

**WSR 24-02-048**  
**WITHDRAWAL OF**  
**EXPEDITED RULE MAKING**  
**HEALTH CARE AUTHORITY**  
[Filed December 28, 2023, 8:28 a.m.]

The health care authority (HCA) requests withdrawal of expedited rule making filed as WSR 24-01-078, distributed in the 24-01 State Register. HCA is refiling the CR-105 under WSR Issue 24-02 with revised text.

Wendy Barcus  
Rules Coordinator

## WSR 24-02-049

## EXPEDITED RULES

## HEALTH CARE AUTHORITY

[Filed December 28, 2023, 10:23 a.m.]

Title of Rule and Other Identifying Information: WAC 182-513-1105 Personal needs allowance (PNA) and room and board standards in a medical institution and alternate living facility (ALF).

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The health care authority (HCA) is amending this rule to comply with statutory program requirements in RCW 74.09.340.

This replaces the previously filed expedited rule making filed under WSR 24-01-078, and subsequently withdrawn under WSR 24-02-048. HCA revised the proposed rule as a result of a stakeholder's comment.

Reasons Supporting Proposal: The legislature amended the personal needs allowance governing statute (RCW 74.09.340) so that the cost-of-living adjustment is no longer subject to the availability of appropriated funds. See chapter 201, Laws of 2023 (HB 1128). HCA is amending this rule to comply with the statute by removing language stating that the cost-of-living adjustment is subject to state legislative funding.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Statute Being Implemented: RCW 41.05.021, 41.05.160, 74.09.340.

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:

Content is explicitly and specifically dictated by statute.

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 makes amendments dictated by RCW 74.09.340.

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, 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 EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO HCA Rules Coordinator, 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 March 5, 2024.

December 28, 2023  
Wendy Barcus  
Rules Coordinator

OTS-5119.2

AMENDATORY SECTION (Amending WSR 23-04-034, filed 1/25/23, effective 2/25/23)

**WAC 182-513-1105 Personal needs allowance (PNA) and room and board standards in a medical institution and alternate living facility (ALF).** (1) This section describes the personal needs allowance (PNA), which is an amount set aside from a client's income that is intended for personal needs, and the room and board standard.

(2) The PNA in a state veteran's nursing facility:

(a) Is indicated on the chart described in subsection (8) of this section as "All other PNA Med Inst.", for a veteran without a spouse or dependent children receiving a needs-based veteran's pension in excess of \$90;

(b) Is indicated on the chart described in subsection (8) of this section as "All other PNA Med Inst.", for a veteran's surviving spouse with no dependent children receiving a needs-based veteran's pension in excess of \$90; or

(c) Is \$160 for a client who does not receive a needs-based veteran's pension.

(3) The PNA in a medical institution for clients receiving aged, blind, or disabled (ABD) cash assistance or temporary assistance for needy families (TANF) cash assistance is the client's personal and incidental (CPI) cash payment, as described in WAC 388-478-0006, based on residing in a medical institution, which is \$41.62.

(4) The PNA in an alternate living facility (ALF) for clients receiving ABD cash assistance or TANF cash assistance is the CPI, as described in WAC 388-478-0006, based on residing in an ALF that is not an adult family home, which is \$38.84.

(5) The PNA for clients not described in subsections (2), (3), and (4) of this section, who reside in a medical institution or in an ALF, is indicated on the chart described in subsection (8) of this section as "All other PNA Med Inst." and "HCS & DDA Waivers, CFC & MPC PNA in ALF."

(6) Effective January 1, ~~((2018))~~ 2024, and each year thereafter, the amount of the PNA in subsection (5) of this section ~~((may))~~ will be adjusted by the percentage of the cost-of-living adjustment (COLA) for old-age, survivors, and disability social security benefits as published by the federal Social Security Administration ~~((This adjustment is subject to state legislative funding))~~, per RCW 74.09.340.

(7) The room and board standard in an ALF used by home and community services (HCS) and the developmental disabilities administration (DDA) is based on the federal benefit rate (FBR) minus the current PNA as described under subsection (5) of this section.

(8) The current PNA and room and board standards used in long-term services and supports are published under the institutional standards on the Washington apple health (medicaid) income and resource standards chart located at [www.hca.wa.gov/free-or-low-cost-health-care/i-help-others-apply-and-access-apple-health/program-standard-income-and-resources](http://www.hca.wa.gov/free-or-low-cost-health-care/i-help-others-apply-and-access-apple-health/program-standard-income-and-resources).

**WSR 24-02-077**  
**EXPEDITED RULES**  
**PROFESSIONAL EDUCATOR**  
**STANDARDS BOARD**

[Filed January 2, 2024, 12:01 p.m.]

Title of Rule and Other Identifying Information: WAC 179-03-020 Paraeducator minimum employment requirements.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Presently, RCW 28A.413.040 Minimum employment requirements, and WAC 179-03-020 Paraeducator minimum employment requirements, are out of alignment.

Reasons Supporting Proposal: The RCW reflects the expanded assessments as a result of the law change, but the WAC still lists education testing service paraeducator assessment as the only assessment option. Filing an expedited rule change for WAC 179-03-020 Paraeducator minimum employment requirements, will bring RCW and WAC around minimum employment requirements into agreement.

Statutory Authority for Adoption: RCW 28A.413.040.

Statute Being Implemented: RCW 28A.413.040.

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

Name of Proponent: Professional educator standards board, governmental.

Name of Agency Personnel Responsible for Drafting: Tristan Wiley, P.O. Box 47236, 600 Washington Street S.E., Olympia, WA 98504-7236, 564-233-1255; Implementation: Fernanda Diaz, P.O. Box 47236, 600 Washington Street S.E., Olympia, WA 98504-7236, 360-819-3662; and Enforcement: Erica Hernandez-Scott, P.O. Box 47236, 600 Washington Street S.E., Olympia, WA 98504-7236, 360-890-2443.

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.

Content is explicitly and specifically dictated by statute.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: Presently, RCW 28A.413.040 Minimum employment requirements, and WAC 179-03-020 Paraeducator minimum employment requirements, are out of alignment.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, 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 EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Tristan Wiley, Professional Educator Standards Board, P.O. Box 47236, 600 Washington Street S.E., Olympia, WA 98504-7236, phone 564-233-1255, email [Tristan.wiley@k12.wa.us](mailto:Tristan.wiley@k12.wa.us), AND RECEIVED BY March 5, 2024.

December 20, 2023  
Tristan Wiley  
Rules Coordinator

## OTS-5057.1

AMENDATORY SECTION (Amending WSR 18-16-102, filed 7/31/18, effective 8/31/18)

**WAC 179-03-020 Paraeducator minimum employment requirements.**

(1) (a) A person working as a paraeducator for the employing school district before or during the 2017-18 school year must meet the requirements of subsection (2) of this section by the date of hire for the 2019-20 school year or any subsequent school year.

(b) A person who has not previously worked as a paraeducator for the employing school district must meet the requirements of subsection (2) of this section by the date of hire for the 2018-19 school year or any subsequent school year.

(2) The minimum employment requirements for paraeducators are as provided in this subsection. A paraeducator must:

(a) Be at least ~~((eighteen))~~ 18 years of age and hold a high school diploma or its equivalent, as described in WAC 179-03-022; and

(b) In addition, a paraeducator must meet one or more of the following:

(i) Have received a ~~((qualifying))~~ passing score on ~~((the education testing service paraeducator))~~ one of the assessments ~~((as published by the professional educator standards))~~ approved by the board; or

(ii) Hold an associate degree or higher from an accredited college or university; or

(iii) Have earned ~~((seventy-two))~~ 72 quarter credits or ~~((forty-eight))~~ 48 semester credits at the ~~((one hundred))~~ 100 level or higher at an accredited college or university; or

(iv) Have completed an apprenticeship as a paraeducator, in a program registered with the Washington state apprenticeship and training council.