



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: June 30, 2025

TIME: 7:48 AM

WSR 25-14-071

Agency: Health Care Authority

Effective date of rule:

Emergency Rules

- ☐ Immediately upon filing.
☒ Later (specify) July 1, 2025

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

- ☐ Yes ☒ No If Yes, explain:

Purpose: To implement RCW 43.20B.030, as amended by section 1, chapter 331, Laws of 2025 (SB 5079), the agency is amending WAC 182-520-0015 to give the governing agencies the authority to waive collections when they determine that a state agency error caused a long-term services and supports client overpayment.

Citation of rules affected by this order:

New:
Repealed:
Amended: 182-520-0015
Suspended:

Statutory authority for adoption: RCW 41.05.021, 41.05.160

Other authority: RCW 43.20B.020

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.

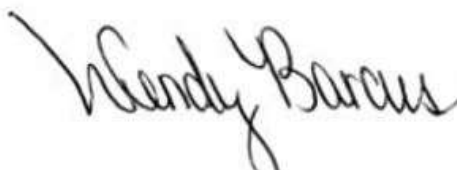
Reasons for this finding: The agency is amending WAC 182-520-0015 to comply with RCW 43.20B.030, which the legislature amended effective July 1, 2025, through section 1, chapter 331, Laws of 2025 (SB 5079). This legislation included an emergency clause.

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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____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	Repealed	_____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 _____
The number of sections adopted on the agency’s own initiative:				
	New	_____	Amended	_____ Repealed _____
The number of sections adopted in order to clarify, streamline, or reform agency procedures:				
	New	_____	Amended	<u>1</u> Repealed _____
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: June 30, 2025		Signature: 		
Name: Wendy Barcus				
Title: HCA Rules Coordinator				

WAC 182-520-0015 Long-term services and supports client overpayments. (1) **General right to recover.**

(a) A long-term services and supports (LTSS) client overpayment is any payment for LTSS made by the agency or the agency's designee on a client's behalf in excess of that to which the client is legally entitled.

(b) An LTSS client overpayment may be caused by:

(i) A client or a client's authorized representative misstating or failing to reveal a fact affecting eligibility under WAC 182-503-0505;

(ii) A client or a client's authorized representative failing to timely report a change required under WAC 182-504-0105; or

(iii) The agency or the agency's designee's error.

(c) The agency or the agency's designee may recoup an LTSS client overpayment:

(i) Up to six years after the date of the notice in subsection (2) of this section; and

(ii) Regardless of whether the program is state-funded, federally funded, or both.

(d) The amount of the LTSS client overpayment equals the amount the agency or the agency's designee paid on the client's behalf minus the amount to which the client was legally entitled.

(e) When the agency or the agency's designee determines it caused the overpayment, the agency or the agency's designee may grant exceptions to client recovery.

(2) **Notice.**

(a) The agency notifies the client or the client's authorized representative by:

(i) Personal service under RCW 4.28.080; or

(ii) Certified mail, return receipt requested.

(b) The agency or the agency's designee may prove that it notified the client by providing:

(i) A sworn statement;

(ii) An affidavit or certificate of mailing; or

(iii) The certified mail receipt signed by the client or the client's authorized representative.

(c) The notice states:

(i) The client's name;

(ii) The client's address;

(iii) The date the agency or the agency's designee issued the notice;

(iv) The amount of the LTSS client overpayment;

(v) How the agency calculated the LTSS client overpayment;

(vi) How the client may request an administrative hearing; and

(vii) How the client may make a payment.

(3) **Response.**

(a) The client must respond to the notice within ~~((ninety))~~ 90 days of the date the agency or the agency's designee served the client with the notice of the LTSS client overpayment by:

(i) Paying the agency or the agency's designee;

(ii) Establishing a payment plan with the agency or the agency's designee; or

(iii) Requesting an administrative hearing.

(b) If the client does not respond to the notice within (~~nine-~~
~~ty~~) 90 days of the date the agency or the agency's designee served the client with the notice, the agency or the agency's designee may initiate collection action.

(4) **Hearings.** A person who disagrees with agency or the agency's designee's action under this section may request an administrative hearing under chapter 182-526 WAC.