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.

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- Repealed: 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.

This continues the current emergency rule which is set to expire on January 30, 2021. Since the previous emergency rulemaking filed under WSR 20-20-075, HCA has continued to work on the permanent rule. The HCA workgroup has completed the draft of the rules and the HCA internal review process has begun. HCA anticipates having a draft ready for external stakeholders to review in March 2021.

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Federal statute: New _____ Amended _____ Repealed _____
Federal rules or standards: New _____ Amended _____ Repealed _____
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<td>The number of sections adopted in order to clarify, streamline, or reform agency procedures:</td>
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<td>The number of sections adopted using:</td>
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<tbody>
<tr>
<td>Name:</td>
<td>Wendy Barcus</td>
<td></td>
</tr>
<tr>
<td>Title:</td>
<td>HCA Rules Coordinator</td>
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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 apple 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 apple 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.