

With the exception of Section 3, which I have vetoed, the remainder of Substitute House Bill 208 is approved."

CHAPTER 8

[Substitute House Bill No. 245]

PUBLIC ASSISTANCE SERVICES—ELIGIBILITY, STANDARDS—MCNEILL ISLAND OPERATION

AN ACT Relating to social and health services; reenacting and amending section 74.04.005, chapter 26, Laws of 1959 as last amended by section 1, chapter 84, Laws of 1980 and by section 1, chapter 174, Laws of 1980 and RCW 74.04.005; amending section 74.04.015, chapter 26, Laws of 1959 as last amended by section 296, chapter 141, Laws of 1979 and RCW 74.04.015; amending section 74.04.050, chapter 26, Laws of 1959 as amended by section 3, chapter 228, Laws of 1963 and RCW 74.04.050; amending section 74.04.200, chapter 26, Laws of 1959 as amended by section 302, chapter 141, Laws of 1979 and RCW 74.04.200; amending section 6, chapter 172, Laws of 1969 ex. sess. and RCW 74.04.510; amending section 3, chapter 10, Laws of 1973 2nd ex. sess. and RCW 74.04.620; amending section 6, chapter 10, Laws of 1973 2nd ex. sess. and RCW 74.04.650; amending section 74.08.025, chapter 26, Laws of 1959 as last amended by section 1, chapter 79, Laws of 1980 and RCW 74.08.025; amending section 74.08.040, chapter 26, Laws of 1959 and RCW 74.08.040; amending section 10, chapter 172, Laws of 1969 ex. sess. and RCW 74.08.043; amending section 74.08.120, chapter 26, Laws of 1959 as last amended by section 326, chapter 141, Laws of 1979 and RCW 74.08.120; amending section 2, chapter 51, Laws of 1973 1st ex. sess. and RCW 74.08.540; amending section 74.09.010, chapter 26, Laws of 1959 as amended by section 333, chapter 141, Laws of 1979 and RCW 74.09.010; amending section 4, chapter 30, Laws of 1967 ex. sess. as last amended by section 4, chapter 169, Laws of 1971 ex. sess. and RCW 74.09.510; amending section 5, chapter 30, Laws of 1967 ex. sess. as last amended by section 344, chapter 141, Laws of 1979 and RCW 74.09.520; amending section 74.12.010, chapter 26, Laws of 1959 as last amended by section 350, chapter 141, Laws of 1979 and RCW 74.12.010; adding new sections to chapter 74.08 RCW; adding a new section to chapter 74.09 RCW; creating a new section; repealing section 2, chapter 174, Laws of 1980 and RCW 74.04.001; repealing section 74.04.250, chapter 26, Laws of 1959 and RCW 74.04.250; repealing section 1, chapter 35, Laws of 1973 1st ex. sess. and RCW 74.08.047; repealing section 2, chapter 35, Laws of 1973 1st ex. sess. and RCW 74.08.048; repealing section 74.08.112, chapter 26, Laws of 1959 and RCW 74.08.112; repealing section 74.09.020, chapter 26, Laws of 1959 and RCW 74.09.020; repealing section 74.09.030, chapter 26, Laws of 1959, section 334, chapter 141, Laws of 1979 and RCW 74.09.030; repealing section 74.09.070, chapter 26, Laws of 1959, section 336, chapter 141, Laws of 1979 and RCW 74.09.070; repealing section 74.10.010, chapter 26, Laws of 1959, section 346, chapter 141, Laws of 1979 and RCW 74.10.010; repealing section 74.10.020, chapter 26, Laws of 1959, section 5, chapter 169, Laws of 1971 ex. sess. and RCW 74.10.020; repealing section 74.10.030, chapter 26, Laws of 1959, section 347, chapter 141, Laws of 1979 and RCW 74.10.030; repealing section 74.10.070, chapter 26, Laws of 1959, section 348, chapter 141, Laws of 1979 and RCW 74.10.070; repealing section 1, chapter 60, Laws of 1967 ex. sess., section 349, chapter 141, Laws of 1979 and RCW 74.10.090; repealing section 2, chapter 60, Laws of 1967 ex. sess. and RCW 74.10.100; providing an expiration date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 74.04.005, chapter 26, Laws of 1959 as last amended by section 1, chapter 84, Laws of 1980 and by section 1, chapter 174, Laws of 1980 and RCW 74.04.005 are each reenacted and amended to read as follows:

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

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

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

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

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

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

(6) "General assistance"—~~((Shall include))~~ Aid to unemployable persons ((and unemployed employable persons)) in need who:

(a) Are not eligible to receive ((or are not receiving)) federal-aid assistance((: PROVIDED, That general assistance shall be granted temporarily to any person eligible for and receiving supplemental security income whose need, as defined in this section, is not met by such supplemental security income grant because of separation from a spouse:

~~(a) "Unemployable persons" are those persons who by reason of bodily or mental infirmity or other cause are substantially incapacitated from gainful employment as determined by the secretary and the commissioner of the employment security department in accordance with rules adopted pursuant to RCW 74.04.001.~~

~~(b) "Unemployed employable persons" are those persons who although capable of gainful employment are unemployed.~~

~~(7) "Medical indigents"—Are persons without income or resources sufficient to secure necessary medical services)); and~~

(b) Are incapacitated from gainful employment by reason of:

(i) Bodily infirmity;

(ii) Being diagnosed as psychotic or psychotic in remission;

(iii) Being mentally retarded in accordance with standards adopted by the department;

(iv) Participation in an approved drug or alcoholism treatment program;
or

(v) Being sixty-five years of age, or over: PROVIDED, That such incapacity in (b) (i) through (iv) of this subsection, as determined by the department, will last at least sixty days from the date of application, except that persons in approved alcoholism and/or drug programs may be eligible for less than a sixty-day period in accordance with the terms of their treatment plan.

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

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

~~((10))~~ "Requirement"—~~Items of goods and services included in the state department of social and health services standards of assistance and required by an applicant or recipient to maintain a defined standard of living.~~

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

(10) "Resource"—Any asset, tangible or intangible, owned by or available to the applicant at the time of application, which can be applied toward meeting the applicant's need, either directly or by conversion into money or its equivalent: PROVIDED, That an applicant may retain the following described resources and not be ineligible for public assistance because of such resources.

(a) A home, which is defined as real property owned and used by an applicant or recipient as a place of residence, together with a reasonable amount of property surrounding and contiguous thereto, which is used by and useful to the applicant. Whenever a recipient shall cease to use such property for residential purposes, either for himself or his dependents, the property shall be considered as income which can be made available to meet need, and if the recipient or his dependents absent themselves from the home for a period of ninety consecutive days such absence, unless due to hospitalization or health reasons or a natural disaster, shall raise a rebuttable presumption of abandonment: PROVIDED, That if in the opinion of three physicians the recipient will be unable to return to the home during his lifetime, and the home is not occupied by a spouse or dependent children or disabled sons or daughters, such property shall be considered as income which can be made available to meet need.

(b) Household furnishings and personal effects and other personal property having great sentimental value to the applicant or recipient.

(c) Term and burial insurance for use of the applicant or recipient.

(d) Vehicle(s) used and useful having an equity value not to exceed one thousand five hundred dollars.

(e) Life insurance having a cash surrender value not to exceed seven hundred fifty dollars until July 1, 1981, and thereafter one thousand five hundred dollars.

(f) Cash, marketable securities, and any excess of values exempted under (d) and (e) of this section, not to exceed seven hundred fifty dollars for a single person or one thousand two hundred fifty dollars for a family unit

of two or more until July 1, 1981, and thereafter one thousand five hundred dollars for a single person or two thousand two hundred fifty dollars for a family unit of two or more.

(g) If an applicant for or recipient of public assistance possesses property and belongings in excess of the ceiling value, such value shall be used in determining the need of the applicant or recipient: PROVIDED, That in the determination of need of applicants for or recipients of general assistance for unemployed employables no resources or income shall be considered as exempt per se, but the department may by rule and regulation adopt standards which will permit the exemption of the home and personal property and belongings from consideration as an available resource or income when such resources or income are determined to be necessary to the applicant's or recipient's restoration to independence. The department may by rule and regulation exempt personal property and belongings and income-producing property which can be used by the applicant or recipient to decrease his or her need for public assistance or aid in rehabilitating the applicant or recipient or his or her dependents.

((+2)) (11) "Income"—All appreciable gains in real or personal property (cash or kind) or other assets, which are received by or become available for use and enjoyment by an applicant or recipient after applying for or receiving public assistance: PROVIDED, That all necessary expenses that may reasonably be attributed to the earning of income shall be considered in determining net income: PROVIDED FURTHER, That the department may by rule and regulation exempt income received by an applicant for or recipient of public assistance which can be used by him to decrease his need for public assistance or to aid in rehabilitating him or his dependents, but such exemption shall not, unless otherwise provided in this title, exceed the exemptions of resources granted under this chapter to an applicant for public assistance: PROVIDED FURTHER, That in determining the amount of assistance to which a recipient of aid to families with dependent children is entitled, the department is hereby authorized to disregard as a resource or income the earned income exemptions consistent with federal requirements: PROVIDED FURTHER, The department may permit the above exemption of earnings of a child to be retained by such child to cover the cost of special future identifiable needs even though the total exceeds the exemptions or resources granted to applicants and recipients of public assistance, but consistent with federal requirements. In formulating rules and regulations pursuant to this chapter the department shall define "earned income" consistent with federal requirements. All resources and income not specifically exempted, and any income or other economic benefit derived from the use of, or appreciation in value of, exempt resources, shall be considered in determining the need of an applicant or recipient of public assistance.

~~((13))~~ (12) "Need" —The difference between the applicant's or recipient's ~~((cost of requirements))~~ standards of assistance for himself and the dependent members of his family, as measured by the standards of the department, and value of all nonexempt resources and nonexempt net income received by or available to the applicant or recipient and the dependent members of his family.

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

Sec. 2. Section 74.04.015, chapter 26, Laws of 1959 as last amended by section 296, chapter 141, Laws of 1979 and RCW 74.04.015 are each amended to read as follows:

The secretary of social and health services shall be the responsible state officer for the administration of, and the disbursement of all funds, goods, commodities and services, which may be received by the state in connection with ~~((, old age assistance, medical assistance to the aged, aid to families with dependent children, aid to the blind, disability assistance, child welfare services, vocational rehabilitation, and including, but not limited to other))~~ programs of public assistance or services related directly or indirectly to assistance programs, and all other matters included in the federal social security act approved August 14, 1935, or any other federal act or as the same may be amended excepting those specifically required to be administered by ~~((the superintendent of public instruction or the state commission for vocational education and those required to be administered and disbursed in connection with public health services such as communicable disease control, maternal and child health, sanitation, and vital statistics services))~~ other entities.

He shall make such reports and render such accounting as may be required by the federal agency having authority in the premises.

Sec. 3. Section 74.04.050, chapter 26, Laws of 1959 as amended by section 3, chapter 228, Laws of 1963 and RCW 74.04.050 are each amended to read as follows:

The department shall serve as the single state agency to administer public assistance. The department is hereby empowered and authorized to cooperate in the administration of such federal laws, consistent with the public assistance laws of this state, as may be necessary to qualify for federal funds for:

- (1) ~~((Old age assistance;~~
- ~~(2))~~ Medical assistance ~~((to the aged))~~;
- ~~((3))~~ (2) Aid to dependent children;
- ~~((4) Aid to the needy blind;~~
- ~~(5))~~ (3) Child welfare services; and

~~((6) Aid to permanently and totally disabled;~~

~~(7))~~ (4) Any other programs of public assistance for which provision for federal grants or funds may from time to time be made.

The state hereby accepts and assents to all the present provisions of the federal law under which federal grants or funds, goods, commodities and services are extended to the state for the support of programs administered by the department, and to such additional legislation as may subsequently be enacted as is not inconsistent with the purposes of this title, authorizing public welfare and assistance activities. The provisions of this title shall be so administered as to conform with federal requirements with respect to eligibility for the receipt of federal grants or funds.

The department shall periodically make application for federal grants or funds and submit such plans, reports and data, as are required by any act of congress as a condition precedent to the receipt of federal funds for such assistance. The department shall make and enforce such rules and regulations as shall be necessary to insure compliance with the terms and conditions of such federal grants or funds.

Sec. 4. Section 74.04.200, chapter 26, Laws of 1959 as amended by section 302, chapter 141, Laws of 1979 and RCW 74.04.200 are each amended to read as follows:

It shall be the duty of the department of social and health services to establish ~~((uniform))~~ state-wide standards which may vary by geographical areas to govern the granting of assistance in the several categories of this title and it shall have power to compel compliance with such ~~((uniform))~~ standards as a condition to the receipt of state and federal funds by counties for social security purposes.

Sec. 5. Section 6, chapter 172, Laws of 1969 ex. sess. and RCW 74.04-.510 are each amended to read as follows:

The department shall promulgate rules and regulations conforming to federal laws, rules and regulations required to be observed in maintaining the eligibility of the state to receive from the federal government and to issue or distribute to recipients, food stamps or coupons under a food stamp plan. Such rules and regulations shall relate to and include, but shall not be limited to: (1) The classifications of and requirements of eligibility of households to receive food stamps or coupons. (2) The periods during which households shall be certified or recertified to be eligible to receive food stamps or coupons under this plan. ~~((3) The establishment of a purchase payment schedule for coupons graduated on the basis of the incomes and the number of persons in an eligible household:))~~

Sec. 6. Section 3, chapter 10, Laws of 1973 2nd ex. sess. and RCW 74-.04.620 are each amended to read as follows:

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

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

The department is authorized to make payments to applicants for supplemental security income, pursuant to agreements as provided in Public Law 93-368, who are otherwise eligible for general assistance.

Sec. 7. Section 6, chapter 10, Laws of 1973 2nd ex. sess. and RCW 74.04.650 are each amended to read as follows:

Notwithstanding any other provisions of RCW 74.04.600 through 74.04.650 (~~for~~), those individuals who have been receiving supplemental security income assistance and failed to comply with federal requirements relating to drug abuse and alcoholism treatment and rehabilitation shall be (~~required to reapply for state assistance programs to be eligible~~) ineligible for state assistance.

Sec. 8. Section 74.08.025, chapter 26, Laws of 1959 as last amended by section 1, chapter 79, Laws of 1980 and RCW 74.08.025 are each amended to read as follows:

Public assistance shall be awarded to any applicant:

(1) Who is in need and otherwise meets the eligibility requirements of department cash assistance programs; and

(2) Who has not made a voluntary assignment of property or cash for the purpose of qualifying for an assistance grant; and

(3) Who is not an inmate of a public institution except as a patient in a medical institution or except as an inmate in a public institution who could qualify for federal aid assistance: **PROVIDED**, That the assistance paid by the department to recipients in nursing homes, or receiving nursing home care, may cover the cost of clothing and incidentals and general maintenance exclusive of medical care and health services. The department may pay a grant to cover the cost of clothing and personal incidentals in public or private medical institutions and institutions for tuberculosis. The department shall allow recipients in nursing homes to retain, in addition to the grant to cover the cost of clothing and incidentals, wages received for work as a part of a training or rehabilitative program designed to prepare the recipient for less restrictive placement to the extent permitted under Title XIX of the federal social security act.

Sec. 9. Section 74.08.040, chapter 26, Laws of 1959 and RCW 74.08.040 are each amended to read as follows:

(1) Grants shall be awarded on a ((uniform)) state-wide basis in accordance with standards of assistance established by the department(~~The department shall establish standards of assistance for old age assistance, aid to dependent children, aid to the blind, and general assistance to unemployable persons which shall be used to determine an applicant's or recipient's living requirements and which shall include reasonable allowances for shelter, fuel, food, clothing, household maintenance and operation, personal maintenance, and necessary incidentals. The total dollar value of the assistance budget shall, under average conditions, be not less than seventy-five dollars per month for an individual living alone; but a recipient shall not receive a grant of seventy-five dollars or more unless his actual requirements amount to seventy-five dollars. Grants shall be paid in the amount of requirements less all available income and resources which can be applied by the recipient toward meeting need, including shelter.~~

In order to determine such standards of assistance the department shall establish objective budgetary guides based upon actual living cost studies of the items of the budget. Such living cost studies shall be renewed or revised annually and new standards of assistance reflecting current living costs shall determine budgets of need. Any indicated adjustment in standards shall become effective not later than June 1st of 1953 and June 1st of each succeeding year)) and may vary by geographical areas.

(2) The standards of assistance for any family size shall be adjusted on July 1 of each year. Except for federal emergency assistance, the standards shall be equal to the difference between (a) the community services administration nonfarm poverty-level income, published in January or February of that year except that the March 1, 1981, to June 30, 1981, standards shall reflect the poverty levels published in April 1980, adjusted for family size for the continental United States and (b) the sum of the food stamp benefit and the low-income energy assistance benefit.

(3) The standards for federal emergency assistance shall be equal to the value of the federal department of agriculture's thrifty food plan used in the federal food stamp program.

(4) The food stamp benefit shall be determined by using the standard income deductions contained in authorizing federal legislation, an additional forty-five dollar income deduction, and that portion of the standards of assistance designated by the legislature as an energy allowance.

(5) For the purpose of establishing standards of assistance, (a) the low-income energy assistance benefit shall be prorated to determine a monthly amount and (b) state supplements for supplemental security income recipients shall be no less than the levels specified in 42 U.S.C. Section 1618.

(6) The assistance standards shall not be reduced between January 1 and June 30 for increases in food stamp allotments. The department may adjust these standards for shelter provided at no cost.

(7) The standards of assistance shall take into account the economy of joint living arrangements, and the department may, by rule and regulation, prescribe maximums ~~((for grants))~~ and continue existing rateable reductions through March 1, 1981.

~~((For general assistance to unemployed employable persons, the department shall establish standards of assistance based upon annual living cost studies and compatible with a minimum necessary for decent and healthful subsistence. Such standards shall permit the meeting of actual and emergent need on an individual basis.))~~

NEW SECTION. Sec. 10. There is added to chapter 74.08 RCW a new section to read as follows:

There shall be included in the standards of assistance a monthly amount designated as an energy allowance. For supplemental security income recipients, the energy allowance shall be equal to the state supplement. For recipients of other federally aided assistance programs and general assistance to unemployable persons, the energy assistance allowance shall be determined according to the following schedule.

NUMBER OF PERSONS IN THE ASSISTANCE UNIT

Fiscal Year	1	2	3	4	5	6
1981	\$ 78	\$ 84	\$ 89	\$ 94	\$ 99	\$104

Note 1: For each additional person in the assistance unit, add five dollars.

Sec. 11. Section 10, chapter 172, Laws of 1969 ex. sess. and RCW 74.08.043 are each amended to read as follows:

In determining the living requirements of otherwise eligible applicants and recipients of ~~((old age assistance, aid to the blind, disability assistance))~~ supplemental security income and general assistance, the department is authorized to consider the need for personal and special care and supervision due to physical and mental conditions.

Sec. 12. Section 74.08.120, chapter 26, Laws of 1959 as last amended by section 326, chapter 141, Laws of 1979 and RCW 74.08.120 are each amended to read as follows:

The term "funeral" shall mean the proper preparation, transportation within the local service area defined by the department, and care of the remains of a deceased person with needed facilities and appropriate memorial services~~((, including))~~. "Burial" includes necessary costs of a lot or cremation and all services related to interment and the customary memorial marking of a grave.

The department is hereby authorized ~~((through the county offices))~~ to assume responsibility for payment for the funeral and burial of deceased persons dying without assets sufficient to pay for the minimum standard funeral herein provided: PROVIDED, HOWEVER, That the secretary may furnish funeral assistance for deceased recipients if they leave assets to a

surviving spouse and/or to minor children and if the assets are resources permitted to be owned by or available to an eligible applicant or recipient under RCW 74.04.005, and the department shall thereby have a lien against said assets valid for six years from the date of filing with the county auditor and such lien claim shall have preference to all other claims except prior secured creditors. If the assets remain exempt, or if no probate is commenced, the lien shall automatically terminate without further action six years after filing. If the deceased person is survived by a spouse or is a minor child survived by his parent or parents, the department may take into consideration the assets of such surviving spouse, parent, or parents in determining whether or not the department will assume responsibility for the funeral.

~~((The department shall not pay more than cost for a minimum standard service rendered by each vendor.))~~ Payments to the funeral director and to the cemetery or crematorium will be made by separate vouchers. The standard of such services and the uniform amounts to be paid shall be determined by the department after giving due consideration to such advice and counsel as it shall obtain from the trade associations of the various vendors and related state departments, agencies, and commissions. ~~((The payments made by the department shall not be subject to supplementation by the relatives or friends of recipients. Whenever relatives or friends provide for other than the minimum standard service authorized, the state shall not participate in the payment of any part of the cost.))~~ Payment made for any funeral or burial service by relatives, friends, or any other third party shall be subtracted from the payment made by the department.

Sec. 13. Section 2, chapter 51, Laws of 1973 1st ex. sess. and RCW 74.08.540 are each amended to read as follows:

(1) The term "services" shall include homemaker-home health services, chore services and personal and household services.

(2) The goal of the homemaker-home health service within the department of social and health services shall be to maintain, strengthen, improve and safeguard home and family life by augmenting professional services in homes where there are social and/or health needs which interfere with the independent functioning of an individual or family.

The principal purpose of the homemaker-home health service shall be:

(a) To keep the family together while the natural homemaker is incapacitated, either in or out of the home; and to prevent family breakdown for any other reason, thus avoiding the shock of separating children from their parents, their brothers and sisters, their schools, their friends.

(b) To enable the elderly, the chronically ill, the mentally ill, retarded, or otherwise disabled individual to remain in or return to his own home among familiar surroundings whenever possible in accordance with RCW 74.08.283.

(c) To permit an individual to remain at home, or, to return home sooner than he otherwise could from an institution. This will allow for more appropriate utilization of hospitals, nursing homes, and other facilities. It will help offset the cost of expensive institutional care for the family, the individual and the community.

(d) To keep the employed adult on the job who otherwise must take unscheduled time off to care for children, an elderly parent, or an ill relative.

(e) To help individuals and families learn better management of daily living, including improved child-rearing practices and self-care.

(3) Housekeeping service shall mean service primarily concerned with the performance of household tasks and the physical care of small children where required. Housekeeping services do not include the assumption of parental duties normally associated with the direction and management of children.

Housekeeping service is an additional requirement when the normal caretaker of the children:

(a) Is in the home (except for a temporary period) and retains responsibility for direction and management of the children;

(b) Is in the home but is physically unable to perform the necessary household services and/or physical care of children without assistance; and

(c) Is not available and there is no person available to render the service without cost.

(4) Chore services includes the provision of household and personal care ((as needed)) to give attention and protection for the client's safety and well-being.

Chore services means services in performing light work, household tasks or personal care which eligible persons are unable to do for themselves because of frailty or other conditions. Chore services include, but are not limited to assisting in keeping client and home ((neat and clean, preparation of meals, help in shopping, lawn care, simple household repairs, running errands, wood chopping, and other tasks as required)) safe and clean, preparation of meals, and other tasks as determined by the department.

Eligible persons shall be adult recipients of ((old age assistance, aid to the blind, disability assistance, and general assistance to the unemployable who are potential disability assistance recipients, nonrecipients sixty-five years old or over released from a mental institution who are eligible for medical assistance under the state's Title XIX plan, and those potential recipients who would otherwise be eligible for public assistance if the cost of this service were an additional grant requirement)) supplemental security income and/or state supplementation and other individuals having income equal to or less than the state standards for supplemental security income and state supplementation.

NEW SECTION. Sec. 14. There is added to chapter 74.08 RCW a new section to read as follows:

In order to reduce hardship due to the reduction of the income eligibility standard for chore services, the department is authorized to continue providing chore services authorized under RCW 74.08.540 for individuals who received chore services in February, 1981, for a length of time determined by the department, not to exceed sixty days, or until such time as:

(1) Their income exceeds fifty-seven percent of state median income adjusted for family size for a single person, or fifty percent of state median income adjusted for family size for a larger family; or

(2) The department determines that the service is no longer needed.

Not more than two million dollars may be expended for services provided under this section.

NEW SECTION. Sec. 15. There is added to chapter 74.08 RCW a new section to read as follows:

The department is authorized to continue to provide bureau of community and residential care (BCRC) attendant care services to those individuals who received attendant care services in February. The attendant care services shall be continued through June 30, 1981, or until such earlier time as:

(1) Their income exceeds fifty-seven percent of state median income adjusted for family size for a single person, or fifty percent of state median income adjusted for family size for a larger family; or

(2) The department determines that the service is no longer needed.

NEW SECTION. Sec. 16. There is added to chapter 74.08 RCW a new section to read as follows:

Notwithstanding the provisions of sections 13 and 14 of this act, relating to the provision of chore services, the department of social and health services may by regulation establish a program of emergency chore services assistance, provided on a case by case basis for a limited period of time, to cover (1) disabled persons who would have otherwise been eligible for chore services prior to March 1, 1981, or (2) elderly persons who would have otherwise been eligible for chore services prior to March 1, 1981, and (3) because of unusual and compelling circumstances will suffer manifest and extraordinary hardship. The costs of this program shall be borne by the transfer of appropriate funds, to the extent of funds available, from other programs pursuant to section 13, chapter ... (House Bill 206), Laws of 1981 (the supplemental budget), except that analysis of programmatic impacts shall not be required.

Sec. 17. Section 74.09.010, chapter 26, Laws of 1959 as amended by section 333, chapter 141, Laws of 1979 and RCW 74.09.010 are each amended to read as follows:

As used in this chapter:

(1) "Department" means the department of social and health services.

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

(3) "Internal management" means the administration of medical ~~((and related services to recipients of public))~~ assistance and medical ~~((indigent persons))~~ care services.

(4) "Medical ~~((indigents))~~ assistance" ~~((are persons without income or resources sufficient to secure necessary medical services))~~ means the federal aid assistance program under Title XIX of the social security act.

(5) "Medical care services" means the limited scope of care financed by state funds.

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

NEW SECTION. Sec. 18. There is added to chapter 74.09 RCW a new section to read as follows:

(1) To the extent of available funds, medical care services may be provided to recipients of general assistance in accordance with requirements established by the department.

(2) Determination of the amount, scope, and duration of medical care services for recipients of medical care services is the responsibility of the department.

(3) The department shall establish standards of assistance and resource and income exemptions, which may include deductibles and co-insurance provisions.

(4) The scope of such medical care services shall be limited to coverage for acute and emergent conditions, except that podiatry, chiropractic, and dental services shall not be included from March 1, 1981, through June 30, 1981.

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

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

(7) Medical care services received no more than seven days prior to the date of application shall be retroactively certified and approved for payment on behalf of a person who was otherwise eligible at the time the medical services were furnished.

Sec. 19. Section 4, chapter 30, Laws of 1967 ex. sess. as last amended by section 4, chapter 169, Laws of 1971 ex. sess. and RCW 74.09.510 are each amended to read as follows:

Medical assistance may be provided in accordance with eligibility requirements established by the department of social and health services ~~((to an applicant: (1) Who is in need; (2) who has not made a voluntary assignment of property or cash for the purpose of qualifying for an assistance grant; (3) who is not an inmate of a public institution except as a patient in a medical institution or except as an inmate in a county or city jail or juvenile detention facility, or except as an inmate in a public institution who~~

could qualify for federal aid assistance; and (4) who is a resident of the state of Washington)), including the approbation against the voluntary assignment of property or cash for the purpose of qualifying for an assistance grant, as defined in the social security Title XIX state plan for mandatory categorically needy persons and: (1) Individuals who would be eligible for case assistance except for their institutional status; (2) individuals who are under twenty-one years of age, who would be eligible for aid to families with dependent children, but do not qualify as dependent children and who are in (a) foster care, (b) subsidized adoption, (c) intermediate care or in an intermediate care facility for the mentally retarded, or (d) inpatient psychiatric facilities; and (3) the aged, blind, and disabled who: (a) Receive only a state supplement or (b) would not be eligible for cash assistance if they were not institutionalized.

Sec. 20. Section 5, chapter 30, Laws of 1967 ex. sess. as last amended by section 344, chapter 141, Laws of 1979 and RCW 74.09.520 are each amended to read as follows:

The term "medical assistance" may include the following care and services: (1) Inpatient hospital services; (2) outpatient hospital services; (3) other laboratory and x-ray services; (4) skilled nursing home services; (5) physicians' services, which shall include prescribed medication and instruction on birth control devices; (6) medical care, or any other type of remedial care as may be established by the secretary; (7) home health care services; (8) private duty nursing services; (9) dental services; (10) physical therapy and related services; (11) prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select; (12) other diagnostic, screening, preventive, and rehabilitative services.

"Medical assistance," notwithstanding any other provision of law, shall not include podiatry, chiropractic, or dental services that are not mandated by Title XIX of the social security act.

Sec. 21. Section 74.12.010, chapter 26, Laws of 1959 as last amended by section 350, chapter 141, Laws of 1979 and RCW 74.12.010 are each amended to read as follows:

For the purposes of the administration of aid to families with dependent children assistance, the term "dependent child" means any child in need under the age of eighteen years who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of the parent, and who is with his father, mother, grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece, in a place of residence maintained by one or more of such relatives as his or their homes. The term a "dependent child" shall, notwithstanding the foregoing, also include a child who would meet such requirements except for his removal

from the home of a relative specified above as a result of a judicial determination that continuation therein would be contrary to the welfare of such child, for whose placement and care the state department of social and health services or the county office is responsible, and who has been placed in a licensed or approved child care institution or foster home as a result of such determination and who: (1) Was receiving an aid to families with dependent children grant for the month in which court proceedings leading to such determination were initiated; or (2) would have received aid to families with dependent children for such month if application had been made therefor; or (3) in the case of a child who had been living with a specified relative within six months prior to the month in which such proceedings were initiated, would have received aid to families with dependent children for such month if in such month he had been living with such a relative and application had been made therefor, as authorized by the Social Security Act(~~(: PROVIDED, That the secretary shall have discretion to provide that aid to families with dependent children assistance shall be available to any child in need who has been deprived of parental support or care by reason of the unemployment of a parent or stepparent liable under this chapter for the support of such child, to the extent that matching funds are available from the federal government)).~~)).

"Aid to families with dependent children" means money payments, services, and remedial care with respect to a dependent child or dependent children and the needy parent or relative with whom the child lives and may include the spouse of such relative if living with him and if such relative is the child's parent and the child is a dependent child by reason of the physical or mental incapacity (~~(or unemployment)~~) of a parent or stepparent liable under this chapter for the support of such child.

NEW SECTION. Sec. 22. The department of social and health services is authorized to operate McNeil Island correctional facilities for the care and custody of felons of the state.

NEW SECTION. Sec. 23. The following acts or parts of acts are each repealed:

- (1) Section 2, chapter 174, Laws of 1980 and RCW 74.04.001;
- (2) Section 74.04.250, chapter 26, Laws of 1959 and RCW 74.04.250;
- (3) Section 1, chapter 35, Laws of 1973 1st ex. sess. and RCW 74.08.047;
- (4) Section 2, chapter 35, Laws of 1973 1st ex. sess. and RCW 74.08.048;
- (5) Section 74.08.112, chapter 26, Laws of 1959 and RCW 74.08.112;
- (6) Section 74.09.020, chapter 26, Laws of 1959 and RCW 74.09.020;
- (7) Section 74.09.030, chapter 26, Laws of 1959, section 334, chapter 141, Laws of 1979 and RCW 74.09.030;
- (8) Section 74.09.070, chapter 26, Laws of 1959, section 336, chapter 141, Laws of 1979 and RCW 74.09.070;

(9) Section 74.10.010, chapter 26, Laws of 1959, section 346, chapter 141, Laws of 1979 and RCW 74.10.010;

(10) Section 74.10.020, chapter 26, Laws of 1959, section 5, chapter 169, Laws of 1971 ex. sess. and RCW 74.10.020;

(11) Section 74.10.030, chapter 26, Laws of 1959, section 347, chapter 141, Laws of 1979 and RCW 74.10.030;

(12) Section 74.10.070, chapter 26, Laws of 1959, section 348, chapter 141, Laws of 1979 and RCW 74.10.070;

(13) Section 1, chapter 60, Laws of 1967 ex. sess., section 349, chapter 141, Laws of 1979 and RCW 74.10.090; and

(14) Section 2, chapter 60, Laws of 1967 ex. sess. and RCW 74.10.100.

NEW SECTION. Sec. 24. With the exception of section 3 and section 22 of this act, this 1981 amendatory act, consisting of the amendments, repeals, and new sections enacted herein, shall expire on June 30, 1981. Upon the expiration of sections 1, 2, 4 through 21, and 23 of this 1981 amendatory act, the amendments and repeals herein enacted shall have no further force or effect, and the sections of the Revised Code of Washington amended or repealed herein shall return to the language which they contained prior to the effective date of this act.

NEW SECTION. Sec. 25. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 18, 1981.

Passed the Senate February 17, 1981.

Approved by the Governor February 19, 1981.

Filed in Office of Secretary of State February 19, 1981.

CHAPTER 9

[Senate Bill No. 3209]

STATE PAYROLL REVOLVING ACCOUNT

AN ACT Relating to the state treasurer; amending section 2, chapter 25, Laws of 1967 ex. sess. as last amended by section 69, chapter 151, Laws of 1979 and RCW 42.16.011; amending section 3, chapter 25, Laws of 1967 ex. sess. and RCW 42.16.012; amending section 4, chapter 25, Laws of 1967 ex. sess. as last amended by section 70, chapter 151, Laws of 1979 and RCW 42.16.013; amending section 5, chapter 25, Laws of 1967 ex. sess. as last amended by section 71, chapter 151, Laws of 1979 and RCW 42.16.014; amending section 6, chapter 25, Laws of 1967 ex. sess. and RCW 42.16.015; amending section 2, chapter 72, Laws of 1971 ex. sess. as last amended by section 1, chapter 17, Laws of 1977 and RCW 43.85.241; creating a new section; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 2, chapter 25, Laws of 1967 ex. sess. as last amended by section 69, chapter 151, Laws of 1979 and RCW 42.16.011 are each amended to read as follows: