



EXPEDITED RULE MAKING

CR-105 (August 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: October 27, 2017

TIME: 3:43 PM

WSR 17-22-083

Agency: Health Care Authority

Title of rule and other identifying information: (describe subject) Chapter 182-26 WAC, Washington Health Insurance Partnership (HIP) Program

Purpose of the proposal and its anticipated effects, including any changes in existing rules: : The agency is repealing this chapter, as the legislature repealed Chapter 70.47A RCW, the statutory authority for the HIP program. (See ESB 5316 – Chapter 25, Laws of 2017, 3rd Special Session, Section 23.)

Reasons supporting proposal: See Purpose.

Statutory authority for adoption: RCW 41.05.021, 41.05.160

Statute being implemented: N/A

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

Name of proponent: (person or organization) Health Care Authority

- Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Melinda Froud	PO Box 42716, Olympia, WA 98504-2716	360-725-1408
Implementation:	Brian Jensen	PO Box 42704, Olympia, WA 98504-2704	360-725-1585
Enforcement:	Brian Jensen	PO Box 42704, Olympia, WA 98504-2704	360-725-1585

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.


Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4): The legislature has repealed the statutory authority for the HIP program. As a result, the agency cannot amend these rules and can only repeal them.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

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Other:

AND RECEIVED BY (date) January 3, 2018

Date: October 27, 2017	Signature: 
Name: Wendy Barcus	
Title: HCA Rules Coordinator	

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 182-26-010	Authority.
WAC 182-26-020	Definitions—Generally.
WAC 182-26-100	Definitions.
WAC 182-26-200	Employer eligibility for the HIP.
WAC 182-26-210	Minimum employer contribution.
WAC 182-26-220	Minimum participation.
WAC 182-26-230	Small employer one-time exception to monthly group premium payment deadline.
WAC 182-26-300	Who can receive a premium subsidy?
WAC 182-26-305	Applying for a HIP premium subsidy.
WAC 182-26-310	Application—Supporting documents.
WAC 182-26-315	HIP application review.
WAC 182-26-320	Annual subsidy application and renewal.
WAC 182-26-325	Making changes to a HIP account.
WAC 182-26-330	Loss of subsidy eligibility.
WAC 182-26-335	Recoupment.
WAC 182-26-340	How does the HIP determine the premium subsidy amount?
WAC 182-26-345	How does the HIP calculate income?
WAC 182-26-350	What does the HIP count as income?
WAC 182-26-400	Appeals—Grounds.
WAC 182-26-405	Appeals—Who may appeal a HIP decision?
WAC 182-26-410	How to appeal a HIP decision.
WAC 182-26-500	Surcharge applicability.