
SENATE BILL 6704

State of Washington

61st Legislature

2010 Regular Session

By Senator Hargrove; by request of Department of Social and Health Services

Read first time 01/22/10. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to modifying general assistance and medical care
2 services provisions; amending RCW 74.04.005, 74.04.230, 74.04.266,
3 74.04.620, 74.09.035, 74.09.010, 74.09.555, and 74.50.060; adding new
4 sections to chapter 74.08 RCW; repealing RCW 74.04.0052; and providing
5 an effective date.

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

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

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

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

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

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

18 (4) "Director" or "secretary" means the secretary of social and
19 health services.

1 (5) "Federal-aid assistance"--The specific categories of assistance
2 for which provision is made in any federal law existing or hereafter
3 passed by which payments are made from the federal government to the
4 state in aid or in respect to payment by the state for public
5 assistance rendered to any category of needy persons for which
6 provision for federal funds or aid may from time to time be made, or a
7 federally administered needs-based program.

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

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

14 ~~(ii) Meet one of the following conditions:~~

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

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

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

1 ~~(iii) Are citizens or aliens lawfully admitted for permanent~~
2 ~~residence or otherwise residing in the United States under color of~~
3 ~~law; and~~

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

10 ~~(b) Notwithstanding the provisions of subsection (6)(a)(i), (ii),~~
11 ~~and (c) of this section, general assistance shall be provided to the~~
12 ~~following recipients of federal aid assistance:~~

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

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

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

33 ~~(i) First failure: One week;~~

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

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

36 ~~(d) Persons found eligible for general assistance based on~~
37 ~~incapacity from gainful employment may, if otherwise eligible, receive~~
38 ~~general assistance pending application for federal supplemental~~

1 security income benefits. Any general assistance that is subsequently
2 duplicated by the person's receipt of supplemental security income for
3 the same period shall be considered a debt due the state and shall by
4 operation of law be subject to recovery through all available legal
5 remedies.

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

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

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

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

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

1 ~~(ii) Is violating a condition of probation, community supervision,~~
2 ~~or parole imposed under federal or state law for a felony or gross~~
3 ~~misdemeanor conviction.~~

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

7 ~~((8))~~ (7) "Recipient"--Any person receiving assistance and in
8 addition those dependents whose needs are included in the recipient's
9 assistance.

10 ~~((9))~~ (8) "Standards of assistance"--The level of income required
11 by an applicant or recipient to maintain a level of living specified by
12 the department.

13 ~~((10))~~ (9) "Resource"--Any asset, tangible or intangible, owned
14 by or available to the applicant at the time of application, which can
15 be applied toward meeting the applicant's need, either directly or by
16 conversion into money or its equivalent. The department may by rule
17 designate resources that an applicant may retain and not be ineligible
18 for public assistance because of such resources. Exempt resources
19 shall include, but are not limited to:

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

22 (b) Household furnishings and personal effects;

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

25 (d) A motor vehicle necessary to transport a ~~((physically~~
26 ~~disabled))~~ household member with a physical disability. This exclusion
27 is limited to one vehicle per ~~((physically disabled))~~ person with a
28 physical disability;

29 (e) All other resources, including any excess of values exempted,
30 not to exceed one thousand dollars or other limit as set by the
31 department, to be consistent with limitations on resources and
32 exemptions necessary for federal aid assistance. The department shall
33 also allow recipients of temporary assistance for needy families to
34 exempt savings accounts with combined balances of up to an additional
35 three thousand dollars;

36 (f) Applicants for or recipients of ~~((general assistance))~~
37 temporary assistance for unemployable persons and assistance for the

1 aged, blind, and disabled shall have their eligibility based on
2 resource limitations consistent with the temporary assistance for needy
3 families program rules adopted by the department; and

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

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

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

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

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

29 ~~((+11+))~~ (10) "Income"--(a) All appreciable gains in real or
30 personal property (cash or kind) or other assets, which are received by
31 or become available for use and enjoyment by an applicant or recipient
32 during the month of application or after applying for or receiving
33 public assistance. The department may by rule and regulation exempt
34 income received by an applicant for or recipient of public assistance
35 which can be used by him or her to decrease his or her need for public
36 assistance or to aid in rehabilitating him or her or his or her
37 dependents, but such exemption shall not, unless otherwise provided in
38 this title, exceed the exemptions of resources granted under this

1 chapter to an applicant for public assistance. In addition, for cash
2 assistance the department may disregard income pursuant to RCW
3 74.08A.230 and 74.12.350.

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

9 ~~((+12+))~~ (11) "Need"--The difference between the applicant's or
10 recipient's standards of assistance for himself or herself and the
11 dependent members of his or her family, as measured by the standards of
12 the department, and value of all nonexempt resources and nonexempt
13 income received by or available to the applicant or recipient and the
14 dependent members of his or her family.

15 ~~((+13+))~~ (12) For purposes of determining eligibility for public
16 assistance and participation levels in the cost of medical care, the
17 department shall exempt restitution payments made to people of Japanese
18 and Aleut ancestry pursuant to the Civil Liberties Act of 1988 and the
19 Aleutian and Pribilof Island Restitution Act passed by congress, P.L.
20 100-383, including all income and resources derived therefrom.

21 ~~((+14+))~~ (13) In the construction of words and phrases used in this
22 title, the singular number shall include the plural, the masculine
23 gender shall include both the feminine and neuter genders and the
24 present tense shall include the past and future tenses, unless the
25 context thereof shall clearly indicate to the contrary.

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.08 RCW
27 to read as follows:

28 (1) To the extent that funds are appropriated for the particular
29 purposes of temporary assistance for unemployable persons, temporary
30 assistance for unemployable persons may be provided to persons in need
31 who:

32 (a) Are not eligible to receive federal-aid assistance, other than
33 medical assistance or supplemental nutrition assistance program
34 benefits. However, an individual who refuses or fails to cooperate in
35 obtaining federal-aid assistance, without good cause, is not eligible
36 for temporary assistance for unemployable persons;

37 (b) Meet the following requirements:

1 (i) Are pregnant, if the need is based on the current income and
2 resource requirements of the federal temporary assistance for needy
3 families program;

4 (ii) Are determined by the department to be incapacitated from
5 gainful employment by reason of physical or mental impairment that will
6 likely continue for a minimum of ninety days and do not qualify for
7 state assistance for the aged, blind, and disabled under section 3 of
8 this act; or

9 (iii) Are determined by the department to be incapacitated from
10 gainful employment solely by reason of drug or alcohol dependency,
11 which incapacity will likely continue for a minimum of ninety days;

12 (c) Are citizens or aliens lawfully admitted for permanent
13 residence or otherwise residing in the United States under color of
14 law;

15 (d) Have furnished the department their social security account
16 number. If the social security account number cannot be furnished
17 because it has not been issued or is not known, an application for a
18 number shall be made prior to authorization of assistance, and the
19 social security number shall be provided to the department upon
20 receipt; and

21 (e) Have not refused or failed without good cause to participate in
22 drug or alcohol treatment if an assessment by a certified chemical
23 dependency counselor indicates a need for such treatment. Good cause
24 may be found to exist when a person's physical or mental condition, as
25 determined by the department, prevents the person from participating in
26 drug or alcohol dependency treatment. However, good cause does not
27 exist if the person is not able to participate because drug or alcohol
28 dependency treatment is not available.

29 (2) Assistance under subsection (1)(b)(i) of this section shall be
30 provided only to persons who accept available services that can
31 reasonably be expected to enable the person to work or reduce the need
32 for assistance. Failure to accept such services without good cause
33 shall result in termination. After reapplication and agreeing to
34 cooperate in accepting such services, the person shall be subject to
35 the following periods of ineligibility:

36 (a) First failure: One week;

37 (b) Second failure within six months of first failure: One month;

1 (c) Third and subsequent failure within one year of first failure:
2 Two months.

3 (3) Persons found eligible for temporary assistance for the
4 unemployable may, if otherwise eligible, receive assistance pending a
5 final determination of eligibility for federal supplemental security
6 income benefits. Any assistance that is subsequently duplicated by the
7 person's receipt of supplemental security income for the same period
8 shall be considered a debt due the state and shall by operation of law
9 be subject to recovery through all available legal remedies. Persons
10 found eligible for temporary assistance for unemployable persons may,
11 if otherwise eligible, receive assistance under this section pending a
12 final determination regarding the client's eligibility for state
13 assistance under section 3 of this act. Any assistance received under
14 this section shall be credited and deducted from any assistance the
15 client is subsequently determined eligible to receive under section 3
16 of this act during any same period.

17 (4) The department shall adopt rules consistent with the statutory
18 requirements of this title that are necessary for the administration of
19 the temporary assistance for unemployable persons program.

20 (a) For assistance under subsection (1)(b)(i) of this section, such
21 rules shall include medical criteria necessary to ensure that
22 incapacity decisions are based on clear, objective medical information.

23 (i) The process implementing the medical criteria shall involve
24 consideration of opinions of the treating or consulting physicians or
25 health care professionals regarding incapacity and any eligibility
26 decision which rejects uncontroverted medical opinion must set forth
27 clear and convincing reasons for doing so.

28 (ii) The department shall adopt by rule criteria for conducting
29 periodic reviews of the eligibility of recipients of temporary
30 assistance for unemployable persons. The department may discontinue
31 benefits if a recipient is unable to demonstrate that his or her
32 medical or mental impairment continues to meet the criteria established
33 under this subsection or when there was a specific error in the prior
34 incapacity decision.

35 (b) For assistance under subsection (1)(b)(ii) of this section, the
36 department shall provide client assessment, treatment, and support
37 services. The assessment shall include diagnostic evaluation and
38 arranging for admission into treatment and supported living programs.

1 The department shall base its determination of incapacity due to drug
2 or alcohol dependency on documented evidence by a drug or alcohol
3 treatment professional who is determined by the department to be
4 qualified to make this finding.

5 (5) A person may not be considered an eligible individual for
6 temporary assistance for the unemployable with respect to any month if
7 during that month the person:

8 (a) Is fleeing to avoid prosecution of, or to avoid custody or
9 confinement for conviction of, a felony, or an attempt to commit a
10 felony, under the laws of the state of Washington or the place from
11 which the person flees; or

12 (b) Is violating a condition of probation, community supervision,
13 or parole imposed under federal or state law for a felony or gross
14 misdemeanor conviction.

15 (6) In order to administer the program within the funds
16 appropriated for temporary assistance for unemployable persons, the
17 department may by rule establish methods to limit the number of
18 recipients of such assistance. These methods may include a limit on
19 the number of months a person may receive such assistance or a freeze
20 on new enrollment in the program. In determining the number of months
21 a person may receive temporary assistance for unemployable persons, the
22 department may include months the person received general assistance or
23 medical care services based on eligibility for drug or alcohol
24 dependency services prior to the effective date of this act. In order
25 to rationally allocate drug and alcohol dependency treatment services,
26 the department may establish by rule additional eligibility criteria,
27 including the setting of priorities among classes of persons found
28 incapacitated under subsection (1)(b)(ii) of this section for treatment
29 services. Such rules shall give first priority for treatment services
30 to pregnant women and parents of young children.

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 74.08 RCW
32 to read as follows:

33 (1) The assistance for the aged, blind, and disabled program shall
34 provide income assistance for persons in need who:

35 (a) Are not eligible to receive federal-aid assistance, other than
36 medical assistance or supplemental nutrition assistance program

1 benefits. However, an individual who refuses or fails to cooperate in
2 obtaining federal-aid assistance, without good cause, is not eligible
3 for assistance for the aged, blind, and disabled; and

4 (b) Meet the following requirements:

5 (i) Are residents of a long-term care facility or who have been
6 determined by the department to be aged, blind, or disabled based on
7 age, blindness, and disability standards used to establish eligibility
8 for supplemental security income under Title XVI of the federal social
9 security act;

10 (ii) Are citizens or aliens lawfully admitted for permanent
11 residence or otherwise residing in the United States under color of
12 law;

13 (iii) Have furnished the department their social security account
14 number. If the social security account number cannot be furnished
15 because it has not been issued or is not known, an application for a
16 number shall be made prior to authorization of assistance, and the
17 social security number shall be provided to the department upon
18 receipt; and

19 (iv) Have not refused or failed without good cause to participate
20 in drug or alcohol treatment if an assessment by a certified chemical
21 dependency counselor indicates a need for such treatment.

22 (2) Assistance shall be provided only to persons who will accept
23 available services that can reasonably be expected to reduce the need
24 for assistance. Failure to accept such services without good cause
25 shall result in termination. After reapplication and agreeing to
26 cooperate in accepting such services, the person shall be subject to
27 the following maximum periods of ineligibility:

28 (a) First failure: One week;

29 (b) Second failure within six months of first failure: One month;

30 (c) Third and subsequent failure within one year of first failure:
31 Two months.

32 (3) The department shall adopt rules consistent with the statutory
33 requirements of this title that are necessary for the administration of
34 the assistance for the aged, blind, and disabled program. Such rules
35 shall include medical criteria for disability and blindness
36 determinations to ensure that eligibility decisions are consistent with
37 federal statutory requirements for the supplemental security income
38 program and are based on clear, objective medical information.

1 (4) The department shall by rule adopt criteria for conducting
2 periodic reviews of the eligibility of recipients of assistance for the
3 aged, blind, and disabled whose eligibility is based on a determination
4 of blindness or disability. The department may discontinue such
5 benefits if it determines the recipient's medical or mental impairment
6 no longer meets the criteria established under subsection (3) of this
7 section or when there was specific error in the prior determination of
8 disability or blindness. If benefits are discontinued under this
9 subsection, the department shall redetermine the person's eligibility
10 for temporary assistance for unemployable persons under section 2 of
11 this act.

12 (5)(a) Notwithstanding the provisions of subsection (1) of this
13 section, persons who appear eligible to receive supplemental security
14 income under Title XVI of the federal social security act may, if
15 otherwise eligible, receive interim assistance for the aged, blind, and
16 disabled pending final determination on an application for federal
17 supplemental security income benefits, as provided for in RCW
18 74.04.620. Upon a final determination of eligibility by the social
19 security administration, interim assistance for the aged, blind, and
20 disabled will cease. Any assistance that is subsequently duplicated by
21 the person's receipt of supplemental security income for the same
22 period shall be considered a debt due the state and shall by operation
23 of law be subject to recovery through all available legal remedies.

24 (b) If a person has been denied interim assistance to the aged,
25 blind, and disabled under this subsection and has not been found by the
26 social security administration to be eligible for supplemental security
27 income, the department shall determine the person's eligibility for
28 temporary assistance for unemployable persons under section 2 of this
29 act.

30 (6) A person may not be considered an eligible individual for
31 assistance to the aged, blind, and disabled with respect to any month
32 if during that month the person:

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

37 (b) Is violating a condition of probation, community supervision,

1 or parole imposed under federal or state law for a felony or gross
2 misdemeanor conviction.

3 **Sec. 4.** RCW 74.04.230 and 1982 c 204 s 16 are each amended to read
4 as follows:

5 Persons eligible for (~~general assistance under RCW 74.04.005~~)
6 temporary assistance for unemployable persons under section 2 of this
7 act and assistance for the aged, blind, and disabled under section 3 of
8 this act are eligible for mental health services to the extent that
9 they meet the client definitions and priorities established by chapter
10 71.24 RCW.

11 **Sec. 5.** RCW 74.04.266 and 1977 ex.s. c 215 s 1 are each amended to
12 read as follows:

13 In determining need for (~~general~~) temporary assistance for
14 unemployable persons as defined in (~~RCW 74.04.005(6)(a)~~) section 2 of
15 this act and assistance for the aged, blind, and disabled as defined in
16 section 3 of this act, the department may by rule and regulation
17 establish a monthly earned income exemption in an amount not to exceed
18 the exemption allowable under disability programs authorized in Title
19 XVI of the federal social security act.

20 **Sec. 6.** RCW 74.04.620 and 1983 1st ex.s. c 41 s 37 are each
21 amended to read as follows:

22 (1) The department is authorized to establish a program of state
23 supplementation to the national program of supplemental security income
24 consistent with Public Law 92-603 and Public Law 93-66 to those persons
25 who are in need thereof in accordance with eligibility requirements
26 established by the department.

27 (2) The department is authorized to establish reasonable standards
28 of assistance and resource and income exemptions specifically for such
29 program of state supplementation which shall be consistent with the
30 provisions of the Social Security Act.

31 (3) The department is authorized to make payments to applicants for
32 supplemental security income, pursuant to agreements as provided in
33 Public Law 93-368, (~~who are otherwise eligible~~) but for (~~general~~
34 ~~assistance~~) their eligibility to receive supplemental security income

1 would receive temporary assistance for unemployable persons and
2 assistance for the aged, blind, and disabled, as provided in section 3
3 of this act.

4 (4) Any agreement between the department and a supplemental
5 security income applicant providing for the reimbursement of interim
6 assistance to the department shall provide, if the applicant has been
7 represented by an attorney, that twenty-five percent of the
8 reimbursement received shall be withheld by the department and all or
9 such portion thereof as has been approved as a fee by the United States
10 department of health and human services shall be released directly to
11 the applicant's attorney. The secretary may maintain such records as
12 are deemed appropriate to measure the cost and effectiveness of such
13 agreements and may make recommendations concerning the continued use of
14 such agreements to the legislature.

15 **Sec. 7.** RCW 74.09.035 and 1987 c 406 s 12 are each amended to read
16 as follows:

17 (1) To the extent of available funds, medical care services may be
18 provided to recipients of (~~general~~) temporary assistance for
19 unemployable persons chapter 74.08 RCW, assistance for the aged, blind,
20 and disabled under chapter 74.08 RCW, and recipients of alcohol and
21 drug addiction services provided under chapter 74.50 RCW, in accordance
22 with medical eligibility requirements established by the department.

23 (2) (~~Determination of~~) In order to administer the program within
24 the funds appropriated for medical care services for recipients of
25 temporary assistance for unemployable persons, assistance for the aged,
26 blind, and disabled, or alcohol or drug dependency or abuse services,
27 the department may impose limitations on the amount, scope, and
28 duration of medical care services (~~shall be limited to coverage as~~
29 defined by the department, except that) provided to recipients may
30 limit the number of persons receiving medical care services, and may
31 limit the number of months of coverage. However, adult dental(~~(7)~~) and
32 routine foot care shall not be included unless there is a specific
33 appropriation for these services.

34 (3) The department shall establish standards of assistance and
35 resource and income exemptions, which may include deductibles and co-
36 insurance provisions. In addition, the department may include a

1 prohibition against the voluntary assignment of property or cash for
2 the purpose of qualifying for assistance.

3 (4) Residents of skilled nursing homes, intermediate care
4 facilities, and intermediate care facilities for the mentally retarded
5 who are eligible for medical care services shall be provided medical
6 services to the same extent as provided to those persons eligible under
7 the medical assistance program.

8 (5) Payments made by the department under this program shall be the
9 limit of expenditures for medical care services solely from state
10 funds.

11 (6) Eligibility for medical care services shall commence with the
12 date of certification for (~~general assistance~~) temporary assistance
13 for unemployable persons or assistance for the aged, blind, and
14 disabled under chapter 74.08 RCW or the date of eligibility for alcohol
15 and drug addiction services provided under chapter 74.50 RCW.

16 **Sec. 8.** RCW 74.09.010 and 2007 c 3 s 2 are each amended to read as
17 follows:

18 As used in this chapter:

19 (1) "Children's health program" means the health care services
20 program provided to children under eighteen years of age and in
21 households with incomes at or below the federal poverty level as
22 annually defined by the federal department of health and human services
23 as adjusted for family size, and who are not otherwise eligible for
24 medical assistance or the limited casualty program for the medically
25 needy.

26 (2) "Committee" means the children's health services committee
27 (~~created in section 3 of this act~~).

28 (3) "County" means the board of county commissioners, county
29 council, county executive, or tribal jurisdiction, or its designee. A
30 combination of two or more county authorities or tribal jurisdictions
31 may enter into joint agreements to fulfill the requirements of RCW
32 74.09.415 through 74.09.435.

33 (4) "Department" means the department of social and health
34 services.

35 (5) "Department of health" means the Washington state department of
36 health created pursuant to RCW 43.70.020.

1 (6) "Internal management" means the administration of medical
2 assistance, medical care services, the children's health program, and
3 the limited casualty program.

4 (7) "Limited casualty program" means the medical care program
5 provided to medically needy persons as defined under Title XIX of the
6 federal social security act, and to medically indigent persons who are
7 without income or resources sufficient to secure necessary medical
8 services.

9 (8) "Medical assistance" means the federal aid medical care program
10 provided to categorically needy persons as defined under Title XIX of
11 the federal social security act.

12 (9) "Medical care services" means the limited scope of care
13 financed by state funds and provided to (~~general assistance~~
14 ~~recipients~~) temporary assistance for unemployed recipients under
15 chapter 74.08 RCW, assistance for aged, blind, and disabled recipients
16 under chapter 74.08 RCW, and recipients of alcohol and drug addiction
17 services provided under chapter 74.50 RCW.

18 (10) "Nursing home" means nursing home as defined in RCW 18.51.010.

19 (11) "Poverty" means the federal poverty level determined annually
20 by the United States department of health and human services, or
21 successor agency.

22 (12) "Secretary" means the secretary of social and health services.

23 (13) "Full benefit dual eligible beneficiary" means an individual
24 who, for any month: Has coverage for the month under a medicare
25 prescription drug plan or medicare advantage plan with part D coverage;
26 and is determined eligible by the state for full medicaid benefits for
27 the month under any eligibility category in the state's medicaid plan
28 or a section 1115 demonstration waiver that provides pharmacy benefits.

29 **Sec. 9.** RCW 74.09.555 and 2005 c 503 s 12 are each amended to read
30 as follows:

31 (1) The department shall adopt rules and policies providing that
32 when persons with a mental disorder, who were enrolled in medical
33 assistance immediately prior to confinement, are released from
34 confinement, their medical assistance coverage will be fully reinstated
35 on the day of their release, subject to any expedited review of their
36 continued eligibility for medical assistance coverage that is required
37 under federal or state law.

1 (2) The department, in collaboration with the Washington
2 association of sheriffs and police chiefs, the department of
3 corrections, and the regional support networks, shall establish
4 procedures for coordination between department field offices,
5 institutions for mental disease, and correctional institutions, as
6 defined in RCW 9.94.049, that result in prompt reinstatement of
7 eligibility and speedy eligibility determinations for persons who are
8 likely to be eligible for medical assistance services upon release from
9 confinement. Procedures developed under this subsection must address:

10 (a) Mechanisms for receiving medical assistance services
11 applications on behalf of confined persons in anticipation of their
12 release from confinement;

13 (b) Expeditious review of applications filed by or on behalf of
14 confined persons and, to the extent practicable, completion of the
15 review before the person is released;

16 (c) Mechanisms for providing medical assistance services identity
17 cards to persons eligible for medical assistance services immediately
18 upon their release from confinement; and

19 (d) Coordination with the federal social security administration,
20 through interagency agreements or otherwise, to expedite processing of
21 applications for federal supplemental security income or social
22 security disability benefits, including federal acceptance of
23 applications on behalf of confined persons.

24 (3) Where medical or psychiatric examinations during a person's
25 confinement indicate that the person is disabled, the correctional
26 institution or institution for mental diseases shall provide the
27 department with that information for purposes of making medical
28 assistance eligibility and enrollment determinations prior to the
29 person's release from confinement. The department shall, to the
30 maximum extent permitted by federal law, use the examination in making
31 its determination whether the person is disabled and eligible for
32 medical assistance.

33 (4) For purposes of this section, "confined" or "confinement" means
34 incarcerated in a correctional institution, as defined in RCW 9.94.049,
35 or admitted to an institute for mental disease, as defined in 42 C.F.R.
36 part 435, Sec. 1009 on July 24, 2005.

37 (5) For purposes of this section, "likely to be eligible" means
38 that a person:

1 (a) Was enrolled in medicaid or supplemental security income or
2 (~~general assistance~~) temporary assistance for unemployed recipients
3 under chapter 74.08 RCW, or assistance for aged, blind, and disabled
4 recipients under chapter 74.08 RCW immediately before he or she was
5 confined and his or her enrollment was terminated during his or her
6 confinement; or

7 (b) Was enrolled in medicaid or supplemental security income or
8 (~~general assistance~~) temporary assistance for unemployed recipients
9 under chapter 74.08 RCW, or assistance for aged, blind, and disabled
10 recipients under chapter 74.08 RCW at any time during the five years
11 before his or her confinement, and medical or psychiatric examinations
12 during the person's confinement indicate that the person continues to
13 be disabled and the disability is likely to last at least twelve months
14 following release.

15 (6) The economic services administration shall adopt standardized
16 statewide screening and application practices and forms designed to
17 facilitate the application of a confined person who is likely to be
18 eligible for medicaid.

19 **Sec. 10.** RCW 74.50.060 and 1989 1st ex.s. c 18 s 3 are each
20 amended to read as follows:

21 (1) The department shall establish a shelter assistance program to
22 provide, within available funds, shelter for persons eligible under
23 this chapter. "Shelter," "shelter support," or "shelter assistance"
24 means a facility under contract to the department providing room and
25 board in a supervised living arrangement, normally in a group or
26 dormitory setting, to eligible recipients under this chapter. This may
27 include supervised domiciliary facilities operated under the auspices
28 of public or private agencies. No facility under contract to the
29 department shall allow the consumption of alcoholic beverages on the
30 premises. The department may contract with counties and cities for
31 such shelter services. To the extent possible, the department shall
32 not displace existing emergency shelter beds for use as shelter under
33 this chapter. In areas of the state in which it is not feasible to
34 develop shelters, due to low numbers of people needing shelter
35 services, or in which sufficient numbers of shelter beds are not
36 available, the department may provide shelter through an intensive

1 protective payee program, unless the department grants an exception on
2 an individual basis for less intense supervision.

3 (2) Persons continuously eligible for (~~the general~~) temporary
4 assistance(~~(—)~~) for unemployable (~~(program)~~) recipients under chapter
5 74.08 RCW or assistance for aged, blind, and disabled recipients under
6 chapter 74.08 RCW since July 25, 1987, who transfer to the program
7 established by this chapter, have the option to continue their present
8 living situation, but only through a protective payee.

9 NEW SECTION. **Sec. 11.** RCW 74.04.0052 (Teen applicants' living
10 situation--Criteria--Presumption--Protective payee--Adoption referral)
11 and 1997 c 58 s 502 & 1994 c 299 s 34 are each repealed.

12 NEW SECTION. **Sec. 12.** This act takes effect July 1, 2010.

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