



# 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: June 29, 2023

TIME: 6:55 AM

WSR 23-14-072

**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 amended this rule to remove the website link referencing where the Qualified Medicare Beneficiary (QMB) resource standards for an individual and a couple are listed. Under recent legislation, ESSB 5693, Chapter 297, Laws of 2022, Sec. 205 (26), countable resources are no longer required for other eligibility programs. As a result, HCA removed the QMB resource standards chart from its website. There is still a resource standard for the kidney disease program (KDP) and since QMB no longer has a resource standard as of January 1, 2023, HCA amended the rule to include that the KDP resource standard is based on the federal low-income subsidy (LIS) program with a hyperlink to HCA's program standard for income and resources website.

**Citation of rules affected by this order:**

- New:
- Repealed:
- Amended: 182-540-030
- Suspended:

**Statutory authority for adoption:** RCW 41.05.021, 41.05.160

**Other authority:** None

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 23-11-123 on May 22, 2023 (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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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	___
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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	<u>1</u>	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	___

<b>Date Adopted:</b> June 29, 2023	<b>Signature:</b> 
<b>Name:</b> Wendy Barcus	
<b>Title:</b> HCA Rules Coordinator	

**WAC 182-540-030 Kidney disease program (KDP)—Resource eligibility.** (1) The person's household must have countable resources at or below the limits established (~~for the qualified medicare beneficiary (QMB))~~ in the federal low-income subsidy (LIS) program for the person to be eligible for the kidney disease program. (~~QMB resource standards for an individual and a couple are listed at: http://www.hca.wa.gov/medicaid/eligibility/pages/standards.aspx.~~) LIS resource standards are listed at https://www.hca.wa.gov/free-or-low-cost-health-care/i-help-others-apply-and-access-apple-health/program-standard-income-and-resources.

(2) See WAC 182-540-021 to determine who must be included in the household when making a determination of whose resources count.

(3) The following resources are not counted:

(a) A home, defined as real property owned by a client as their principal place of residence together with surrounding and contiguous property;

(b) Household furnishings;

(c) One burial plot per household member or irrevocable burial plans with a mortuary;

(d) Up to (~~one thousand five hundred dollars~~) \$1,500 for a person or (~~three thousand dollars~~) \$3,000 for a couple set aside in a revocable burial account;

(e) Any resource which is specifically excluded by federal law.

(4) The agency follows rules for SSI-related medicaid determinations described in WAC 182-512-0200 through 182-512-0550 when determining whether any other resources are countable with the exception of subsection (5) of this section.

(5) The agency follows rules in chapter 182-516 WAC when a person owns a trust, an annuity, or a life estate.