



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017)
(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: February 07, 2023

TIME: 2:52 PM

WSR 23-05-032

Agency: Health Care Authority

Subject of possible rule making: WAC 182-513-1100, Definitions related to long-term services and supports (LTSS); WAC 182-513-1215, Community first choice (CFC) – Eligibility; WAC 182-513-1220, Community first choice (CFC) – Spousal impoverishment protections for noninstitutional Washington apple health clients; WAC 182-513-1660, Medicaid alternative care (MAC) and tailored supports for older adults (TSOA) – Spousal impoverishment; other related rules as appropriate.

Statutes authorizing the agency to adopt rules on this subject: RCW 41.05.021, RCW 41.05.160

Reasons why rules on this subject may be needed and what they might accomplish: Section 5115 of the federal Consolidated Appropriations Act, 2023, amends Section 2404 of the Patient Protection and Affordable Care Act (42 U.S.C. 1396r-5 note) to extend spousal impoverishment protections to September 30, 2027. The agency is amending the rules identified above to replace “September 30, 2023” with “September 30, 2027” to comply with this change in federal law. The agency is also making technical changes to remove or amend references to outdated programs. During this review, HCA may identify additional related changes that are required to improve clarity or update policy.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: Washington State Department of Social and Health Services; United States Department of Health and Human Services

Process for developing new rule (check all that apply):

☐ Negotiated rule making

☐ Pilot rule making

☐ Agency study

☒ Other (describe) The agency welcomes the public to take part in developing this rule. If interested, contact the person

identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rulemaking (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

Name: Brian Jensen (Rulemaking Questions)
Address: PO Box 42716, Olympia, WA 98504-2716
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Email: brian.jensen@hca.wa.gov
Web site: www.hca.wa.gov/about-hca/rulemaking
Other:

(If necessary)

Name: Paige Lewis (Program Questions)
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Other:

Additional comments:

Date: February 7, 2023

Name: Wendy Barcus

Title: HCA Rules Coordinator

Signature: