

DSHS Help for People with Disabilities: Necessary Supplemental Accommodations (NSA)

What are Necessary Supplemental Accommodations (NSA)?

If you get DSHS benefits such as TANF, SFA, GAU, Medicaid, or food assistance, DSHS must accommodate your disabilities. This means that DSHS must try to make their services and benefits available to you as much as they are available to people without a disability. This includes physical accommodations like wheelchair ramps or larger font on letters. DSHS may also have to relax its rules about your responsibilities. This is required by a federal law called the Americans with Disabilities Act (ADA). DSHS also adopted its own accommodation system, called Necessary Supplemental Accommodations (NSA) or Equal Access. These rules are in Chapter 388-472 WAC (Washington Administrative Code). You can look at the online at <http://www.leg.wa.gov/wac/> or at the reference department of your local library.

Examples of possible accommodations
DSHS should provide if you need them include:

- Change your WorkFirst requirements
- Help fill out DSHS forms
- Send forms and letters in large print, electronic or other format
- Read or explain letters or forms we send
- Help get information DSHS needs by the due date
- Send copies of letters to or contact someone who helps you

- Give extra time to respond to us or get us information
- Call instead of having you come to the office
- Call you before DSHS will deny, stop, or reduce your benefits
- If you disagree with a DSHS decision, help you ask for a hearing and/or continued benefits.
- Remind you of appointments
- Contact you if you miss an appointment or due date
- Review decisions to stop or reduce benefits to make sure DSHS followed your Equal Access plan

How do I get Accommodations?

Tell your worker what accommodations you think you need. Ask for a copy of your accommodation plan. DSHS is required to screen you when you apply for benefits and have reviews. DSHS staff should always be alert for signs that you need extra help and offer you accommodations. However, this doesn't always happen. It is safest to ask your worker directly to give you an accommodation plan. DSHS should flag your file so any staff who may work with you know about your plan. If DSHS refuses to give you a plan, or does not follow your plan, you can ask for a fair hearing. See more below in "What if I Disagree?".

What impairments or disabilities qualify for accommodations?

DSHS must give you accommodations if any of the following applies:

- You say you need accommodations to have equal access to DSHS programs and services;
- You tell DSHS you have a mental health impairment;
- You have a developmental disability;
- You are disabled by drug or alcohol addiction;
- You can't read or write in any language, or your reading or writing is very limited;
- You are under 18 and don't live with your parents; OR
- You have any limitation that affects your ability to get or keep DSHS benefits in the same way as people without an impairment or disability.

Can my accommodation plan change?

Yes. After you begin getting accommodations, you and your worker may change your plan as needed. This can be based on your request, or on a change in your needs.

Do I have to have accommodations?

No. If you do not want to be identified as NSA, DSHS cannot do so against your will. You can ask your worker if you were identified, or you can just tell your worker that you do not want to be identified as NSA. This is true even if your disability interferes with your ability to do what DSHS says you have to. DSHS must still accommodate your disability under the ADA, but your file would not be flagged as NSA. This also means that you would not get all the accommodations or protections of NSA. For example, DSHS would not have to go through any extra steps to reduce or stop your benefits. If you are worried about being identified as NSA, talk to your worker. It is best to put your wishes in writing and save a dated copy for

yourself in case there is later disagreement about what you wanted.

What happens once I am identified as needing NSA?

You and your worker will create an accommodation plan. The plan lists what DSHS will do to help you access services. Every NSA client must have an accommodation plan. Your plan should include the things you need. There are example of accommodations on page one.

What happens if I don't follow DSHS rules?

Normally DSHS can stop or reduce your benefits program if you don't follow the rules. However, if you didn't follow the rules because of your limitation or disability, DSHS must find that you had "good cause". This means they cannot take any action against you even though you didn't follow the rules. DSHS must also review your accommodation plan to make sure you have all the services you need to help you follow the rules. If DSHS can't accommodate your condition so that you can follow the rules, DSHS must waive those rules for you (not make you follow them). If DSHS finds that you can follow the rules, with or without accommodations, you must follow the rules as long as DSHS gives you the accommodations you need.

What If I disagree with an NSA decision DSHS makes?

If you disagree with any decision DSHS makes, you can ask to speak with your worker's supervisor, request a fair hearing, or do both. You might disagree with DSHS' decision that you don't need accommodations. Or you might disagree with the accommodation plan DSHS gave you. A fair hearing decision can order DSHS to give you the accommodations you need. It can order DSHS to lift a sanction and restore any unpaid benefits. You will have to

prove at the hearing that your limitations affected your ability to do what DSHS required or that you had some other good cause for not following the rules. For example, if your doctor says you can't drive while you're taking a certain medication, DSHS must help you find other transportation, or not make you go places when other transportation is unavailable. If you have a fair hearing about your disagreements with DSHS, you might want to read our publication called Representing Yourself at a Fair Hearing.

What if I have questions?

If you have questions about accommodations or accommodation plans talk to your DSHS worker. For TANF, also see our publication called WorkFirst: Individual Responsibility Plans.

If you need legal advice, you can call CLEAR, the Statewide Legal Education, Advice, and Referral line, for free advice. CLEAR's toll free number is 1-888-201-1014.

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