



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:

New rules for ABLE Accounts including revisions to WAC 182-509-0320 MAGI income – Noncountable income; WAC 182-512-0050 SSI-related medical – General information; WAC 182-512-0550 SSI-related medical – All other excluded resources; WAC 182-512-0860 SSI-related medical – Income exclusions under federal statute or other state laws; Chapter 182-527 WAC Estate recovery and pre death liens; Other related rules as appropriate.

Statutes authorizing the agency to adopt rules on this subject:

RCW 41.05.021, 41.05.160; Engrossed Substitute House Bill (ESHB) 2323, Chapter 39, Laws of 2016, 64th Legislature, 2016 Regular Session; Substitute Senate Bill (SSB) 6210, 64th Legislature, 2016 Regular Session; HR 647 – Achieving a Better Life Experience (ABLE) Act of 2014

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

These rules are necessary to implement ESHB 2323 Individuals with disabilities – Savings and investments – Achieving a Better Life Experience (ABLE) Act. An ABLE account allows blind or disabled clients to save funds in tax-advantaged accounts for their disability-related expenses. The agency is amending additional WAC sections to support the implementation of this program. These changes include adding assets held in an ABLE account to the list of resource exclusions when determining eligibility, adding the distributions from an ABLE account for qualifying expenses to the list of income exclusions for identifying countable income when determining eligibility, and adding that contributions up to the specified annual amount and earnings on an ABLE account are not counted when determining eligibility. During the course of this review, the agency may identify additional changes that are required in order 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:

Centers for Medicare & Medicaid Services (CMS) and the Department of Social and Health Services (DSHS)

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.

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

Contact:
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DATE
January 11, 2017

NAME (TYPE OR PRINT)
Wendy Barcus

SIGNATURE

TITLE
HCA Rules Coordinator

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