



# PROPOSED RULE MAKING

## CR-102 (August 2017) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: October 29, 2018

TIME: 1:44 PM

WSR 18-22-032

**Agency:** Health Care Authority (HCA) Employees and Retirees Benefits Division Admin #2018-02

- Original Notice**
- Supplemental Notice to WSR** \_\_\_\_\_
- Continuance of WSR** \_\_\_\_\_

- Preproposal Statement of Inquiry was filed as WSR 18-17-034 ; or**
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or**
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).**
- Proposal is exempt under RCW \_\_\_\_\_.**

**Title of rule and other identifying information:** (describe subject)  
WAC 182-13-010 Purpose  
WAC 182-13-020 Definitions  
WAC 182-13-030 Eligibility  
WAC 182-13-040 Application for Medicare supplemental coverage

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
December 11, 2018	10:00 AM	Health Care Authority Cherry Street Plaza Building <b>Sue Crystal Conf Rm 106A</b> 626 - 8 <sup>th</sup> Avenue Olympia, WA 98504	Metered public parking is available street side around building. A map is available at: <a href="https://www.hca.wa.gov/assets/program/Drivingparking-checkin-instructions.pdf">https://www.hca.wa.gov/assets/program/Drivingparking-checkin-instructions.pdf</a> or directions can be obtained by calling: (360) 725-1000

**Date of intended adoption:** No sooner than December 12, 2018 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: HCA Rules Coordinator  
Address: PO Box 45504, Olympia, WA 98504-5504  
Email: arc@hca.wa.gov  
Fax: 360-586-9727  
Other:  
By (date) December 11, 2018

**Assistance for persons with disabilities:**

Contact Amber Lougheed  
Phone: 360-725-1349  
Fax: 360-725-9727  
TTY: Telecommunication Relay Services (TRS): 711  
Email: amber.lougheed@hca.wa.gov  
Other:  
By (date) December 7, 2018

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

- Making technical amendments to:
- Change references from Medicare supplement coverage to Medicare supplemental coverage.
  - Revise several definitions in WAC 182-13-020.
  - Align eligibility in WAC 182-13-030 with RCW 41.05.197.

- Clarify state residents can apply for Medicare supplemental coverage thirty days before they are enrolled in Parts A and B of Medicare.
- Allow residents to apply within sixty-three days instead of sixty days for coverage after becoming a new resident.
- Include guaranteed issue periods by cross-referencing RCW 48.66.045 and 48.66.055.

**Reasons supporting proposal:** See purpose

**Statutory authority for adoption:** RCW 41.05.197, 41.05.160

**Statute being implemented:** RCW 41.05.197, 41.05.160

**Is rule necessary because of a:**

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** N/A

**Name of proponent:** (person or organization) Health Care Authority

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Stella Ng	626 8 <sup>th</sup> Avenue SE, Olympia, Washington	360-725-0852
Implementation:	Barbara Scott	626 8 <sup>th</sup> Avenue SE, Olympia, Washington	360-725-0830
Enforcement:	Scott Palafox	626 8 <sup>th</sup> Avenue SE, Olympia, Washington	360-725-1858

**Is a school district fiscal impact statement required under RCW 28A.305.135?**

- Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

**Is a cost-benefit analysis required under RCW 34.05.328?**

- Yes: A preliminary cost-benefit analysis may be obtained by contacting:

- Name:
- Address:
- Phone:
- Fax:

TTY:

Email:

Other:

No: Please explain: RCW 34.05.328 does not apply to Health Care Authority rules unless requested by the Joint Administrative Rules Review Committee or applied voluntarily.

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_.

Explanation of exemptions, if necessary:

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**


If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. The proposed rules do not impose any cost on small businesses.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

<b>Date:</b> October 29, 2018	<b>Signature:</b> 
<b>Name:</b> Wendy Barcus	
<b>Title:</b> HCA Rules Coordinator	

AMENDATORY SECTION (Amending WSR 95-07-011, filed 3/3/95, effective 4/3/95)

**WAC 182-13-010 Purpose.** The purpose of this chapter is to establish criteria for state residents for participation in medicare ((~~supplement~~)) supplemental coverage available through the HCA.

AMENDATORY SECTION (Amending WSR 95-07-011, filed 3/3/95, effective 4/3/95)

**WAC 182-13-020 Definitions.** Unless otherwise specifically provided, the definitions contained in this section apply throughout this chapter.

(1) "HCA" means the Washington state health care authority.

(2) "Health plan," or "plan" means any individual or group: Policy, agreement, or other contract providing coverage for medical, surgical, hospital, or emergency care services, whether issued, or issued for delivery, in Washington or any other state. "Health Plan" or "plan" also includes any group health plan that is maintained by any state and governed by the Public Health Services Act in 42 U.S.C. Chapter 6A, self-insured coverage governed by the federal Employee Retirement Income Security Act of 1974, coverage through the Washington state health insurance ((~~Access Act~~)) pool as described in chapter 48.41 RCW, ((~~coverage through the Basic Health Plan as described in chapter 70.47 RCW, and~~)) coverage through the medicaid program as described in Title 74 RCW, and coverage through the Washington state health benefit exchange as described in chapter 43.71 RCW. "Health plan" or "plan" does not mean or include: Hospital confinement indemnity coverage as described in WAC 284-50-345; disability income protection coverage as described in WAC 284-50-355; accident only coverage as described in WAC 284-50-360; specified disease and specified accident coverage as described in WAC 284-50-365; limited benefit health insurance coverage as described in WAC 284-50-370; long-term care benefits as described in chapter 48.84 RCW; or limited health care coverage ((~~such as dental only, vision only, or chiropractic only~~)) (e.g., dental only).

(3) "Lapse in coverage" means a period of time greater than ((~~ninety~~)) sixty-three continuous days without coverage by a health plan.

(4) "Resident" means a person who demonstrates that ((~~he/she lives~~)) they live in the state of Washington ((~~at the time of application for, and issuance of coverage~~)) by providing evidence of residency.

AMENDATORY SECTION (Amending WSR 95-07-011, filed 3/3/95, effective 4/3/95)

**WAC 182-13-030 Eligibility.** ((~~Residents are~~)) A resident is eligible to apply for medicare ((~~supplement~~)) supplemental coverage

~~((arranged by))~~ available through the HCA ~~((when they are))~~ provided the resident is:

(1) ~~((Eligible for))~~ Enrolled in Parts A and B of medicare ~~((7))~~;  
and

(2) ~~((Actually enrolled in both Parts A and B of medicare not later than the effective date of medicare supplement coverage.))~~ Not eligible to purchase coverage as a retired or disabled employee under RCW 41.05.195.

AMENDATORY SECTION (Amending WSR 95-07-011, filed 3/3/95, effective 4/3/95)

**WAC 182-13-040 Application for medicare ~~((supplement))~~ supplemental coverage.** Residents meeting eligibility requirements may apply for medicare ~~((supplement))~~ supplemental coverage ~~((arranged by))~~ available through the HCA:

(1) ~~((During the initial open enrollment period of January 1 through June 30, 1995, or))~~ No earlier than thirty days before they are enrolled in both Parts A and B of medicare;

(2) Within ~~((sixty))~~ sixty-three days after becoming a resident ~~((, or~~

~~(3) In the thirty day period before the resident becomes eligible for medicare, or~~

~~(4) Within sixty days of retirement, or~~

~~(5)) of Washington state;~~

(3) During any open enrollment period established by federal or state law ~~((, or~~

~~(6))~~;

(4) During any open enrollment period established by the HCA subsequent to the initial open enrollment period provided that the applicant is replacing a health plan with no lapse in coverage; or

(5) When replacing coverage as described in RCW 48.66.045 or when enrolling during a guaranteed issue period as described in RCW 48.66.055.