



EXPEDITED RULE MAKING

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

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STATE OF WASHINGTON
FILED

DATE: January 10, 2020
TIME: 2:24 PM

WSR 20-03-075

Agency: Health Care Authority

Title of rule and other identifying information: (describe subject)

182-512-0250 SSI-related medical—Ownership and availability of resources

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

To correct a typographical error and remove abbreviations of Washington Apple Health.

Reasons supporting proposal: The agency is revising this rule to correct a typographical error in a WAC reference. WAC 182-512-0250(2) refers to WAC 182-506-0010. It should refer to WAC 182-506-0015. The agency is also removing the abbreviation WAH. The agency does not abbreviate Washington Apple Health.

Statutory authority for adoption: RCW 41.05.021, RCW 41.05.160

Statute being implemented: RCW 41.05.021, RCW 41.05.160

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:	Jason Crabbe	PO Box 42716, Olympia WA 98504-2716	360-725-9563
Implementation:	Stephen Kozak	PO Box 45534, Olympia WA 98504-5534	360-725-1343
Enforcement:	Stephen Kozak	PO Box 45534, Olympia WA 98504-5534	360-725-1343

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: N/A

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): This rulemaking is for correction purposes only as allowed by RCW 34.05.353(1)(c)

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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AND RECEIVED BY (date) March 24, 2020

Date: January 10, 2020

Name: Wendy Barcus

Title: HCA Rules Coordinator

Signature:



WAC 182-512-0250 SSI-related medical—Ownership and availability of resources. (1) The agency considers personal and real property to be available to a Washington apple health (~~((WAH))~~) applicant or recipient if the applicant or recipient:

- (a) Owns the property;
- (b) Has the authority to convert the property into cash;
- (c) Can expect to convert the property to cash within twenty working days; and
- (d) May legally use the property for his or her support.

(2) The agency counts the resources of financially responsible persons (as defined in WAC (~~((182-506-0010))~~) 182-506-0015) who live in the home even if those persons do not receive (~~((WAH))~~) Washington apple health coverage.

(3) For long-term care (LTC) services, cash and other resources transferred by a (~~((WAH))~~) Washington apple health applicant or recipient or his or her spouse to another to pay for the (~~((WAH))~~) Washington apple health applicant or recipient's LTC services are considered resources available to the applicant or recipient unless otherwise excluded in this chapter, chapter 182-513 WAC, or chapter 182-516 WAC.

(4) A resource is considered available on the first day of the month following the month of receipt unless a rule about a specific type of resource provides for a different time period.

(5) A resource that ordinarily cannot be converted to cash within twenty working days is considered unavailable as long as a reasonable effort is being made to convert the resource to cash.

(6) A person may provide evidence showing that a resource is unavailable. A resource is not counted if the person shows sufficient evidence that the resource is unavailable.

(7) We do not count the resources of victims of family violence, as defined in WAC 388-452-0010, when:

- (a) The resource is owned jointly with members of the former household;

- (b) Availability of the resource depends on an agreement of the joint owner; or

- (c) Making the resource available would place the person at risk of harm.

(8) The value of a resource is its fair market value minus encumbrances.

(9) Refer to WAC 182-512-0260 to consider additional resources when an alien has a sponsor.