



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 10, 2024

TIME: 10:18 AM

WSR 24-03-050

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 182-509-0220 to specify that Medicare savings programs do not have a resource limit, which is consistent with section 211(40), chapter 475, Laws of 2023 and WAC 182-517-0100 as amended under WSR 22-21-043. The agency is amending WAC 182-519-0050 to correct a website address for the Washington apple health income and resource standards chart and update the medically needy income level and federal benefit rate.

Citation of rules affected by this order:

New:

Repealed:

Amended: 182-509-0220, 182-519-0050

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 23-24-003 on November 27, 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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____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New	_____	Amended	_____	Repealed	_____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New	_____	Amended	_____	Repealed	_____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>2</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>2</u>	Repealed	_____

Date Adopted: January 10, 2024

Name: Wendy Barcus

Title: HCA Rules Coordinator

Signature:



AMENDATORY SECTION (Amending WSR 14-01-021, filed 12/9/13, effective 1/9/14)

WAC 182-509-0220 Washington apple health—How resources are considered. (1) A resource is any cash, other personal property, or real property that a person:

(a) Owns;

(b) Has the right, authority, or power to convert to cash (if not already cash); and

(c) Has the legal right to use for his or her support and maintenance.

(2) There is no resource limit for an applicant or recipient of the following Washington apple health ~~((WAH))~~ (medicaid) programs:

(a) ~~((WAH))~~ Apple health for workers with disabilities (HWD) program, as described in chapter 182-511 WAC;

(b) ~~((WAH))~~ Apple health foster care program (see WAC 182-505-0211);

(c) Medicare savings programs (see WAC 182-517-0100);

(d) All programs that are based on modified adjusted gross income (MAGI) methodologies, as described in WAC 182-503-0510. This includes the following:

(i) ~~((WAH))~~ Apple health for parents and caretaker relatives (see WAC 182-505-0240);

(ii) ~~((WAH for pregnant women))~~ Apple health pregnancy coverage (see WAC 182-505-0115);

(iii) ~~((WAH))~~ Apple health for kids (see WAC 182-505-0210);

(iv) Premium-based ~~((WAH))~~ apple health for kids (see WAC 182-505-0215);

(v) ~~((WAH))~~ Apple health long-term care for children and adults (see WAC 182-514-0230);

(vi) ~~((WAH))~~ Apple health for MAGI-based adult coverage (see WAC 182-505-0250); and

(vii) ~~((WAH))~~ Apple health MAGI-based adult alien emergency medical (see WAC 182-507-0110).

(3) For all other ~~((WAH))~~ apple health programs, the resource limits and exclusions can be found in the following chapters:

(a) ~~((WAH))~~ Apple health SSI-related medical (see chapter 182-512 WAC) with the exception of programs listed in subsection (2) of this section;

(b) ~~((WAH))~~ Apple health long-term care (see chapters 182-513 and 182-515 WAC);

(c) SSI-related ~~((WAH))~~ apple health alien medical program (see chapter 182-507 WAC);

~~(d) ((Medicare savings program (see WAC 182-517-0310)));~~

~~(e) ((WAH))~~ Apple health for refugees (see WAC 182-507-0130); and

~~((f))~~ (e) Medical care services (see WAC ~~((182-509-0200))~~ 182-508-0005).

(4) The agency or its designee determines how trusts, annuities and life estates affect eligibility for ~~((WAH))~~ apple health coverage for the programs listed in subsection ~~((s))~~ (3)(a) through ~~((f))~~ (e) of this section by following the rules described in chapter 182-516 WAC.

(5) Receipt of money by a member of a federally recognized tribe from exercising federally protected rights or extraction of protected resources, such as fishing, shell-fishing, or selling timber, is con-

sidered conversion of an exempt resource during the month of receipt. Any amounts remaining from the conversion of this exempt resource on the first of the month after the month of receipt will remain exempt if the funds were used to purchase another exempt resource. Any amounts remaining in the form of countable resources (such as in checking or savings accounts) on the first of the month after receipt, will be added to other countable resources for eligibility determinations when a resource determination is required by the specific ((WAH)) apple health program. If no resource determination is required by the specific ((WAH)) apple health program, eligibility is not affected.

WAC 182-519-0050 Monthly income and countable resource standards for medically needy (MN).

(1) Changes to the medically needy income level (MNIL) occur on January 1st of each calendar year when the Social Security Administration (SSA) issues a cost-of-living adjustment.

(2) Medically needy (MN) standards for people who meet institutional status requirements are in WAC 182-513-1395. The standard for a client who lives in an alternate living facility is in WAC 182-513-1205.

(3) The resource standards for institutional programs are in WAC 182-513-1350. The institutional standard chart is found at: (~~http://www.dshs.wa.gov/manuals/eaz/sections/LongTermCare/LTCstandardspna.shtml~~) <http://www.hca.wa.gov/free-or-low-cost-health-care/i-help-others-apply-and-access-apple-health/program-standard-income-and-resources>.

(4) Countable resource standards for the noninstitutional MN program are:

- | | |
|---|---------|
| (a) One person | \$2,000 |
| (b) A legally married couple | \$3,000 |
| (c) For each additional family member add | \$50 |

(5) People who do not meet institutional status requirements use the "effective" MNIL income standard to determine eligibility for the MN program. The "effective" MNIL is the one-person federal benefit rate (FBR) established by SSA each year, or the MNIL listed in the chart below, whichever amount is higher. The FBR is the supplemental security income (SSI) payment standard. For example, in (~~(2012)~~) 2023, the FBR is (~~(\$698)~~) \$914.

1	2	3	4	5	6	7	8	9	10
((467)) <u>914</u>	((592)) <u>914</u>	((667)) <u>914</u>	((742)) <u>914</u>	((858)) <u>914</u>	975	1125	1242	1358	1483