



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 29, 2021
TIME: 2:36 PM

WSR 21-04-076

Agency: Health Care Authority

Effective date of rule:

Permanent Rules

- 31 days after filing.
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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 182-503-0090 to specify the Department of Social and Health Services administrations responsible for processing exceptions to rule related to long-term services and supports programs.

Citation of rules affected by this order:

New:
Repealed:
Amended: 182-503-0090
Suspended:

Statutory authority for adoption: RCW 41.05.021, 41.05.160

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 21-01-044 on December 8, 2020 (date).
Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Web site:
Other:

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| Federal statute: | New | ___ | Amended | ___ | Repealed | ___ |
| Federal rules or standards: | New | ___ | Amended | ___ | Repealed | ___ |
| Recently enacted state statutes: | New | ___ | Amended | ___ | Repealed | ___ |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| New | ___ | Amended | ___ | Repealed | ___ |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

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| New | ___ | Amended | ___ | Repealed | ___ |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: January 28, 2021 | Signature:  |
| Name: Wendy Barcus | |
| Title: HCA Rules Coordinator | |

WAC 182-503-0090 Washington apple health—Exceptions to rule.

(1) ~~((An individual))~~ A client or client's representative may request an exception to a Washington apple health financial eligibility rule in Title 182 WAC. ~~((An individual must request an exception to rule (ETR) within ninety calendar days of the agency action with which the individual disagrees. The individual or the individual's representative may))~~ The request for an exception to rule (ETR) may be submitted orally or in writing. The request must:

(a) Be received within ninety calendar days of the agency action with which the client disagrees or wants waived;

(b) Identify the rule for which an exception is being requested;

~~((b))~~ (c) State what the ~~((individual))~~ client is requesting;
and

~~((e))~~ (d) Describe how the request meets subsection (2) of this section.

(2) The agency director or designee has the discretion to grant an ETR if ~~((he or she))~~ they determine~~((s))~~ that the ~~((individual's))~~ client's circumstances satisfy the conditions below:

(a) The exception would not contradict a specific provision of federal or state law; and

(b) The ~~((individual's))~~ client's situation differs from the majority; and

(c) It is in the interest of the overall economy and the ~~((individual's))~~ client's welfare, and:

(i) It increases opportunity for the ~~((individual))~~ client to function effectively; or

(ii) The ~~((individual))~~ client has an impairment or limitation that significantly interferes with the usual procedures required to determine eligibility and payment.

(3) ~~((Individuals cannot appeal))~~ A client does not have a right to an administrative hearing on ETR decisions under chapter 182-526 WAC.

(4) ~~((An individual))~~ A client is mailed a decision in writing within ten calendar days when agency staff:

(a) Approve or deny an ETR request; or

(b) Request more information.

(5) If the ETR is approved, the notice includes information on ~~((the approval period))~~ what is approved and for what time frame.

(6) The agency designates staff at the aging and ~~((disability services))~~ long-term support administration ~~((ADSA))~~ (ALISA) and the developmental disabilities administration (DDA) to process all ETRs specifically relating to long-term ~~((care))~~ services and supports programs described in Title 182 WAC.

(7) This section does not apply to requests that the agency pay for noncovered medical or dental services or related equipment. WAC 182-501-0160 applies to such requests.