

WSR 21-11-002

EMERGENCY RULES

HEALTH CARE AUTHORITY

[Filed May 6, 2021, 1:39 p.m., effective May 6, 2021, 1:39 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The agency is establishing chapter 182-521 WAC, Public health emergency rules; and creating a new section under WAC 182-521-0100 Disregarded income, to identify income that the agency does not count when determining apple health eligibility.

Citation of Rules Affected by this Order: New WAC 182-521-0100.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Other Authority: Not applicable.

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.

Reasons for this Finding: In response to the current public health emergency surrounding the outbreak of the coronavirus disease (COVID-19), along with the governor of Washington's emergency proclamations related to COVID-19, this rule making is necessary to preserve the public health, safety, and general welfare by identifying income that the health care authority (HCA) does not count when determining apple health eligibility.

This emergency filing is necessary to renew the current emergency rule which is set to expire on May 29, 2021, while the permanent rule-making process proceeds. Since the previous emergency filing under WSR 20-20-075, HCA sent a draft of the rules to external stakeholders for feedback. As a result of comments received, HCA revised these emergency rules to include changing the end date of lost wage assistance to September 6, 2021, and adding the following to the items listed as income disregards: (1) Unemployment compensation received during the public health emergency for certain non-MAGI eligibility groups, (2) payments from the pandemic relief program as authorized by the governor, and (3) federal pandemic unemployment compensation authorized by the Coronavirus Aid, Relief, and Economic Security Act of 2020 and extended by the American Rescue Plan Act of 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Date Adopted: May 6, 2021.

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Rules Coordinator

OTS-2326.5

**Chapter 182-521 WAC**  
**PUBLIC HEALTH EMERGENCY RULES**

NEW SECTION

**WAC 182-521-0100 Disregarded income and resources.** (1) The health care authority (agency) does not count as income when determining apple health eligibility any Federal Pandemic Unemployment Compensation (FPUC) or Recovery Rebates authorized under the Coronavirus Aid, Relief, and Economic Security (CARES) Act or other needs-based assistance authorized as a result of the COVID-19 public health emergency as described in this section.

(2) The agency disregards as income for medicaid determinations and eligibility cost-sharing calculations all of the following:

(a) An emergency increase in unemployment compensation benefits of an additional six hundred dollars per week issued as compensation for the period of March 18, 2020, through July 31, 2020;

(b) Unemployment compensation issued due to the federal Disaster Relief Fund authorized for states to off-set lost wages due to the COVID-19 pandemic, known as Lost Wage Assistance (LWA). This income is intended for weeks ending August 1, 2020, through September 6, 2021. The weekly amount for this benefit is three hundred dollars per week;

(c) Unemployment compensation received during the public health emergency for all nonmodified adjusted gross income (non-MAGI) eligibility groups, except for individuals receiving a special income disregard as described in WAC 182-512-0840. For these individuals, unemployment compensation is counted to determine continued eligibility for that coverage. If the result is medically needy coverage, then the disregard is applied;

(d) Payments from the pandemic relief payment program as authorized by Governor Jay Inslee on December 27, 2020; and

(e) Federal Pandemic Unemployment Compensation authorized by the Coronavirus Aid, Relief, and Economic Security Act of 2020 and extended by the American Rescue Plan Act of 2021 through September 6, 2021, in the amount of three hundred dollars per week.

(3) The agency considers Pandemic Recovery Rebates (stimulus checks) to be exempt as income and does not count them as a resource for twelve months after receipt.

(4) The agency considers needs-based assistance from other agencies or tribal entities to be exempt as income.

(5) The agency excludes income described in this section from the post-eligibility treatment of income (PETI) calculation.

(6) Any income received as unemployment compensation not described within this section is otherwise countable and the agency counts it when determining MAGI-based apple health eligibility.

(7) These rules are in effect until the later of:

(a) The date the client is receiving any benefits described in this rule; or

(b) The end of the month the Secretary of the U.S. Department of Health and Human Services declares the COVID-19 public health emergency to be over.

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