



RULE-MAKING ORDER EMERGENCY RULE ONLY

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

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 05, 2021

TIME: 4:10 PM

WSR 21-02-076

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 amending WAC 182-505-0215 to expand the Children's Health Insurance Program to include coverage for eligible children of public employees.

Citation of rules affected by this order:

New:
Repealed:
Amended: 182-505-0215
Suspended:

Statutory authority for adoption: RCW 41.05.021, 41.05.160

Other authority: Affordable Care Act section 10203(b)(2)(D) permits the agency to expand the Children's Health Insurance Program (CHIP) to include coverage for eligible children of public employees, specifically, it permits states to extend CHIP coverage to eligible children of public employees when it is demonstrated that the cost of employer-based coverage would exceed 5 percent of the family's income.

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: The Washington State Legislature passed Chapter 357, Laws of 2020, section 211(66), which directs the agency to implement a CHIP state plan amendment in calendar year 2020, once approved by the federal Centers for Medicare and Medicaid Services (CMS). The state plan amendment maintains CHIP coverage as secondary payer for eligible child dependents of employees eligible for school employee or public employee benefit coverage. CMS approved the state plan amendment August 28, 2020, with a retroactive effective date of January 1, 2020. Since the previous emergency rulemaking filed under WSR 20-19-106, which is set to expire January 16, 2021, the agency completed permanent rulemaking and filed a CR-103P *Rulemaking Order* December 23, 2020 (WSR 21-01-027). The permanent rule is effective January 23, 2021. This emergency rule will cover the gap between the expiration of the emergency rule and the effective date of the permanent rule.

**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	<u>1</u>	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	___	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	___	Amended	<u>1</u>	Repealed	___

Date Adopted: January 5, 2021	Signature: 
Name: Wendy Barcus	
Title: HCA Rules Coordinator	

WAC 182-505-0215 Children's Washington apple health with premiums. (1) A child is eligible for Washington apple health with premiums if the child:

(a) Meets the requirements in WAC 182-505-0210(1);

(b) Has countable income below the standard in WAC 182-505-0100 (6)(b); and

(c) Pays the required premium under WAC 182-505-0225, unless the child is exempt under WAC 182-505-0225 (2)(c).

(2) A child is not eligible for Washington apple health with premiums if the child:

(a) Is eligible for no-cost Washington apple health;

(b) Has creditable health insurance coverage as defined in WAC 182-500-0020(~~(c)~~);

(e)). A child with creditable health insurance coverage may be eligible for Washington apple health with premiums if the child:

(i) Is eligible for public employees benefits board (PEBB) health insurance coverage based on a family member's employment with a Washington state agency, or a Washington state university, community college, or technical college; or

(~~(d)~~) (ii) Is eligible for school employees benefits board (SEBB) health insurance coverage based on a family member's employment with a Washington school district, charter school, or educational service district; and

(iii) Meets the requirements in WAC 182-505-0210(1).