



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

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STATE OF WASHINGTON
FILED

DATE: October 23, 2020
TIME: 8:24 AM

WSR 20-22-016

Agency: Health Care Authority

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: The Health Care Authority (HCA) is adopting emergency amendments to WAC 182-507-0130 Refugee medical assistance. Based on federal waiver approval from the federal Office of Refugee Resettlement, these amendments will implement extended refugee medical assistance benefits during this time of economic hardship caused by the COVID-19 (also known as coronavirus) pandemic.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: 182-507-0130
- Suspended:

Statutory authority for adoption: RCW 41.05.021, 41.05.160

Other authority:

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: Emergency adoption of this rule protects the health, safety, and general welfare of Washington residents by supporting ongoing access to public assistance under the refugee medical assistance program during this time of economic hardship caused by the COVID-19 (also known as coronavirus) pandemic. Since the previous emergency rulemaking filed under WSR 20-14-081, which is set to expire on October 28, 2020, the agency completed the permanent rulemaking process and filed a CR-103P *Rulemaking Order* on October 8, 2020 (WSR 20-21-008). The permanent rule is effective November 8, 2020. This emergency will cover the gap between expiration of the emergency rule and effective date of the permanent rule.

**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 ____

The number of sections adopted on the agency's own initiative:


New ____ Amended ____ Repealed ____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New ____ Amended 1 Repealed ____

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 ____

Date Adopted: October 23, 2020	Signature: 
Name: Wendy Barcus	
Title: HCA Rules Coordinator	

WAC 182-507-0130 Refugee medical assistance (RMA). (1) An individual is eligible for refugee medical assistance (RMA) if the following conditions are met. The individual:

- (a) Meets immigration status requirements of WAC 182-507-0135;
- (b) Has countable resources below one thousand dollars on the date of application;
- (c) Has countable income equal to or below two hundred percent of the federal poverty level (FPL) on the date of application. The following income is not considered when determining eligibility for RMA:
 - (i) Resettlement cash payments made by the voluntary agency (VOLAG);
 - (ii) Income of a sponsor is not counted unless the sponsor is also part of the individual's assistance unit; and
 - (iii) Income received after the date of application.

(d) Provides the name of the VOLAG which helped bring the individual to the United States so that the department of social and health services (DSHS) can promptly notify the VOLAG (or sponsor) about the medical application.

(2) An individual who receives refugee cash assistance (RCA) is eligible for RMA as long as the individual is not otherwise eligible for medicaid or a children's health care program as described in WAC 182-505-0210. An individual does not have to apply for or receive RCA in order to qualify for RMA.

(3) An individual is not eligible to receive RMA if the individual is:

- (a) Already eligible for medicaid or a children's health care program as described in WAC 182-505-0210;
- (b) A full-time student in an institution of higher education unless the educational activity is part of a DSHS-approved individual responsibility plan (IRP); or
- (c) A nonrefugee spouse of a refugee.

(4) If approved for RMA, the agency or its designee issues an approval letter in both English and the individual's primary language. The agency or its designee also sends a notice every time there are any changes or actions taken which affect the individual's eligibility for RMA.

(5) An individual may be eligible for RMA coverage of medical expenses incurred during the three months prior to the first day of the month of the application. Eligibility determination will be made according to medicaid rules.

(6) A victim of human trafficking must provide the following documentation and meet the eligibility requirements in subsections (1) and (2) of this section to be eligible for RMA:

(a) Adults, eighteen years of age or older, must provide the original certification letter from the United States Department of Health and Human Services (DHHS). No other documentation is needed. The eight-month eligibility period will be determined based on the entry date on the individual's certification letter;

(b) A child victim under the age of eighteen does not need to be certified. DHHS issues a special letter for children. Children also have to meet income eligibility requirements;

(c) A family member of a certified victim of human trafficking must have a T-2, T-3, T-4, or T-5 visa (derivative T-Visas), and the

family member must meet eligibility requirements in subsections (1) and (2) of this section.

(7) The entry date for an asylee is the date that the individual's asylum status is granted. For example, an individual entered the United States on December 1, 1999, as a tourist, then applied for asylum on April 1, 2000, interviewed with the asylum office on July 1, 2000, and was granted asylum on September 1, 2000. The date of entry is September 1, 2000, and that is the date used to establish eligibility for RMA.

(8) RMA ends on the last day of the eighth month from the month the individual entered the United States. For example, an individual who entered the United States on May 28, 2011, is eligible through the end of December 2011. You may receive RMA benefits for more months if the federal Office of Refugee Resettlement extends your eligibility period.

(9) An individual approved for RMA is continuously eligible through the end of the eighth month after the individual's entry to the United States, regardless of an increase in income.

(10) The agency, or its designee, determines eligibility for medicaid and other medical programs for an individual's spouse when the spouse arrives in the United States. If the spouse is not eligible for medicaid due to the countable income of the individual, the spouse is still eligible for RMA for eight months following the spouse's entry into the United States.

(11) An individual who disagrees with a decision or action taken on the case by the agency, or its designee, has the right to request a review of the case action(s) or request an administrative hearing (see chapter 182-526 WAC). The request must be received by the agency, or its designee, within ninety days of the date of the decision or action.