

---

**HOUSE BILL 1260**

---

**State of Washington****68th Legislature****2023 Regular Session**

**By** Representatives Alvarado, Leavitt, Taylor, Senn, Farivar, Simmons, Davis, Fitzgibbon, Callan, Reeves, Reed, Fey, Gregerson, Cortes, Macri, Fosse, Doglio, and Pollet; by request of Department of Social and Health Services

Read first time 01/12/23. Referred to Committee on Human Services, Youth, & Early Learning.

1 AN ACT Relating to accelerating stability for people with a work-  
2 limiting disability or incapacity; and amending RCW 74.04.655,  
3 74.04.805, 74.62.005, and 74.62.030.

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

5 **Sec. 1.** RCW 74.04.655 and 2011 1st sp.s. c 36 s 24 are each  
6 amended to read as follows:

7 (1) The economic services administration shall work jointly with  
8 the division of vocational rehabilitation to ~~((develop))~~ maintain an  
9 ongoing assessment ~~((tool that must be used))~~ process to determine  
10 whether the programs offered by the division of vocational  
11 rehabilitation could assist persons receiving benefits under RCW  
12 74.62.030 and 43.185C.220 in returning to the workforce. ~~((The~~  
13 ~~assessment tool shall be completed no later than December 1, 2010.~~  
14 ~~The economic services administration shall begin using the tool no~~  
15 ~~later than January 1, 2011. No later than December 30, 2011, the~~  
16 ~~department shall report on the use of the tool and to what extent the~~  
17 ~~programs offered by the division of vocational rehabilitation have~~  
18 ~~been successful in returning persons receiving aged, blind, or~~  
19 ~~disabled benefits to the workforce.))~~

20 (2) ~~((After January 1, 2011, all persons))~~ Persons receiving  
21 benefits under RCW 74.62.030 and ~~((43.185C.230))~~ 43.185C.220 shall be

1 assessed to determine whether they would likely benefit from a  
2 program offered by the division of vocational rehabilitation. If the  
3 assessment indicates that the person might benefit, and the person  
4 agrees to a referral, the economic services administration shall make  
5 a referral to the division of vocational rehabilitation. (~~If the~~  
6 ~~person is found eligible for a program with the division of~~  
7 ~~vocational rehabilitation, he or she must participate in that program~~  
8 ~~to remain eligible for the monthly stipend and housing voucher or a~~  
9 ~~cash grant. If the person refuses to participate or does not complete~~  
10 ~~the program, the department shall terminate the cash stipend and~~  
11 ~~housing voucher or cash grant but may not terminate medical coverage~~  
12 ~~and food benefits.))~~

13 **Sec. 2.** RCW 74.04.805 and 2022 c 208 s 1 are each amended to  
14 read as follows:

15 (1) The department is responsible for determining eligibility for  
16 referral for essential needs and housing support under RCW  
17 43.185C.220. Persons eligible for a referral are persons who:

18 (a) Have been determined to be eligible for the aged, blind, or  
19 disabled assistance program under RCW 74.62.030 or the pregnant women  
20 assistance program under RCW 74.62.030, or are incapacitated from  
21 gainful employment by reason of bodily or mental infirmity that will  
22 likely continue for a minimum of (~~ninety~~) 90 days. The standard for  
23 incapacity in this subsection, as evidenced by the (~~ninety-day~~) 90-  
24 day duration standard, is not intended to be as stringent as federal  
25 supplemental security income disability standards;

26 (b) Are citizens or aliens lawfully admitted for permanent  
27 residence or otherwise residing in the United States under color of  
28 law, or are victims of human trafficking as defined in RCW 74.04.005;

29 (c)(i) Have furnished the department with their social security  
30 number. If the social security number cannot be furnished because it  
31 has not been issued or is not known, an application for a number must  
32 be made prior to authorization of benefits, and the social security  
33 number must be provided to the department upon receipt;

34 (ii) This requirement does not apply to victims of human  
35 trafficking as defined in RCW 74.04.005 if they have not been issued  
36 a social security number;

37 (d) (~~(i)~~) Have countable income as described in RCW 74.04.005  
38 (~~at or below four hundred twenty-eight dollars for a married couple~~

1 ~~or at or below three hundred thirty-nine dollars for a single~~  
2 ~~individual; or~~

3 ~~(ii) Have income that meets the standard established by the~~  
4 ~~department, who are eligible for the pregnant women assistance~~  
5 ~~program)) that meets the standard established by the department;~~

6 (e) Do not have countable resources in excess of those described  
7 in RCW 74.04.005; and

8 (f) Are not eligible for federal aid assistance, other than basic  
9 food benefits transferred electronically and medical assistance.

10 (2) ~~((Recipients of aged, blind, or disabled assistance program~~  
11 ~~benefits who meet other eligibility requirements in this section are~~  
12 ~~eligible for a referral for essential needs and housing support~~  
13 ~~services within funds appropriated for the department of commerce.~~

14 ~~(3))~~ Recipients of pregnant women assistance program benefits  
15 who meet other eligibility requirements in this section are eligible  
16 for referral for essential needs and housing support services, within  
17 funds appropriated for the department of commerce, for ~~((twenty-~~  
18 ~~four))~~ 24 consecutive months from the date the department determines  
19 pregnant women assistance program eligibility.

20 ~~((4))~~ (3) The following persons are not eligible for a referral  
21 for essential needs and housing support:

22 (a) Persons who refuse or fail to cooperate in obtaining federal  
23 aid assistance, without good cause;

24 (b) Persons who refuse or fail without good cause to participate  
25 in substance use treatment if an assessment by a certified substance  
26 use disorder professional indicates a need for such treatment. Good  
27 cause must be found to exist but is not limited to, when a person's  
28 physical or mental condition, as determined by the department,  
29 prevents the person from participating in substance use treatment,  
30 when needed outpatient treatment is not available to the person in  
31 the county of their residence or when needed inpatient treatment is  
32 not available in a location that is reasonably accessible for the  
33 person; and

34 (c) Persons who are fleeing to avoid prosecution of, or to avoid  
35 custody or confinement for conviction of, a felony, or an attempt to  
36 commit a felony, under the laws of the state of Washington or the  
37 place from which the person flees; or who are violating a condition  
38 of probation, community supervision, or parole imposed under federal  
39 or state law for a felony or gross misdemeanor conviction.

1 ((+5)) (4) For purposes of determining whether a person is  
2 incapacitated from gainful employment under subsection (1) of this  
3 section:

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

8 (b) The process implementing the medical criteria must 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 ((+6)) (5) For purposes of reviewing a person's continuing  
14 eligibility and in order to remain eligible for the program, persons  
15 who have been found to have an incapacity from gainful employment  
16 must demonstrate that there has been no material improvement in their  
17 medical or mental health condition. The department may discontinue  
18 benefits when there was specific error in the prior determination  
19 that found the person eligible by reason of incapacitation.

20 ((+7)) (6) The department must review the cases of all persons  
21 who have received benefits under the essential needs and housing  
22 support program for twelve consecutive months, and at least annually  
23 after the first review, to determine whether they are eligible for  
24 the aged, blind, or disabled assistance program.

25 **Sec. 3.** RCW 74.62.005 and 2011 1st sp.s. c 36 s 1 are each  
26 amended to read as follows:

27 (1) The legislature finds that:

28 (a) Persons who have a long-term disability and apply for federal  
29 supplemental security income benefits should receive assistance while  
30 their application for federal benefits is pending(~~(, with repayment~~  
31 ~~from the federal government of state-funded income assistance paid~~  
32 ~~through the aged, blind, or disabled assistance program)) );~~

33 (b) Persons who are incapacitated from gainful employment for an  
34 extended period, but who may not meet the level of severity of a  
35 long-term disability, are at increased risk of homelessness; and

36 (c) Persons who are homeless and suffering from significant  
37 medical impairments, mental illness, or ~~((chemical dependency))~~  
38 substance use disorder face substantial barriers to successful  
39 participation in, and completion of, needed medical or behavioral

1 health treatment services. Stable housing increases the likelihood of  
2 compliance with and completion of treatment.

3 (2) Through chapter 36, Laws of 2011 1st sp. sess., the  
4 legislature intends to:

5 (a) Terminate all components of the disability lifeline program  
6 created in 2010 and codified in RCW 74.04.005 and create new  
7 programs: (i) To provide financial grants through the aged, blind,  
8 (~~and [or]~~) or disabled assistance program and the pregnant women  
9 assistance program; and (ii) to provide services through the  
10 essential needs and housing support program; and

11 (b) Increase opportunities to utilize limited public funding,  
12 combined with private charitable and volunteer efforts to serve  
13 persons who are recipients of the benefits provided by the new  
14 programs created under chapter 36, Laws of 2011 1st sp. sess.

15 **Sec. 4.** RCW 74.62.030 and 2022 c 208 s 2 are each amended to  
16 read as follows:

17 (1)(a) The aged, blind, or disabled assistance program shall  
18 provide financial grants to persons in need who:

19 (i) Are not eligible to receive (~~federal aid assistance, other~~  
20 ~~than basic food benefits transferred electronically and medical~~  
21 ~~assistance)) supplemental security income, refugee cash assistance,  
22 temporary assistance for needy families, or state family assistance  
23 benefits;~~

24 (ii) Meet the eligibility requirements of subsection (3) of this  
25 section; and

26 (iii) Are aged, blind, or disabled. For purposes of determining  
27 eligibility for assistance for the aged, blind, or disabled  
28 assistance program, the following definitions apply:

29 (A) "Aged" means age (~~sixty-five~~) 65 or older.

30 (B) "Blind" means statutorily blind as defined for the purpose of  
31 determining eligibility for the federal supplemental security income  
32 program.

33 (C) "Disabled" means likely to meet the federal supplemental  
34 security income disability standard. In making this determination,  
35 the department should give full consideration to the cumulative  
36 impact of an applicant's multiple impairments, an applicant's age,  
37 and vocational and educational history.

38 In determining whether a person is disabled, the department may  
39 rely on, but is not limited to, the following:

1 (I) A previous disability determination by the social security  
2 administration or the disability determination service entity within  
3 the department; or

4 (II) A determination that an individual is eligible to receive  
5 optional categorically needy medicaid as a disabled person under the  
6 federal regulations at 42 C.F.R. Parts 435, Secs. 201(a)(3) and 210.

7 (b) The following persons are not eligible for the aged, blind,  
8 or disabled assistance program:

9 (i) Persons who are not able to engage in gainful employment due  
10 primarily to a substance use disorder. These persons shall be  
11 referred to appropriate assessment, treatment, or shelter services.  
12 Referrals shall be made at the time of application or at the time of  
13 eligibility review. This subsection may not be construed to prohibit  
14 the department from granting aged, blind, or disabled assistance  
15 benefits to persons with a substance use disorder who are  
16 incapacitated due to other physical or mental conditions that meet  
17 the eligibility criteria for the aged, blind, or disabled assistance  
18 program; or

19 (ii) Persons for whom there has been a final determination of  
20 ineligibility based on age, blindness, or disability for federal  
21 supplemental security income benefits.

22 (c) Persons may receive aged, blind, or disabled assistance  
23 benefits and essential needs and housing program support under RCW  
24 43.185C.220 concurrently while pending application for federal  
25 supplemental security income benefits. (~~The monetary value of any  
26 aged, blind, or disabled assistance benefit that is subsequently  
27 duplicated by the person's receipt of supplemental security income  
28 for the same period shall be considered a debt due the state and  
29 shall by operation of law be subject to recovery through all  
30 available legal remedies.~~) Effective October 1, 2023, a person's  
31 receipt of supplemental security income received for the same period  
32 as aged, blind, or disabled program assistance as described in this  
33 section shall not be considered a debt due to the state and is not  
34 subject to recovery.

35 (2) The pregnant women assistance program shall provide financial  
36 grants to persons who:

37 (a) (~~Are not eligible to receive federal aid assistance other  
38 than basic food benefits or medical assistance; and~~

39 ~~(b))~~ Are pregnant and in need, based upon the current income and  
40 resource standards of the federal temporary assistance for needy

1 families program, but are ineligible for federal temporary assistance  
2 for needy families or state family assistance benefits for a reason  
3 other than failure to cooperate in program requirements; and

4 ~~((e))~~ (b) Meet the eligibility requirements of subsection (3)  
5 of this section.

6 (3) To be eligible for the aged, blind, or disabled assistance  
7 program under subsection (1) of this section or the pregnant women  
8 assistance program under subsection (2) of this section, a person  
9 must:

10 (a) Be a citizen or alien lawfully admitted for permanent  
11 residence or otherwise residing in the United States under color of  
12 law, or be a victim of human trafficking as defined in RCW 74.04.005;

13 (b) Meet the income and resource standards described in RCW  
14 74.04.805(1) (d) and (e);

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

20 (ii) This requirement does not apply to victims of human  
21 trafficking as defined in RCW 74.04.005 if they have not been issued  
22 a social security number;

23 (d) Not have refused or failed without good cause to participate  
24 in substance use treatment if an assessment by a certified substance  
25 use disorder professional indicates a need for such treatment. Good  
26 cause must be found to exist, but is not limited to, when a person's  
27 physical or mental condition, as determined by the department,  
28 prevents the person from participating in substance use treatment,  
29 when needed outpatient treatment is not available to the person in  
30 the county of their residence, or when needed inpatient treatment is  
31 not available in a location that is reasonably accessible for the  
32 person; and

33 (e) Not have refused or failed to cooperate in obtaining federal  
34 aid assistance, without good cause.

35 (4) Referrals for essential needs and housing support under RCW  
36 43.185C.220 shall be provided to persons found eligible under RCW  
37 74.04.805.

38 (5) No person may be considered an eligible individual for  
39 benefits under this section with respect to any month if during that  
40 month the person:

1           (a) Is fleeing to avoid prosecution of, or to avoid custody or  
2 confinement for conviction of, a felony, or an attempt to commit a  
3 felony, under the laws of the state of Washington or the place from  
4 which the person flees; or

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

8           (6) The department must share client data for individuals  
9 eligible for essential needs and housing support with the department  
10 of commerce and designated essential needs and housing support  
11 entities as required under RCW 43.185C.230.

--- END ---