



# PROPOSED RULE MAKING

## CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: July 14, 2020

TIME: 4:17 PM

WSR 20-15-078

Agency: Health Care Authority

Original Notice

Supplemental Notice to WSR \_\_\_\_\_

Continuance of WSR \_\_\_\_\_

Preproposal Statement of Inquiry was filed as WSR 20-03-109 ; 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); or

Proposal is exempt under RCW \_\_\_\_\_.

Title of rule and other identifying information: (describe subject) WAC 182-506-0015 - Medical assistance units for non-MAGI-based Washington Apple Health programs; 182-512-0950 - SSI-related medical – Child-related resource exclusions and allocations.

### Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
August 25, 2020	10:00 AM	As the Governor's Safe Start plan progresses, it is yet unknown whether by the date of this public hearing restrictions of meeting in public places will be eased. To continue to be safe, this hearing is being scheduled as a virtual only hearing. This will not be an in-person hearing and there is not a physical location available.	To attend the virtual public hearing, please register prior to the event at: <a href="https://attendee.gotowebinar.com/register/338877111368337931">https://attendee.gotowebinar.com/register/338877111368337931</a>  After registering, you will receive a confirmation email containing the information about joining the webinar.

Date of intended adoption: Not sooner than August 26, 2020 (Note: This is **NOT** the effective date)

### Submit written comments to:

Name: HCA Rules Coordinator

Address: PO Box 42716, Olympia WA 98504-2716

Email: [arc@hca.wa.gov](mailto:arc@hca.wa.gov)

Fax: (360) 586-9727

Other:

By (date) August 25, 2020

### Assistance for persons with disabilities:

Contact Amber Lougheed

Phone: (360) 725-1349

Fax: (360) 586-9727

TTY: Telecommunication Relay Services (TRS): 711

Email: [amber.lougheed@hca.wa.gov](mailto:amber.lougheed@hca.wa.gov)

Other:

By (date) August 7, 2020

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The agency is amending these rules to include resource standard requirements and to add a new subsection that identifies rules used to determine the allocation of resources. These requirements are defined under the SSI methodology used to determine eligibility. The agency anticipates no impact to eligibility or the amount of income or resources a client must pay or may keep. These rules :

- Add the requirement that SSI-related rules already test for resources in addition to income when determining eligibility.
- State that financial responsibility also applies when one or both spouses receive home and community-based services to the extent described in WAC 182-512-0960 and Chapters 182-513 and 182-515 WAC.
- Remove income deeming and allocation rules already described in sections of WAC 182-512 and not necessary for rules regarding MAUs.

**Reasons supporting proposal:** See Purpose of proposal

**Statutory authority for adoption:** RCW 41.05.021, RCW 41.05.160

**Statute being implemented:** RCW 41.05.021, RCW 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

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Melinda Froud	PO Box 42716, Olympia WA 98504-2716	360-725-1408
Implementation:	Steve Kozak	PO Box 45534, Olympia, WA 98504-5534	360-725-1343
Enforcement:	Steve Kozak	PO Box 45534, Olympia, WA 98504-5534	360-725-1343

**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:

- |   |  |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)<br>(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)<br>(Dictated by statute)   |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> RCW 34.05.310 (4)(f)<br>(Set or adjust fees)  |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> RCW 34.05.310 (4)(g)<br>((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. This rulemaking does not impose any costs on 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> July 14, 2020	<b>Signature:</b> 
<b>Name:</b> Wendy Barcus	
<b>Title:</b> HCA Rules Coordinator	

**WAC 182-506-0015 Medical assistance units for non-MAGI-based Washington apple health programs.** This section explains how medical assistance units (MAUs) are constructed for programs not based on modified adjusted gross income (MAGI) methodologies. (MAGI-based programs are described in WAC 182-503-0510.)

(1) An MAU is a person or group of people who must be included together when determining eligibility. MAUs are established based on each person's relationship to other family members and the person's financial responsibility for the other family members. MAUs for non-MAGI-based programs include an applicant and persons financially responsible for the applicant as described in subsection (2) of this section (as limited by subsection (3) of this section).

(2) Financial responsibility applies (~~only to spouses and to parents,~~) as follows:

(a) Married persons (~~(r)~~) living together are financially responsible for each other;

(b) Natural, adoptive, or step-parents are financially responsible for their unmarried, minor children living in the same household;

(c) Minor children are (~~(not)~~) financially responsible for (~~(their parents or for their siblings)~~) only themselves;

(d) Married persons (~~(financial responsibility)~~) not living together are financially responsible for each other to the extent described in WAC 182-512-0960 and chapters 182-513 and 182-515 WAC when (~~(not living together because one or both are residing in a medical institution is described in chapter 182-513 WAC)~~) one or both are residing in a medical institution, or one or both are applying for or receiving home and community-based services.

(3) The number of persons in the MAU is increased by one for each verified unborn child for each pregnant (~~(woman)~~) person already included in the MAU under this section.

(4) A separate SSI-related MAU is required for:

(a) SSI recipients, except for spouses who both receive SSI;

(b) SSI-related persons, except spouses whose eligibility is determined as a couple in chapters 182-511, 182-512, and 182-513 WAC;

(c) Institutionalized persons;

(d) The purpose of applying medical income and resource standards for an:

(i) SSI-related applicant whose spouse is not relatable to SSI or is not applying for SSI-related medical; and

(ii) Ineligible spouse of an SSI recipient.

(~~(5) When determining eligibility for an SSI-related medical program, the agency determines how household income is allocated and deemed to the SSI-related person according to the rules described in WAC 182-512-0820 and 182-512-0900 through 182-512-0960.~~)

NEW SECTION

**WAC 182-512-0950 SSI-related medical—Child-related resource exclusions and allocations.** The agency considers resources of financially responsible people to determine if a portion of the resources must be regarded as available to other household members.

(1) A portion of the resources of a parent or parents is available to the SSI-related child when the child is age seventeen or younger and the parent or parents are:

(a) Financially responsible for the SSI-related child as described in WAC 182-506-0015;

(b) The natural, adoptive, or step-parent of the child;

(c) Living in the same household with the child;

(d) Not receiving a needs-based payment such as temporary assistance to needy families (TANF), state-funded cash assistance (SFA) or SSI; and

(e) Not related to SSI or not applying for medical assistance.

(2) Resources that are deemed to the child are that child's resources.

(3) When determining whether a parent's resources are countable, the agency:

(a) Follows the resource rules described in WAC 182-512-0200 through 182-512-0300; and

(b) Excludes resources described in WAC 182-512-0350 through 182-512-0550, except for WAC 182-512-0550(16), where instead, the pension funds excluded are those owned by either parent.

(4) In determining eligibility of an SSI-related child, the child's resources include the value of the countable resources of the parent or parents that exceed the resource limit in WAC 182-512-0010 for:

(a) A person, if one parent lives in the household; or

(b) A couple, if two parents (or one parent and the spouse of that parent) live in the household.

(5) The SSI-related child is allowed all applicable resource exclusions and disregards described in this chapter from their own resources.

(6) If there is more than one child living in the household, the value of the deemed resources is divided equally among the children.

(7) An SSI-related child's total countable resources are the combination of the value of the deemed resources and the nonexcluded resources of the child.

(8) A child's countable resources are compared with the one-person resource standard under WAC 182-512-0010.