

# Ask DSHS for a disability accommodation

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If you get DSHS benefits, such as TANF, SFA, Medicaid, or food stamps, DSHS must try to make their services and benefits available to you to the same extent that they're available to people without a disability (they must accommodate your disability). DSHS calls this Equal Access to DSHS Services.

If you have a disability or impairment that makes it hard for you to get DSHS benefits, DSHS must find ways to help (must accommodate) you. DSHS must try to make their services and benefits as available to you as they are to people who don't have a disability.

This includes physical accommodations, like wheelchair ramps or larger font on letters in notices and mail you get from DSHS. It could also mean that DSHS relaxes some of its rules for you, such as the deadline for giving them information about changes to your household.

A federal law, the Americans with Disabilities Act (ADA) (<https://www.ada.gov/>), requires DSHS to make these accommodations. DSHS also made its own rules about how to make accommodations

(<http://apps.leg.wa.gov/wac/default.aspx?cite=388-472>). DSHS calls its rules “Necessary Supplemental Accommodations (NSA)” and these accommodations **Equal Access to DSHS Services** (<https://www.dshs.wa.gov/sites/default/files/publications/documents/22-1248.pdf>).

### **What are some examples of accommodations DSHS could make for me if I need them?**

You should ask for what you need to be able to be involved in the process in a way similar to how someone who isn’t disabled gets to be involved. Every person is different. You should think about what makes sense for you.

For example, you might need DSHS to:

- Change your WorkFirst requirements
- Help you fill out and submit DSHS forms
- Send forms and letters in large print, electronically, or in another format
- Read or explain to you letters or forms they send
- Help get information DSHS needs by the due date
- Send copies of letters to or contact someone who helps you
- Give you extra time to respond to DSHS or to get them information
- Call you instead of having you come to the office
- Call you before they turn down (deny) ,stop (terminate), or cut (reduce) your benefits
- Help you ask for a hearing (and benefits until the hearing) if you disagree with a DSHS decision
- Remind you about upcoming appointments
- Call you before stopping your benefits if you miss an appointment or due date

This isn't a complete list. Ask for what you think you need for fair and reasonable access.

### **When and how do I get accommodations?**

DSHS must ask you if you need extra help when you apply for benefits and when you have reviews. DSHS staff should look for signs that you need extra help and offer you accommodations. **If this doesn't happen, you should tell the DSHS worker, if you can, that you need accommodations.** If you can't do this yourself, you can try to get help from a lawyer.

DSHS must give you accommodations if any of these is true:

- You tell DSHS that you need accommodations to get or keep DSHS benefits or services.
- You tell DSHS that you have a mental health condition.
- You have an intellectual disability.
- You have a disability resulting from drug or alcohol addiction.
- You can't read or write in any language or your reading or writing is very limited.
- You're under age 18 and you don't live with your parents.
- You have trouble communicating, understanding, remembering, processing information, or making decisions.
- You have any limitation, impairment, or disability affecting your ability to get or keep DSHS benefits in the same way as people without any limitation, impairment, or disability.

Tell the DSHS worker what accommodations you need. Get your accommodations in writing. Ask your worker to write up an **accommodation plan** and give you a copy.

An accommodation plan lists what DSHS will do to give you the support you need to get benefits. This can mean support to help you follow a particular DSHS program's requirements. It could also mean excusing you from a requirement, or changing a requirement a little to make it easier for you to meet it.

### **What if I don't want accommodations?**

Not everyone wants to be identified as having disabilities or needing accommodations. If you feel strongly about this, even if you know that your disability interferes with your ability to follow DSHS's rules, here's what to do:

1. **Talk to your DSHS worker.** If you don't want DSHS to identify you as needing accommodations, DSHS can't do so. This is true even if your disability interferes with your ability to do what DSHS says you must do.
2. **Put your wishes in writing** to DSHS.
3. **Save a dated copy** for yourself. You may change your mind later.

But if you do all of this and then fail to accept and follow through on DSHS requirements, DSHS won't give you extra chances. DSHS may lower or stop your benefits. At this point, you could change your mind and ask DSHS to take your disability into account after all. But doing this under the threat of losing benefits isn't ideal.

**What if DSHS refuses to give me an accommodation or doesn't follow an accommodation plan? Or what if I disagree with a decision DSHS made about me and accommodations??**

You should ask to speak with your DSHS worker's supervisor. You can also ask for a hearing.

You might disagree with DSHS's decision that you don't need an accommodation. You might disagree with the accommodation plan DSHS gave you. A hearing decision can order DSHS to give you the accommodation you need. It can order DSHS to stop punishing (sanctioning) you for not following program requirements and give you benefits. You must prove at the hearing that your limitations affected your ability to do what DSHS required of you, or that you had some other good cause for not following the rules.

**Example:** Your doctor says you can't drive anywhere while taking your medication. DSHS must help you find other transportation to DSHS appointments and DSHS-required appointments, such as work activity under your IRP plan if you have one, or not make you go places when you can't get other transportation.

### **Can I change my mind about needing a plan, or change my accommodation plan?**

Yes. If you decline a plan at first, you can ask for one later. You can ask for a plan at any time. If you have a plan, you can ask for changes if it isn't working or your needs change. A lawyer might be able to help you ask for a plan or get changes to an existing one.

### **What if I get a new DSHS worker?**

Your plan won't change or go away just because you're assigned a new worker. Once DSHS knows you need accommodations, they should flag your

file. Then anyone working with you knows about your plan.

### **What happens if I don't follow DSHS rules?**

Normally DSHS can stop or lower your benefits if you don't follow their rules. If DSHS finds that your limitation or disability keeps you from following their rules, DSHS must find that you had "good cause." Then they can't take any action against you.

Example: You have a disability that makes it very hard to read and understand DSHS' rules without help. You used to get help from your parent, but your parent passed away very recently and you haven't had a chance to find someone else to help you.

DSHS must also review your accommodation plan to make sure you have all the support from them that you need to help you follow their rules. If DSHS can't accommodate your disability so that you can meet their requirements, DSHS must excuse you from following (DSHS must waive) those requirements for you them.

If DSHS finds that you can follow their rules with or without accommodations, you must follow the rules if DSHS gives you the accommodations you need.

**Example:** Your adult daughter has moved in with you, to help you. You forget to report to DSHS that your household income has increased because your daughter is now living with you. DSHS finds out anyway. Depending on why you get accommodations, and what

those accommodations are, DSHS might decide that your disabilities kept you from meeting their requirement to timely report your household change to them. They could change your accommodation plan so that going forward, your adult daughter handles communication with DSHS for you. Or they could decide that you should have been able to tell them that your daughter had moved in with you.

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