



APPLE HEALTH (MEDICAID) MANUAL REVISION

Revision #	027
Chapter / Section	Long term Care – post eligibility
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<http://www.hca.wa.gov/free-or-low-cost-health-care/program-administration/guardianships>

Summary of Revision

Effective 7/14/2016 Chapter 388-79 WAC has been recodified under Title 182 because the rule applies to long-term care post eligibility treatment of income. This is also called the client responsibility toward the cost of care or participation calculation.

WAC 182-513-1510 Definitions

WAC 182-513-1515 Maximum

WAC 182-513-1520 Procedure to revise award letter after June 15, 1998, but before September 1, 2003

WAC 182-515-1525 Procedure for allowing fees and costs from client participation asfter September 1, 2003.

Apple Health (Medicaid) Manual revision via track changes:

Guardianships [RL(1)]

<http://www.hca.wa.gov/free-or-low-cost-health-care/program-administration/guardianships>

Revised ~~October 22, 2013~~ 7/1/2017

Purpose: Many ~~individuals-clients~~ receiving services through Home and Community Services (HCS) and Developmental Disability Administration (DDA) or ~~Mental Health Division (RSN)-Behavioral Health Organization (BHO)~~ have court ordered guardianships. This section gives information on who to send the court documents if received by the DDA financial LTC specialty unit ~~or or the~~ HCS financial worker. and information on guardianships.

Chapter 11.92 RCW Guardianship-powers and duties of guardian or limited guardian

Clarifying Information

Guardianship fees described in ~~chapter 388-79~~ WAC 182-513-1510 through 182-513-1525 are allowed as a post eligibility deduction when determining the client cost of care (participation) for long-term care Medicaid programs. These are DDA and HCS Waivers and ~~individuals-clients~~ who are receiving LTC ~~Medicaid~~ in a Medical institution. Financial workers receive a copy of the ~~final~~ order describing the guardian/attorney fees allowed by the court.

WAC 182-515-1509 Describes the determination of participation for HCS Waivers.

WAC 182-515-1510-182-515-1514 Describes the determination of participation for DDA Waivers

WAC 182-513-1380 Describes the determination of participation for those in medical institutions.

Once the department has a court order, the ~~department/agency~~ must allow the expense in the post-eligibility process for ~~the K and L~~ track I institutional programs that have post-eligibility participation.

For clients in a medical institution, ~~T~~the combination of PNA, mandatory taxes, wages, guardianship fees and administrative costs cannot exceed the MNIL ~~for clients in a medical institution.~~ (WAC 182-513-1380(4)). There are times when the guardianship and/or administrative fees are over the amount allowed in a month (MNIL). It may take two or more months to allow for the administrative costs and guardianship fees.

For all HCB waiver clients, the total of the PNA, \$65 and ½ earned income deduction,

and guardianship fees and administrative costs cannot exceed the SIL. WAC 182-515-1509 and 1514.

For HCB W-waivers clients in an alternate living facility (ALF), an ETR ~~to~~ is needed to allow administrative costs or guardianship fees out of room and board^[RL(2)]. Room and ~~b~~Board is not participation, therefore an approval through the Regional Designee is ~~needed~~required.

For HCS cases, the ETR request is sent to the Regional HCS Financial Program Manager. (see list below for regional designee).

For DDA cases, the ETR request goes to the DDA case manager. The deduction from service participation must always come first before allowing a deduction from room and board.

Guardianship fees is not an allowable deduction when determining eligibility for SSI related medical^[RL(3)] programs such as S-series or medical using WAC 182-513-1205 (G03)^[RL(4)] or WAC 182-513-1210 through 182-513-1220 (CFC/L52)^[RL(5)] ~~G03~~.

~~Guardianship fees are coded on the LTCX, LTC expense screen in ACES for the K, C and L track programs. More information regarding guardianships and ACES is located below.~~

~~Guardianship training packet for Financial Workers~~

~~The HCS training packet with examples explains how Guardianship deductions work in determining the client's contribution toward the cost of care for institutional (medical institutions) and institutional Waivers (DDD and HCS Waiver programs).~~

~~HCS Guardianship Training~~

~~Chapter 11.92 RCW Guardianship powers and duties of guardian or limited guardian~~

Worker Responsibilities

~~Chapter 388 79 WAC WAC 182-513-1525 states the guardian must notify the Regional office of the agency authorizing services prior to a court date to authorize guardianship fees. The guardians should be notifying the Regional Office of the agency authorizing services directly of the court notification. This would be either the For HCS or DDDA a Regional Ddesignee is assigned. For Mental Health, this would be the RSN.~~

The department is entitled to be notified by the guardian/attorney of the court proceedings as described in RCW 11.92.150. If the department decides to contest the

proposed fees and costs, it is the responsibility of the HCS, ~~or DDA~~ Rregional designee to start that process.

For clients receiving services with HCS, each HCS regional office has a designee who is notified by the guardian. The HCS regional designee will notify ~~of~~ the HCS financial worker of the court order. For HCS Waiver clients in an ALF, approved guardianship fees must be deducted from ~~personal care~~ participation first. An ETR must be submitted to the Rregional designee for approval before a deduction from room and board is allowed. ~~Guardianship fees are coded on the LTCX screen, any approved ETR from room and board is coded as an ETR on the LTCX screen.~~

~~For CN Waiver programs, see WAC 182-515-1509 for HCS (COPES) Waiver, WAC 182-515-1514 for DDA Waivers.~~

The financial worker allows guardianship fees and administrative fees as a post eligibility participation deduction in determining participation for waivers and institutional medicaid once there is an approved court order as described in WAC 182-513-1380. ~~(4) and WAC 388-79.~~

If the court order indicates in excess of the amount allowed by WAC ~~182-513-1515~~ 388-79, contact the Rregional Designee indicated below.

[Find local HCS offices by county](#)

For clients receiving services through HCS the court notices and documents regarding guardianships must go to the following HCS Regional Designee.

~~DSHS has 3 Regions. [Click on the Map to determine what region your county is in.](#)~~

HCS Regional Designee Contacts:

Region 1 North -Stevens, Pend Oreille, Grant, Adams, Lincoln, Okanogan, Ferry, Douglas, Whitman, Spokane.

Spokane HCS Attn: Gary Olson FAX (509) 329-3642

1330 N. Washington Street, Suite 3000

Spokane WA 99201

(509) 323-9400 or 1-800-459-0421

FAX# (509) 458-3558

TTY# (509) 456-2827

Region 1 South- Klickitat, Yakima, Walla Walla, Franklin, Benton, Garfield, Columbia, Asotin, Kittitas.

Yakima Office Attn: Dan Rees (509) 568-3706

1002 N. 16th Ave (Office)

Yakima WA 98902
(509) 225-4400 or 1-800-822-2097
Fax: (509) 575-2286

Region 2 HCS - King, Snohomish, Whatcom, Skagit, Island Counties
Attn: Jyvette Dobson for ~~Greg Heartburg~~ [Sonya Sanders](#) [RL(6)]
1737 Airport Way S, Suite 130 (Office)
Seattle, WA 98134
P. O. Box 24847 (Mail)
Seattle, WA 98124-0847
206-341-7750 or 1-800-346-9257
TTY: 1-800-833-6384
Fax (206) 341-7607

Region 3 HCS Pierce, Kitsap, Clallam, Jefferson, Mason, Thurston, Lewis, Pacific, Grays Harbor, Cowlitz, Clark Counties Attn: Ian Horlor FAX (253) 476-7158
Tacoma HCS
1949 S. State St.,
Tacoma, WA. 98405-2850
(253) 476-7200 or 1-800-442-5129 TTY: 253-593-5471
For clients receiving services through DDA the financial worker needs to fax or mail the guardianship court notices and documents to the following DDA Regional Designee:

DSHS DDA has 3 Regions. [Click on the Map](#) to determine what region your county is in.

DDA Regional and Facility Contacts

Region 1 DDA:
Attn: Kim Abe-Gunter
Fax 509-568-3037
Phone 509-329-2948
1611 West Indiana Ave
Spokane WA 99205-4221

Region 2 DDA:
Attn: ~~Jessica Zinda~~ [Neal Hallmark](#)
DDR4LegalNotify@dshs.wa.gov
Fax 206-720-3334

Phone 206-568-~~5700~~[5646](#)
1700 East Cherry St Suite 200
Seattle WA 98122

Region 3 DDA

Attn: Anna Facio
PO Box 45315
Olympia WA 98501
Fax: 360-586-6502
Phone 360-725-4307

DDA Facilities Guardianship paperwork is sent or faxed to:
Lakeland Village

~~Attn: c/o Vacant until 9/15/16~~ Kim Abe-Gunter

~~Fax 509-299-1070~~ 568-3037

~~Phone 509-299-1800~~ 329-2948

~~PO Box 2001611~~ West Indiana Ave

~~Medical Lake WA 99022-0220~~ Spokane WA 992054221

Yakima Valley School
Attn: Joe Robins
Fax 509-698-1323
Phone 509-698-1272
609 Speyers Rd
Selah WA 98942

Fircrest School
Attn: Tricia Flick
Fax 206-361-3035
Phone 206-361-5262
15230 15th NE
Shoreline WA 98155-7196

Rainier School
Attn: Mary Sinkovic
Fax 360-829-3081
Phone 360-829-4992
PO Box 600
Buckley WA 98321-0600

Guardianship notices for Eastern and Western State Hospital residents:

Indicate attention Guardianship-Administrator

Eastern State Hospital:
PO Box 800
Maple Street
Mail Stop B 32-23
Medical Lake, WA 99022-0800
Phone: (509) 565-4000

Fax: (509) 565-4705

Western State Hospital
Western State Hospital: Public Information Officer
9601 Steilacoom Blvd S.W. Building 18
Tacoma, Washington 98498-7213
Phone: (253) 582-8900
Fax (253) 756-2879
Email: wshinfo@dshs.wa.gov

~~Guardianships and ACES~~

~~7/2008 an ACES fix was promoted to match the policy per WAC 182-513-1380 (4) regarding the guardian deduction.~~

~~The combination of PNA, mandatory taxes, wages from approved employment and guardianship/attorney fees cannot exceed the MNIL in a month. The correct order of deductions that cannot exceed the MNIL are:~~

- ~~• PNA~~
- ~~• Mandatory Taxes~~
- ~~• Wages from approved employment~~
- ~~• Guardianship/Attorney fees~~

~~Note: 65 and 1/2 deduction is not allowed for earnings in a Medical institution, however a wage deduction is allowed dollar for dollar up to the MNIL after allowing the PNA and mandatory tax deduction. Approved wages need to be coded as RH.~~

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