



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017)
(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: September 20, 2023

TIME: 8:35 AM

WSR 23-19-087

Agency: Health Care Authority

Subject of possible rule making: WAC 182-513-1110, Presumptive eligibility (PE) – Long-term services and supports (LTSS) in a home setting or in an alternate living facility (ALF) authorized by home and community services (HCS); other related rules as appropriate.

Statutes authorizing the agency to adopt rules on this subject: RCW 41.05.021, RCW 41.05.160

Reasons why rules on this subject may be needed and what they might accomplish: The agency is amending WAC 182-513-1110 to remove presumptive eligibility for long-term services and supports in an alternate living facility. This change is currently effective by emergency rule filed under WSR 23-19-050. The agency adopted WAC 182-513-1110 anticipating federal government approval from the Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS). Currently CMS has approved presumptive eligibility for long-term services and supports (LTSS) in the person's home, but discussions continue for alternate living facilities. Because federal funding is not yet available, the agency is amending the rule to remove language related to LTSS in an alternate living facility and hopes to restore that language through future rulemaking upon CMS approval. During this review, HCA may identify additional related changes that are required to improve clarity or update policy.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: Washington State Department of Social and Health Services; United States Department of Health and Human Services, Centers for Medicare and Medicaid Services

Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study

☒ Other (describe) The agency welcomes the public to take part in developing this rule. If interested, contact the person

identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rulemaking (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

Name: Brian Jensen (Rulemaking Questions)
Address: PO Box 42716, Olympia, WA 98504-2716
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TTY: Telecommunication Relay Services (TRS): 711
Email: brian.jensen@hca.wa.gov
Web site: www.hca.wa.gov/about-hca/rulemaking
Other:

(If necessary)

Name: Paige Lewis (Program Questions)
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Other:

Additional comments:

Date: September 20, 2023	Signature: 
Name: Wendy Barcus	
Title: HCA Rules Coordinator	