



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Health Care Authority, Washington Apple Health

Subject of possible rule making: Eligibility rules for institutional medical assistance programs, including Chapters 182-513, 182-515, 182-516 and WAC 182-507-0125 and possibly other related rules, along with the creation of new regulations to support the implementation of the Patient Protection and Affordable Care Act (PPACA), changes made due to HB 1738, adding language from Section 1917 of the Social Security Act and adding a new residential support waiver defined in WAC 388-106-0015 (6).

Statutes authorizing the agency to adopt rules on this subject: RCW 41.05.021, 41.05.160, chapter 74.39 RCW, Patient Protection and Affordable Care Act under Public Law 111-148; and Code of Federal Regulations at 42 CFR § 431, 435, and 457, and at 45 CFR § 155. Section 1917 and 1902 of the Social Security Act and RCW 70.97.010.

Reasons why rules on this subject may be needed and what they might accomplish:

- Adding language from Section 1917 of the Social Security Act regarding the purchase of a life estate, promissory notes and loans.
- Adding the residential waiver service program as a Home and Community Based (HCB) Waiver in chapter 182-515 WAC
- Clarify language from Section 1917 of the Social Security Act regarding otherwise eligible, trusts, and allowable transfers of a home to a child or sibling and annuities.
- Clarify language regarding countable assets for institutional services
- Update links and references and changing language for readability and clarity
- Other necessary changes on these subjects may be incorporated into this rule making.
- Other WAC chapters may need to be updated as a result of this rule making.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:
Health Care Authority, Department of Social and Health Services - Economic Services Administration, Aging and Disability Supports Administration, Developmental Disability Services Administration, Behavioral Health and Service Integration Administration.

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

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

HCA 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, HCA will send a notice of proposed rulemaking (CR-102) to everyone receiving this notice and anyone who requests a copy.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Contact:

Lori Rolley

P.O. Box 45600

Olympia, WA 98504-2716

Phone: (360) 725-2271

Fax: (360) 438-8633

TTY: 360-493-2637

E-mail: Lori.Rolley@dshs.wa.gov

DATE
October 3, 2014

NAME (TYPE OR PRINT)
Kevin M. Sullivan

SIGNATURE

TITLE
HCA Rules Coordinator

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED**

DATE: October 03, 2014

TIME: 10:03 AM

WSR 14-21-024