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HOUSE BILL 2363

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State of Washington

63rd Legislature

2014 Regular Session

By Representatives Muri, Seaquist, Zeiger, Morrell, Freeman,  
Christian, Kochmar, Dahlquist, and Appleton

Read first time 01/16/14. Referred to Committee on Community  
Development, Housing & Tribal Affairs.

1 AN ACT Relating to home and community-based services programs for  
2 dependents of military service members; and adding a new section to  
3 chapter 74.04 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.04 RCW  
6 to read as follows:

7 (1) As used in this section:

8 (a) "Dependent" means a birth child, adopted child, or stepchild of  
9 a military service member.

10 (b) "Domiciliary resident" means a person who intends to make  
11 Washington his or her principal place of residency for an indefinite  
12 period and to which the person intends to return following absence.

13 (c) "Home and community-based services programs" means the programs  
14 established under the state medical assistance program under plans or  
15 waivers as defined in the federal social security act in accordance  
16 with the plans or waivers adopted by the secretary to provide attendant  
17 care services to individuals in need of in-home care who would require  
18 admission to an institution if the attendant care services were not  
19 otherwise provided.

1 (d) "Military service" means service in the armed forces, armed  
2 forces reserves, or membership in the Washington national guard.

3 (e) "Military service member" means a person who is currently in  
4 military service or who has separated from such military service in the  
5 previous eighteen months.

6 (2)(a) An application may be filed with the department of social  
7 and health services for a dependent to receive services provided under  
8 the home and community-based services programs. The secretary of  
9 social and health services shall review completed applications in the  
10 order received. In reviewing applications, the secretary shall  
11 determine whether the dependent is eligible and qualified to receive  
12 services provided under the home and community-based services programs,  
13 excluding from consideration any military service health benefit plan  
14 coverage for the dependent. If the dependent is eligible and  
15 qualified, the secretary shall approve the application.

16 (b) Upon approval of the application, the secretary shall direct  
17 that services be provided to the dependent on the day in which the  
18 dependent lives in Washington if the dependent furnishes to the  
19 secretary:

20 (i) A copy of the military service member's Form DD-214 or other  
21 equivalent discharge paperwork;

22 (ii) Proof of the military service member's residence in Washington  
23 within ninety days from the date of separation from military service;  
24 and

25 (iii) A written statement that the dependent has no health benefit  
26 plan coverage, excluding from consideration any military service health  
27 benefit plan coverage for the dependent.

28 (c) Dependents must receive services provided under home and  
29 community-based services programs when physically residing in  
30 Washington if the dependent is eligible and qualified and the military  
31 service member is a domiciliary resident of Washington.

32 (d) A military service member may be considered a domiciliary  
33 resident of Washington if the military service member demonstrates  
34 intent to make Washington a principal place of residence. Factors  
35 supporting the service member's intent include, but are not limited to,  
36 the following:

37 (i) The military service member is registered to vote in  
38 Washington;

1           (ii) The military service member has registered a vehicle in  
2 Washington;

3           (iii) The military service member holds a current valid Washington  
4 driver's license or identicard; and

5           (iv) The military service member maintains a residence in this  
6 state for personal use.

7           (3) Within ninety days prior to receiving services provided under  
8 the home and community-based services programs pursuant to subsection  
9 (2)(b) of this section, a dependent may request to be reassessed by the  
10 department of social and health services. Such a request must include  
11 a report by a qualified medical professional detailing changes to the  
12 level of services provided under the home and community-based services  
13 program that may be necessary for the dependent. If requested, the  
14 department shall provide such an assessment.

15           (4) There is a rebuttable presumption that a dependent of a  
16 military service member shall maintain eligibility for any home and  
17 community-based services programs on the day the secretary of social  
18 and health services approves the dependent's application.

19           (5) The secretary of social and health services shall request a  
20 waiver from the appropriate federal agency if a waiver is necessary to  
21 implement the provisions of this section.

22           (6) The department of social and health services may adopt rules  
23 necessary to implement the provisions of this section.

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