



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: October 02, 2020

TIME: 10:44 AM

WSR 20-20-075

Agency: Health Care Authority

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: The agency is establishing Chapter 182-521 WAC, titled Public Health Emergency Rules, and creating a new section under WAC 182-521-0100, Disregarded income, to identify income that the agency does not count when determining Apple Health eligibility.

Since the previous emergency rulemaking filed under WSR 20-13-013, HCA revised the emergency text and is working through the review steps for the permanent rulemaking process. HCA revised the rule text in subsection (1) to remove the word "Economic" from Federal Pandemic Unemployment Compensation and added the acronym FPUC. HCA added a new subsection (3) which disregards all unemployment compensation issued as a result of the federal Disaster Relief Fund authorized for states to off-set lost wages due to the COVID-19 pandemic, known as Lost Wage Assistance. This additional language aligns with the State Plan. HCA also clarified in subsection (7) that any income received as unemployment compensation not described within this section is otherwise countable and the agency counts it when determining MAGI-based apple health eligibility. MAGI-based was missing from the previous revision.

Citation of rules affected by this order:

New: 182-521-0100
Repealed:
Amended:
Suspended:

Statutory authority for adoption: RCW 41.05.021, 41.05.160

Other authority: N/A

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: In response to the current public health emergency surrounding the outbreak of the Coronavirus disease (COVID-19), along with the Governor of Washington's emergency proclamations related to COVID-19, this rulemaking is necessary to preserve the public health, safety, and general welfare by identifying income that the agency does not count when determining Apple Health eligibility.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>1</u>	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	<u>1</u>	Amended	___	Repealed	___

Date Adopted: October 2, 2020

Name: Wendy Barcus

Title: HCA Rules Coordinator

Signature:



Chapter 182-521 WAC
PUBLIC HEALTH EMERGENCY RULES

NEW SECTION

WAC 182-521-0100 Disregarded income. (1) The health care authority (agency) does not count as income when determining applicable health eligibility any Federal Pandemic Unemployment Compensation (FPUC) or Recovery Rebates authorized under the CARES Act or other needs-based assistance authorized as a result of the COVID-19 emergency as described in this section.

(2) The agency disregards an emergency increase in unemployment compensation benefits of an additional six hundred dollars per week issued as compensation for the period of March 18, 2020, through July 31, 2020, as income for medicaid determinations and post-eligibility cost-sharing calculations.

(3) The agency disregards all unemployment compensation issued as a result of the federal Disaster Relief Fund authorized for states to off-set lost wages due to the COVID-19 pandemic, known as Lost Wage Assistance (LWA). This income is intended for weeks ending August 1, 2020, forward until funds are exhausted. The weekly benefit amount for this benefit is three hundred dollars per week.

(4) The agency considers Pandemic Recovery Rebates (stimulus checks) to be exempt as income and does not count them as a resource for twelve months after receipt.

(5) The agency considers needs-based assistance from other agencies or tribal entities to be exempt as income.

(6) The agency excludes income described in this section from the post-eligibility treatment of income (PETI) calculation.

(7) Any income received as unemployment compensation not described within this section is otherwise countable and the agency counts it when determining MAGI-based applicable health eligibility.

(8) These rules are in effect until the later of:

(a) The date the client is receiving any benefits described in this rule; or

(b) The date on which the Secretary of the U.S. Department of Health and Human Services declares the COVID-19 public health emergency to be over.