



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: July 05, 2022

TIME: 3:56 PM

WSR 22-14-102

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 agency is expanding the eligibility period for refugee medical assistance from eight months to twelve months for persons whose date of eligibility is on or after October 1, 2021. This expansion requires amendments to WAC 182-504-0015, Washington apple health – Certification periods for categorically needy programs, and WAC 182-507-0130, Refugee medical assistance.

Citation of rules affected by this order:

New: 182-504-0015, 182-507-0130
 Repealed:
 Amended:
 Suspended:

Statutory authority for adoption: RCW 41.05.021, 41.05.160

Other authority: 45 CFR 400.211

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: The director of the federal Office of Refugee Resettlement is authorized to determine the eligibility period for refugee medical assistance by publishing a final notice in the Federal Register. The director published such a notice on March 28, 2022 (87 FR 17312), which is the effective date of the eligibility period expansion. This emergency filing is necessary to implement this expansion immediately while the permanent rulemaking process is completed. The agency filed the Preproposal Statement of Inquiry (CR101) under WSR 22-14-100..

**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Federal statute:	New	___	Amended	___	Repealed	___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	<u>2</u>	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 ____ 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 2 Repealed ____

Date Adopted: July 5, 2022	Signature: 
Name: Wendy Barcus	
Title: HCA Rules Coordinator	

WAC 182-504-0015 Washington apple health—Certification periods for categorically needy programs.

(1) A certification period is the period of time we determine that you are eligible for a categorically needy (CN) Washington apple health program. Unless otherwise stated in this section, the certification period begins on the first day of the month of application and continues through the end of the last month of the certification period.

(2) For a newborn eligible for apple health, the certification period begins on the child's date of birth and continues through the end of the month of the child's first birthday.

(3) If you are eligible for apple health based on pregnancy, the certification period continues through the last day of the month the pregnancy ends. After-pregnancy coverage begins the first day of the month, following the end of the pregnancy, and ends the last day of the 12th month from the time after-pregnancy coverage began.

(4) If you are newly eligible for apple health coverage and had a pregnancy end within the last 12 months, your certification period for after-pregnancy coverage:

(a) Begins the first day of the month you are eligible; and

(b) Ends the last day of the 12th month following the end of your pregnancy.

(5) If you are eligible for the refugee program, the certification period ends at the end of the ~~((eighth))~~ 12th month following your date of entry to the United States.

(6) For all other CN coverage, the certification period is 12 months.

(7) If you are a child, eligibility is continuous throughout the certification period regardless of a change in circumstances, unless a required premium (described in WAC 182-505-0225) is not paid for three consecutive months, or you:

(a) Turn age 19;

(b) Move out-of-state; or

(c) Die.

(8) When you turn 19, the certification period ends after the re-determination process described in WAC 182-504-0125 is completed, even if the 12-month period is not over, unless:

(a) You are receiving inpatient services (described in WAC 182-514-0230) on the last day of the month you turn 19;

(b) The inpatient stay continues into the following month or months; and

(c) You remain eligible except for turning age 19.

(9) A retroactive certification period is described in WAC 182-504-0005.

(10) Coverage under premium-based programs included in apple health for kids as described in chapter 182-505 WAC begins no sooner than the month after creditable coverage ends.

WAC 182-507-0130 Refugee medical assistance (RMA). (1) You are eligible for refugee medical assistance (RMA) if all the following conditions are met. You:

- (a) Meet immigration status requirements of WAC 182-507-0135;
- (b) Have countable resources below ~~((one thousand dollars))~~ \$1,000 on the date of application;
- (c) Have countable income equal to or below ~~((two hundred))~~ 200 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 your assistance unit; and
 - (iii) Income received after the date of application.
- (d) Provide the name of the VOLAG which helped bring you 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) If you receive refugee cash assistance (RCA) you are eligible for RMA as long as you are not otherwise eligible for medicaid or a children's health care program as described in WAC 182-505-0210. You do not have to apply for or receive RCA in order to qualify for RMA.

(3) You are not eligible to receive RMA if you are:

- (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 your primary language. The agency or its designee also sends a notice every time there are any changes or actions taken which affect your eligibility for RMA.

(5) You 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) If you are a victim of human trafficking you 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))~~ 18 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 your certification letter;

(b) A child victim under the age of ~~((eighteen))~~ 18 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 asylum status is granted. For example, you 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 were 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) (a) RMA ends on either:

(i) The last day of the eighth month from the month you entered the United States if you entered the United States on or before September 30, 2021. For example, if you entered the United States on ~~((May 28, 2011))~~ September 30, 2021, you are eligible through the end of ~~((December 2011.))~~ April 2022; or

(ii) The last day of the 12th month from the month you entered the United States if you entered the United States on or after October 1, 2021. For example, if you entered the United States on October 25, 2021, you are eligible through the end of September 2022.

(b) You may receive RMA benefits for more months if you are in a category of persons for whom the federal Office of Refugee Resettlement has extended the eligibility period.

(9) If you are approved for RMA you are continuously eligible through the end of the ~~((eighth month after your entry to the United States))~~ initial RMA certification period, regardless of an increase in income.

(10) The agency, or its designee, determines eligibility for medicaid and other medical programs for your spouse when the spouse arrives in the United States. If the spouse is not eligible for medicaid due to your countable income, the spouse is still eligible for RMA ~~((for eight months following the spouse's entry into the United States))~~ under subsection (8) of this section.

(11) If you disagree with a decision or action taken on the case by the agency, or its designee, you have 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))~~ 90 days of the date of the decision or action.