and 1993 c 409 s 1 are each amended to read  
21 as follows:

22 It is the intent of the legislature that all jail inmates receive  
23 appropriate and cost-effective emergency and necessary medical care.  
24 Governing units, the department of social and health services, and  
25 medical care providers shall cooperate to achieve the best rates  
26 consistent with adequate care.

27 Payment for emergency or necessary health care shall be by the  
28 governing unit, except that the department of social and health  
29 services shall directly reimburse the provider pursuant to chapter  
30 74.09 RCW, in accordance with the rates and benefits established by the  
31 department, if the confined person is eligible under the department's  
32 medical care programs as authorized under chapter 74.09 RCW. ~~((After  
33 payment by the department, the financial responsibility for any  
34 remaining balance, including unpaid client liabilities that are a  
35 condition of eligibility or participation under chapter 74.09 RCW,  
36 shall be borne by the medical care provider and the governing unit as  
37 may be mutually agreed upon between the medical care provider and the~~

1 ~~governing unit. In the absence of mutual agreement between the medical~~  
2 ~~care provider and the governing unit, the financial responsibility for~~  
3 ~~any remaining balance shall be borne equally between the medical care~~  
4 ~~provider and the governing unit.)) Amounts paid by the department of  
5 social and health services on behalf of the confined person shall be  
6 considered payment in full for emergency or necessary health services  
7 provided under this section. Total payments from all sources to  
8 providers for care rendered to confined persons eligible under chapter  
9 74.09 RCW shall not exceed the amounts that would be paid by the  
10 department for similar services provided under Title XIX medicaid,  
11 unless additional resources are obtained from the confined person.~~

12 As part of the screening process upon booking or preparation of an  
13 inmate into jail, general information concerning the inmate's ability  
14 to pay for medical care shall be identified, including insurance or  
15 other medical benefits or resources to which an inmate is entitled.  
16 This information shall be made available to the department, the  
17 governing unit, and any provider of health care services.

18 The governing unit or provider may obtain reimbursement from the  
19 confined person for the cost of health care services not provided under  
20 chapter 74.09 RCW, including reimbursement from any insurance program  
21 or from other medical benefit programs available to the confined  
22 person. Nothing in this chapter precludes civil or criminal remedies  
23 to recover the costs of medical care provided jail inmates or paid for  
24 on behalf of inmates by the governing unit. As part of a judgment and  
25 sentence, the courts are authorized to order defendants to repay all or  
26 part of the medical costs incurred by the governing unit or provider  
27 during confinement.

28 To the extent that a confined person is unable to be financially  
29 responsible for medical care and is ineligible for the department's  
30 medical care programs under chapter 74.09 RCW, or for coverage from  
31 private sources, and in the absence of an interlocal agreement or other  
32 contracts to the contrary, the governing unit may obtain reimbursement  
33 for the cost of such medical services from the unit of government whose  
34 law enforcement officers initiated the charges on which the person is  
35 being held in the jail: PROVIDED, That reimbursement for the cost of  
36 such services shall be by the state for state prisoners being held in  
37 a jail who are accused of either escaping from a state facility or of  
38 committing an offense in a state facility.

1        There shall be no right of reimbursement to the governing unit from  
2 units of government whose law enforcement officers initiated the  
3 charges for which a person is being held in the jail for care provided  
4 after the charges are disposed of by sentencing or otherwise, unless by  
5 intergovernmental agreement pursuant to chapter 39.34 RCW.

6        Under no circumstance shall necessary medical services be denied or  
7 delayed because of disputes over the cost of medical care or a  
8 determination of financial responsibility for payment of the costs of  
9 medical care provided to confined persons.

10       Nothing in this section shall limit any existing right of any  
11 party, governing unit, or unit of government against the person  
12 receiving the care for the cost of the care provided.

13       NEW SECTION.    **Sec. 5.**    Section 3 of this act expires June 30, 2009.

14       NEW SECTION.    **Sec. 6.**    Section 4 of this act takes effect June 30,  
15 2009.

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