

SSB 6508 - S AMD 93  
By Senator Pridemore

PULLED 02/14/2012

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 43.20B.030 and 2005 c 292 s 5 are each amended to  
4 read as follows:

5 (1) Except as otherwise provided by law, including subsection (2)  
6 of this section, there will be no collection of overpayments and other  
7 debts due the department after the expiration of six years from the  
8 date of notice of such overpayment or other debt unless the department  
9 has commenced recovery action in a court of law or unless an  
10 administrative remedy authorized by statute is in place. However, any  
11 amount due in a case thus extended shall cease to be a debt due the  
12 department at the expiration of ten years from the date of the notice  
13 of the overpayment or other debt unless a court-ordered remedy would be  
14 in effect for a longer period.

15 (2) There will be no collection of debts due the department after  
16 the expiration of twenty years from the date a lien is recorded  
17 pursuant to RCW 43.20B.080.

18 (3) The department, at any time, may accept offers of compromise of  
19 disputed claims or may grant partial or total write-off of any debt due  
20 the department if it is no longer cost-effective to pursue. The  
21 department shall adopt rules establishing the considerations to be made  
22 in the granting or denial of a partial or total write-off of debts.

23 (4) Notwithstanding the requirements of RCW 43.20B.630, 43.20B.635,  
24 43.20B.640, and 43.20B.645, the department may waive all efforts to  
25 collect overpayments from a client when the department, the health care  
26 authority, or any state agency administering public assistance benefits  
27 determines the overpayment occurred through no fault of the client, the  
28 client was unaware that he or she was not eligible for the overpaid  
29 benefits, the client cannot repay the overpayment without drawing on  
30 funds needed for basic support, and the client relied on those benefits

1 for basic support. These are the applicable elements that are to be  
2 considered in any administrative hearing or judicial review proceeding  
3 concerning the overpayment of public assistance benefits.

4 NEW SECTION. **Sec. 2.** If any part of this act is found to be in  
5 conflict with federal requirements that are a prescribed condition to  
6 the allocation of federal funds to the state, the conflicting part of  
7 this act is inoperative solely to the extent of the conflict and with  
8 respect to the agencies directly affected, and this finding does not  
9 affect the operation of the remainder of this act in its application to  
10 the agencies concerned. Rules adopted under this act must meet federal  
11 requirements that are a necessary condition to the receipt of federal  
12 funds by the state.

13 NEW SECTION. **Sec. 3.** No later than January 1, 2013, the office of  
14 fraud and accountability within the department of social and health  
15 services, along with the state auditor's office and the department of  
16 early learning, shall collaborate in an effort to identify, review, and  
17 provide the legislature with recommendations for integrated monitoring  
18 and detection systems to prevent overpayments of public assistance from  
19 occurring."

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20 On page 1, line 2 of the title, after "recoveries;" strike the  
21 remainder of the title and insert "amending RCW 43.20B.030; and  
22 creating new sections."

**EFFECT:** Narrows the circumstances that must be found before an  
overpayment can be waived. Adds other agencies that administer public

assistance benefits to the list to which these requirements apply.

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