

**SSB 6508** - H AMD TO ELHS COMM AMD (H-4440.1/12) **1250**

By Representative Hansen

**ADOPTED 02/29/2012**

1 On page 1, line 25 of the striking amendment, after "department"  
2 strike all material through "benefits." on page 2, line 3 and insert  
3 "determines that the elements of equitable estoppel as set forth in  
4 WAC 388-02-0495, as it existed on January 1, 2012, are met."

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EFFECT: Authorizes the Department of Social and Health Services (Department) to waive efforts to collect overpayments made to a client if the Department determines that the elements of equitable estoppel have been met as follows: (1) the Department took an action or failed to take an action regarding overpayment of benefits which is inconsistent with a later claim or position; (2) the client reasonably relied on Department's original statement, action, or failure to act regarding overpayment; (3) the client would be injured to his or her detriment if the Department is allowed to contradict the original statement, act, or failure to act regarding overpayment; (4) the client cannot afford to repay the overpayment; (5) the client gave the Department timely and accurate information when required; (6) the client did not know that the Department made a mistake; (7) the client is free from fault; (8) the overpayment was caused solely by the Department's mistake; and (9) waiving overpayment collection efforts will not impair the Department's functions.

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