

AMENDATORY SECTION (Amending WSR 19-07-034, filed 3/13/19, effective 4/13/19)

**WAC 365-220-070 What happens if a beneficiary moves out of the state of Washington?** If the beneficiary moves out of the state of Washington:

(1) The primary representative is required to notify the trust manager in writing within thirty days of the beneficiary's move out of the state of Washington.

(2) The governing board may elect, in its discretion, one of three options:

A The balance of the beneficiary's individual trust account will be placed in another existing special needs trust established for the beneficiary. Any costs relating to the transfer will be charged to the beneficiary's individual trust account.

-OR-

B The individual trust account will remain open, and the account will be assessed fees at a level that will support all costs of maintaining the account. The beneficiary will no longer be eligible for the state match as of the date the beneficiary ceases to be a resident of Washington.

-OR-

C The beneficiary's individual trust account will be terminated and distributed as if the beneficiary had died.

(3) Prior to a transfer of the balance pursuant to subsection (2) option A of this section or any distribution pursuant to subsection (2) option C of this section, the unexpended state matching money and any earnings attributable to the unexpended state matching money shall revert to the developmental disabilities endowment trust fund.

AMENDATORY SECTION (Amending WSR 19-07-034, filed 3/13/19, effective 4/13/19)

**WAC 365-220-075 What happens if a beneficiary is determined to no longer meet the Washington state definition of developmental disability in RCW 71A.10.020(5)?** (1) The primary representative is required to notify the trust manager in writing if the beneficiary is found to no longer meet the definition of a person with a developmental disability in RCW 71A.10.020(5) within thirty days of the decision.

(2) If the beneficiary is determined to no longer meet the definition of a person with a developmental disability in RCW 71A.10.020(5), the governing board may elect, at its discretion, one of three options:

A The balance of the beneficiary's individual trust account will be placed in another existing special needs trust established for the beneficiary. Any costs relating to the transfer will be charged to the beneficiary's individual trust account.

-OR-

B The beneficiary's individual trust account will remain open, and the account will be assessed fees at a level that will support all costs of maintaining the account. The beneficiary will no longer be eligible for the state match as of the date the beneficiary is determined to no longer meet the definition of a person with a developmental disability in RCW 71A.10.020(5). New contributions will not be accepted into the individual trust account during any period when the beneficiary does not meet the definition of the person with a developmental disability in RCW 71A.10.020(5).

-OR-

C The trust manager will make or direct distributions to or for the benefit of the beneficiary or to an achieving a better life experience (ABLE) account of the beneficiary, after first, the taxes and administrative expenses are paid and after second, the medicaid payback is enforced (if applicable).

(3) Prior to a transfer of the balance pursuant to subsection (2) option A of this section or any distribution pursuant to subsection (2) option C of this section, the unexpended state matching money and any earnings attributable to the unexpended state matching money shall revert to the developmental disabilities endowment trust fund.

AMENDATORY SECTION (Amending WSR 19-07-034, filed 3/13/19, effective 4/13/19)

**WAC 365-220-100 When and how may individual accounts be transferred?** A primary representative may request governing board approval for a transfer of an account to another special needs trust. This must be done through written correspondence to the governing board stating the reasons for the request. The governing board shall review all requests for transfers. Only the governing board or its designee may approve transfers. Any such transfers shall be consistent with the master trust and federal and state law.

~~((Transferring))~~ Disbursing funds from an individual trust account to a qualified achieving a better life experience (ABLE) 529A account for the same beneficiary does not require governing board approval. The primary representative must contact the trust manager to initiate the funds ~~((transfer))~~ disbursement. Prior to any disbursement under this section which will result in the closure of an individual trust account, the unexpended state matching money and any earnings attributable to the unexpended state matching money shall revert to the developmental disabilities endowment trust fund.