

6.8 Exemptions

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Legal References:

- [WAC 388-310-0350](#)
- [WAC 388-484-0005](#)
- [WAC 388-484-0006](#)

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6.8.1 What are exemptions?

6.8.1 What are exemptions?

Exemptions support households where situational needs create hardships to engagement in WorkFirst activities. In most circumstances, exemptions waive mandatory participation requirements for individuals who aren't able to actively engage in work, look for or prepare for work.

When placing a participant into an exemption, ~~assess~~ their specific situation and needs are assessed, taking into consideration the entire household. ~~PGrant~~ participants are granted an exemption if they:

1. Are the parent or legal guardian of a child under the age of two (see WHFB [5.1](#)),

2. Are a needy caregiver relative and aged 55 or older,
3. Have a severe and chronic medically verified condition (including individuals likely to be approved for SSI or other federal benefits),
4. Must be in the home to care for a child with special needs, or
5. Must be in the home to care for an adult relative with a severe and chronic medical condition.

An exemption from participation may not always be appropriate. ~~PDefer~~ participants who have health or family issues that *temporarily* interfere with their ability to work (instead of exempt) from job search and other WorkFirst activities are deferred from participation. See WFHB 6.3, [Deferrals](#), for more information.

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Example #1: Lee is a single parent with two children ages 12 and 14. Lee is also caring for their elderly father who was recently diagnosed with dementia, lives in their home and needs round the clock care. Lee shares with the ~~case-Case manager-Manager~~ that there is relief care available when Lee sleeps, but that during the day Lee needs to be home to support with daily activities for their father. Lee and the ~~case-Case manager-Manager~~ agree their IRP should reflect that Lee is exempt from participation due to caring for an adult relative with a severe and chronic medical condition (**ZB** component).

Example #2: After many years of medication management, and behavioral and medical treatment, Micah has been denied at the final appeals level with SSA for SSI for his diagnosis of severe depressive disorder and severe pain disorder. Micah also has a back injury that keeps him from returning to heavy exertion types of employment. With the combination of his severe depressive disorder symptoms and his sedentary work needs, Micah is unable to return to the workforce at this time. His case manager has provided him resources for retraining with the Division of Vocational Rehabilitation - DVR ([WFHB 1.2.9](#)), but Micah stated his symptoms, severe pain, and insomnia create problems for him to focus and maintain employment. He has provided medical evidence from both his medical and behavioral health providers stating his condition is 12 months or longer in duration and treatment will not lessen his symptoms. Micah and his ~~case-Case manager-Manager~~ agree his IRP should reflect that he is exempt from participation as an adult with severe and chronic disabilities (**ZD** component).

Example #3: Maggie provided documentation that she has bipolar depression, anxiety, a history of substance abuse and some permanent limited mobility due to a back injury which limits her ability to sit or stand for long periods of time. Her doctor said that due to Maggie's mental and medical health issues, she would be unable to work for 12 months or longer. The doctor recommended that Maggie could benefit from mental health treatment and referred her to begin counseling and medication. Maggie and her ~~case-Case manager-Manager~~ agree that applying for SSI would be a good option for long-term income. Based on the conversation with Maggie, and documentation from her doctor, her IRP should reflect that she is exempt from work activities as an adult with severe and chronic disabilities (**ZD** component). However, in addition to the ZD component, based on the direction of her doctor, her IRP would also require mental health treatment (**XG** component) and working with the SSIF to pursue SSI (**XB** component).

Example #4: Rene is a single mother of a child who is seven and has significant behavioral needs. Her child isn't able to attend school due to the child's emotional and medical needs. Rene is working with her child's providers to evaluate and support the child's needs. She has multiple appointments out of town to see specialists and is unable to engage in work or related work activities. She met with her ~~case~~Case manager-Manager to see the public health nurse. Per the public health nurse's assessment, Rene will need to take her child to medical appointments, and care for their needs for the next 12 months. Rene and her ~~case~~Case manager-Manager agree her IRP should reflect that she is exempt from participation, per the public health nurse's assessment, so she can be available to care for her child with special needs for the next 12 months (**ZC** component).

*See WFHB 6.4 – **Children: Special Needs** for details on how to support families who need referrals to the public health nurse or, if there isn't a public health nurse in their area, support to find resources.*

Documentation to support an exemption may come from a variety of sources based on the participant's situation. Medical documentation **must** be adequate to identify the severity and duration of the disability. Exemptions can't be approved without the appropriate documentation, see WFHB 6.6. If there are questions about the medical evidence, WorkFirst staff seek support from peer case-Case managers-Managers or Social Service Specialists~~the SSIF~~ to staff the case, reviewing evidence together to support the participant in their goals.

6.8.2 Infant and toddler exemptions (previously known as infant exemption extensions)

For the Infant Exemption see WFHB 5.1, Pregnancy to Employment and WAC 388-310-0300 and WAC 388-310-1450 (exemption from full-time participation for a maximum of 730 days in a lifetime if caring for a child less than two years of age).

6.8.3 Older needy caretaker relative exemptions

For an older, needy caretaker relative, proof of age (55 or older) is all that is needed to approve an exemption. These exemptions do not require periodic reviews to determine if the relative continues to meet exemption criteria.

6.8.4 Caring for a Child with Special Needs

~~WE MAY APPROVE AN~~An exemption may be approved for an individual who is needed in the home to care for a child with a special medical, developmental, ~~mental~~mental, or behavioral condition when the child is determined to require specialized care or treatment that significantly interferes with the individual's ability to prepare for work, look for work or work.

Documentation may include statements by a public health nurse, physician, mental health provider, school professional, other medical professional, HCS, MHD and/or a RSN.

To determine whether the individual qualifies for an exemption, Case Managers:

- Require the individual to provide documentation within 30 days, or up to 90 days if needed, which supports the need for the exemption including medical documentation.
- Complete an ~~social service specialist~~ assessment as needed.
- Review the documentation and determine exemption approval or denial. If the documentation shows the participant can participate 10 hours or less per week, approve the exemption.

The exemption must be reviewed at least every 12 months to determine if the person continues to meet the exemption criteria. Depending upon the individual's circumstances, the review period may be shorter. ~~A~~ You may also consider convening a case staffing may be leveraged to support as you review of the case. See the (3.4 Case Staffing) section for more information.

See 6.4 Children: Special Needs section for more information about children with special needs. See also Examples of Caring for a Child with Special Needs.

6.8.5 Caring for an adult relative with disabilities

~~We may approve~~ exemptions may be approved for individuals needed in the home to care for an adult relative with a verified disability who cannot be left alone for significant periods of time and the individual is the only one available to provide care. ~~Exempt~~ the individual is exempt from participation if ~~she or he~~ they can only participate 10 hours or less per week due to because of providing this care.

Documentation includes evidence of disability from a medical/mental health professional or from DDA, DVR, MHD, RSN or HCS. The exemption approval process and review requirements are the same as those for Children with Special Needs.

6.8.6 Adults with chronic and severe disabilities

We may approve exemptions or long-term deferrals for adults with chronic and severe disabilities. To make the exemption/deferral decision, Case Managers:

- Follow the process described in WFHB 6.6, Disabilities to obtain medical evidence to document the need for an exemption/deferral.
- Complete an ~~social service specialist~~ assessment.
- Complete any needed Equal Access screening or update of the individual's Accommodation Plan.
- Use the medical evidence to determine if the condition is chronic and severe.
 - Chronic means the condition is expected to last 12 months or more.
 - Severe means the person is able to participate 10 hours or less per week.

If the medical evidence shows the person has a chronic and severe physical, mental or ~~emotional~~ behavioral disorder, Case Managers:

- Approve XB and make an SSI referral, following the process in 6.8.7 below. If the person refuses to cooperate with the SSI referral process, determine good cause for refusal to participate.
- ~~Also~~ approve a 12-month XG or XM deferral if the medical condition is responsive to treatment and treatment is available. ~~You can~~ require the client to apply for medical coverage, as needed, to access treatment. ~~(See~~ [WAH Application IRP](#) for suggested IRP language).
- If the medical condition is not expected to respond to treatment:
 - Do not add the XG or XM to monitor participation in treatment, and
 - If the participant is unlikely to qualify for SSI, approve an exemption (ZD)
 - Examples:
 - The participant does not meet the citizenship requirements for SSI.
 - The participant is denied at the SSI final level (post-appeal) and medical evidence still verifies that they have a chronic and severe disability.

SSI referrals (XB), exemptions (ZD) and long-term deferrals (XG or XM) must be reviewed at least every 12 months to determine if the person continues to have a chronic and severe medical condition.

6.8.7 SSI Referrals

A participant with chronic and severe disabilities may be approved for SSI, resulting in long-term cash assistance and on-going health care coverage. However, it can take a year (or more) to get a final decision.

The ~~Disability Specialist or WorkFirst Social Service Specialist (decided locally)~~ Case Manager:

- Uses the [SSI Track Flow Chart](#) to determine who may receive facilitated SSI applications (similar to the ABD process).
- Uses any medical evidence to determine when a participant potentially meets SSA disability criteria. See the [Social Services Manual](#) for more information.
- Determines if additional medical evidence may be needed, including:
 - Chart notes dating back to the original diagnosis by a physician and copies of diagnostic reports (such as X-rays, blood work and MRI's).
 - Psychological exam, which may include psychological testing to establish or rule out conditions such as cognitive impairments. The ~~WorkFirst Social Service Specialist~~ Case Manager can use a voucher to purchase an evaluation if the participant has no current psychological evaluations or has never completed a psychological evaluation with Washington Apple Health.

- Helps the participant obtain the evidence, as needed, and ensures they understand they do not need to pay the costs, if any.
- Notifies the ~~SSIF-Facilitator~~ if the participant has already applied for SSI on their own, for tracking of the application.
- If the participant has a long-term disability but appears unlikely to meet SSA criteria, the ~~WFSSS~~Case Manager:
 - Removes the XB component
 - Approves a ZD exemption or maintains a long-term XG or XM deferral
 - Considers a DVR referral, and
 - ~~Refers-Manages~~ the case ~~back to WFPS/WFSSS~~
- If the participant's disability appears likely to meet ~~SSIF~~SSIA criteria, the ~~WFSSS~~Case Manager refers the case directly to the ~~SSIF-Facilitator~~ with all relevant medical records.
- If it is unclear whether the participant's disability will meet ~~SSIF~~SSIA criteria, the ~~WFSSS~~Case Manager refers the case to the contracted physician using the ~~barcode~~Barcode TANF Disability Assessment subsystem. (See TANF Contracted Physician Referral Desk Aid for instructions on process and completing DSHS 14-507 Disability Assessment).
- Documents needed for the TANF contracted Physician Referral:
 - Recent medical records and all relevant medical records that help to establish duration of impairment or show treatment history.

The Ongoing case management duties as follows: ~~WorkFirst Social Service Specialist~~:

Issues needed support services.

- Maintains eJAS component codes.
- Maintains the participant's IRP.
- Provides any desired DVR referrals.

Note: See section [6.8.8 for DRV Referrals](#).

The contracted physician:

- Determines when a participant appears to meet SSI Disability criteria.
- Provides a DSHS 14-507B, Disability Assessment: TANF Decision form with their review and reasons for approval or denial.

The SSIF:

- Facilitates and tracks the participant's SSI claim.
- Reviews SSI denials to decide whether to pursue reconsideration.
- Authorizes additional testing with an approved ETR if needed for the reconsideration.

- Refers cases that are not appropriate for SSI reconsideration back to the [WorkFirst Program Specialist or Social Service Specialist Case Manager](#) for exemption or continued long-term deferral and possible DVR referral.
- Tracks SSI applications that participants have filed on their [own, but own but](#) are unlikely to meet SSA criteria.

6.8.8 DVR Referrals

WorkFirst staff may refer participants who want to work, but need assistance due to a physical, sensory, cognitive, or mental disability; ~~follow the process in the~~ [\(see Social Services Manual - DVR\)](#). If accepted into the program, DVR can provide:

- Individualized services to eliminate, circumvent, or mitigate an impediment(s) to employment;
- Support services, like transportation, adaptive devices, child care, and services to family members, if they are necessary ~~for~~ the individual [to achieving](#) employment; and
- Assessment, diagnostic and evaluation services to develop employability plans.
- See [Reporting DVR Plan Hours](#) for coding and reporting hours.
- See WFHB section 1.2.9 *What if a participant doesn't meet an exemption but can't participate in regular employment service activities?*

Note: DVR is a voluntary program and the WorkFirst participant must want and agree to work.

6.8.9 Can exempt participants have mandatory participation requirements?

If the participant is exempt due to a severe and chronic disability, they may be required to participate in limited activities per [WAC 388-310-0350 \(4\)](#). This is limited to activities that support:

- Pursuit of SSI or another type of federal disability benefit, which may include gathering objective medical evidence as described in [WAC 388-449-0015](#) in preparation of the SSI application process; and/or
- Participation in available treatment that is recommended by the participant's medical or mental health provider or ~~chemical dependency professional~~ [a substance use disorder professional](#).
- Individuals who are pregnant or have a child under the age of two, who choose to take the Infant, Toddler, or Post-partum exemptions may be required to participate in mental

health or ~~substance use disorder~~ ~~chemical dependency~~ treatment depending on results of their comprehensive evaluation and subsequent Pregnancy to Employment Assessment, [WAC 388-310-1450](#). Please refer to [WFHB 5.1](#) for additional guidance.

6.8.10 Can exempt participants voluntarily participate?

Exempt individuals may voluntarily participate. WorkFirst will provide services or refer voluntary participants to service providers for assistance and support.

What type of activities can exempt individuals voluntarily participate in?

- DVR
- Life Skills
- Home Visiting or other Parenting Support programs
- Financial Literacy
- Volunteering at their child's school

For those who choose to voluntarily participate, ~~do not remove the~~ eJAS exemption codes [remain on the case to so you can](#) ensure that sanction will not be imposed for failure to participate.

6.8.11 eJAS codes

~~Use the~~ following eJAS codes [are used](#) when an individual is approved for an exemption or long-term deferral:

- **ZA** (approved exemption for an older caretaker relative)
- **ZB** (approved exemption for an individual needed in the home to care for a disabled adult relative)
- **ZC** (approved exemption for an individual needed in the home to care for a child with special needs)
- **ZD** (adult with severe and chronic disabilities)

The codes below may be coupled alongside the ZD exemption component to indicate mandatory participation per WFHB ~~6.8.9, or~~ [6.8.9 or](#) may be used to support voluntary activity engagement per WFHB 6.8.10.

- **XB** (pursuing SSI/L&I/VA or other benefits) - *Used to indicate cases being assessed for a facilitated SSI application or accepted for SSI Facilitation.*
- **XE** (substance abuse treatment)
- **XG** (mental health condition and required to access available, helpful treatment)
- **XM** (physical condition and required to access available, helpful treatment)

6.8.12 Exemptions - Step-by-step guide

~~The WorkFirst Program Specialist or Social Service Specialist WorkFirst Staff~~ works with ~~individuals-participants~~ as described below.

1. **Needy Caretakers**:- Approves exemptions for needy caretaker relatives who are age 55 or older and codes it on the eJAS component code screen as " **ZA** "
2. **Infant Exemptions**:- Follows the process in [WFHB 5.1](#), Pregnancy to Employment, to determine eligibility for the infant exemption see [WFHB 5.1, Pregnancy to Employment](#)
3. **Caring for a child or ~~adult~~-adult**: Allows individuals who are needed in the home to care for a child or adult relative:
 - 30 days to gather needed verification.
 - May allow up to an additional 60 days, as needed, to give the individual more time to gather documentation, reviewing the case at least every 30 days.
 - Reviews medical or other documentary evidence, including evaluations from the ~~SSI~~[F-facilitator](#) or public health nurse, and approves the exemption if the participants is only able to participate 0 to 10 hours per week.
 - May set up a case staffing, as needed, following the process in section [WFHB 3.4 Case Staffing](#), (making sure to include the appropriate staff or medical professionals).
 - After the exemption decision is made:
 - Makes any needed changes to the IRP.
4. **Medical Exemption**:- For individuals with chronic and severe physical, mental or ~~emotional-behavioral~~ conditions:
 - a. Uses the process in [WFHB 6.6, Disabilities](#) , to obtain medical evidence.
 - b. Approves XB and considers SSI if the medical evidence shows the condition is expected to last 12 months or more and the individual can participate 10 hours or less per week. (See [SSI Track Flow Chart](#) for details.)
 - i. Requires the participant to pursue SSI or another type of federal disability benefit in their IRP which may include gathering objective medical evidence as described in [WAC 388-449-0015](#) in preparation of the SSI application process and.
 - ii. Requires treatment in their IRP, if recommended by their treating medical or mental health provider or by a chemical dependency professional.
 - c. ~~Also~~ approves a 12-month XG or XM deferral, requiring treatment only, if treatment is available and expected to improve the medical condition.

- d. Completes a DVR referral if the person ~~wants to become employable~~ is interested in those services.
- e. Refers the case back to ~~WorkFirst~~ the Case Manager at any point the person does not appear SSI ~~eligible, and~~ eligible and approves a ZD exemption or continues the XG/XM long-term deferral.