



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Health Care Authority, Apple Health (Medicaid)

Emergency Rule Only

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 state's authority granted by the Centers for Medicare and Medicaid Services under section 1902(e)(14)(A) of the Social Security Act to continue its use of income rules described in the U.S. Court of Appeals Ninth Circuit decision in Sneed v. Kizer, 951 F.2d 362 (1991) has expired. The state must now comply with the requirements of 42 CFR 435.603.

Citation of existing rules affected by this order:

Repealed:
 Amended: 182-509-0360
 Suspended:

Statutory authority for adoption: RCW 41.05.021, 41.05.160

Other authority: 42 CFR 435.603

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.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding:

This rule is necessary to comply with federal regulations and to preserve coverage for individuals and families.

Date adopted: July 11, 2016

NAME (TYPE OR PRINT)

Wendy Barcus

SIGNATURE

TITLE

HCA Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 11, 2016

TIME: 11:22 AM

WSR 16-15-021

(COMPLETE REVERSE SIDE)

**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>1</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 in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

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

New	_____	Amended	<u>1</u>	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	_____

WAC 182-509-0360 MAGI income—How ((a child's)) the income of a child age eighteen or younger or a tax dependent is counted. ((For purposes of)) The medicaid agency determines income counted when determining eligibility for modified adjusted gross income (MAGI)-based Washington apple health ((WAH) (see)) under WAC 182-509-0300((+)-

~~(1) Income received by a child claimed as a tax dependent by someone else is not counted when determining the eligibility of the tax filers who claim the tax dependent.~~

~~(2) Income received by a child in a nonfiling medical assistance unit (as described in WAC 182-506-0010) is not counted when determining the eligibility of the child or the other household members in the nonfiling household.~~

~~(3) Income received by a child age eighteen or younger who is required to file his or her own tax return but who is also claimed as a tax dependent by another person is counted when determining eligibility for WAH for the child, but not the person that claims them.~~

~~(4) Income of a sibling is not counted when determining the eligibility of any other sibling in the household)).~~

(1) When determining countable income for persons described in subsections (2) through (5) of this section, the income of a child age eighteen or younger or a tax dependent is counted only when it meets the threshold required for tax filing under 26 U.S.C. Sec. 1.

(2) Determining countable income of a tax filer. The countable income includes the income of each member in the tax filer's medical assistance unit (MAU) under WAC 182-506-0012(1).

(3) Determining countable income of a tax dependent. The countable income includes the income of each member in the tax dependent's MAU under WAC 182-506-0012(2).

(4) Determining countable income of a nonfiler. The countable income includes the income of each member in the tax dependent's MAU under WAC 182-506-0012(3).

(5) Determining countable income of a child who lives with a parent who is age eighteen or younger. If a parent is age eighteen or younger and:

(a) Is a tax dependent, the countable income of the child does not include the income of the parent, and includes only the income of the child.

(b) Is not a tax dependent, the countable income of the child includes the income of the parent and the child.