

WSR 24-06-072
EXPEDITED RULES
HEALTH CARE AUTHORITY
[Filed March 5, 2024, 9:51 a.m.]

Title of Rule and Other Identifying Information: WAC 182-513-1530
Maximum guardianship fee and related cost deductions allowed from a
client's participation or room and board on or after June 1, 2018.

Purpose of the Proposal and Its Anticipated Effects, Including
Any Changes in Existing Rules: The health care authority (HCA) is
amending this rule to correct a typographical error.

Reasons Supporting Proposal: Subsection (1)(d)(i) cites to RCW
11.92.180. The correct citation is chapter 11.130 RCW.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160.

Rule is not necessitated by federal law, federal or state court
decision.

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Brian Jensen,
P.O. Box 42716, Olympia, WA 98504-2716, 360-725-0815; Implementation
and Enforcement: Paige Lewis, P.O. Box 42722, Olympia, WA 98504-2722,
360-725-0757.

This notice meets the following criteria to use the expedited
adoption process for these rules:

Corrects typographical errors, makes address or name changes, or
clarifies language of a rule without changing its effect.

Explanation of the Reason the Agency Believes the Expedited Rule-
Making Process is Appropriate: The expedited rule-making process is
appropriate because the proposed rule corrects a typographical error.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROC-
ESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEAR-
INGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE
RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU
OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EX-
PRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rules Coor-
dinator, HCA, P.O. Box 42716, Olympia, WA 98504-2716, phone
360-725-1306, fax 360-586-9272, email arc@hca.wa.gov, AND RECEIVED BY
May 7, 2024.

March 5, 2024
Wendy Barcus
Rules Coordinator

OTS-5237.1

AMENDATORY SECTION (Amending WSR 18-10-024, filed 4/24/18, effective
6/1/18)

**WAC 182-513-1530 Maximum guardianship fee and related cost de-
ductions allowed from a client's participation or room and board on or
after June 1, 2018.** (1) General information.

(a) This section sets the maximum guardianship fee and related cost deductions when:

- (i) A court order was entered on or after June 1, 2018; or
- (ii) The client under guardianship began receiving medicaid-funded long-term services and supports on or after June 1, 2018.

(b) This section only applies to a client who is:

(i) Eligible for and receives institutional services under this chapter (~~(182-513 WAC)~~) or home and community-based waiver services under chapter 182-515 WAC, and who is required to pay participation under WAC 182-513-1380, 182-515-1509, or 182-515-1514; or

(ii) Eligible for long-term services and supports under this chapter (~~(182-513)~~) or chapter 182-515 WAC, and who is required to pay only room and board.

(c) All requirements of this section remain in full force whether or not the agency appears at a guardianship proceeding.

(d) In this section, the agency does not delegate any authority in determining eligibility or post-eligibility for medicaid clients.

(i) Under the authority granted by chapter 11.130 RCW (~~(11.92.180)~~), the agency does not deduct more than the amounts allowed by this section from participation or room and board.

(ii) The eligibility rules under Title 182 WAC remain in full force and effect.

(e) The agency does not reduce a client's participation or room and board under this section for guardianship fees or related costs accumulated during any month that a client was not required to pay:

(i) Participation under WAC 182-513-1380, 182-515-1509, or 182-515-1514; or

(ii) Room and board under this chapter (~~(182-513)~~) or chapter 182-515 WAC.

(f) If the client has another fiduciary, payee, or other principal-agency relationship and the agent is allowed compensation, any monthly guardianship fee approved under this section is reduced by the agent's compensation.

(2) Maximum guardianship fee and related cost deductions.

(a) The maximum guardianship fee and related cost deductions under this section include all guardianship services provided to the client, regardless of the number of guardians appointed to a client during a period of time, or whether the client has multiple guardians appointed at the same time.

(b) Maximum guardianship fees and related cost deductions are as follows:

(i) The total deduction for costs directly related to establishing a guardianship for a client cannot exceed \$1,850;

(ii) The total deduction for guardianship-related costs cannot exceed \$1,200 during any three-year period; and

(iii) The amount of the monthly deduction for guardianship fees cannot exceed \$235 per month.

(3) For people under subsection (1)(b)(i) of this section - Participation deductions.

(a) After receiving the court order, the agency or its designee adjusts the client's current participation to reflect the deductions under WAC 182-513-1380, 182-515-1509, or 182-515-1514.

(b) The amounts of the participation deductions are the amounts under subsection (2) of this section, or the court order, whichever are less.

(c) For clients who pay room and board in addition to participation, if the client's amount of participation is insufficient to allow

for the amounts under subsection (2) of this section, then, regardless of any provision of this chapter (~~(182-513)~~) or chapter 182-515 WAC, the client's room and board will be adjusted to allow the amounts under subsection (2) of this section.

(4) For people under subsection (1)(b)(ii) of this section - Room and board deductions.

(a) The agency adjusts the client's room and board after receiving the court order, regardless of any provision of this chapter (~~(182-513)~~) or chapter 182-515 WAC.

(b) The amounts of the room and board deductions are the amounts under subsection (2) of this section, or the court order, whichever are less.