

WSR 21-19-013

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Aging and Long-Term Support Administration)

[Filed September 3, 2021, 2:17 p.m., effective October 4, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The department is amending WAC 388-106-0250 to ensure that roads to community living eligibility aligns with the federal Money Follows the Person (MFP) demonstration eligibility criteria. The Consolidated Appropriations Act of 2021, Section 204, outlines an extension of MFP rebalancing demonstration and changes the institutional residency period requirement, striking the 90-day institutional eligibility period and inserting a 60-day institutional period. It also generalizes the settings where MFP participants may receive services striking through the qualified community setting with four of [or] less unrelated individuals and inserting home and community-based setting.

Citation of Rules Affected by this Order: Amending WAC 388-106-0250.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.520; Affordable Care Act (ACA), Deficit Reduction Act of 2005 (P.L. 209-171), and Consolidate[d] Appropriations Act of 2021 (Section 204).

Other Authority: ESSB 6199 in 2018.

Adopted under notice filed as WSR 21-14-082 on July 6, 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 1, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: September 3, 2021.

Katherine I. Vasquez
Rules Coordinator

SHS-4878.1

AMENDATORY SECTION (Amending WSR 14-01-112, filed 12/18/13, effective 1/18/14)

WAC 388-106-0250 What is the roads to community living (RCL) demonstration project and who is eligible? (1) Roads to community living (RCL) is a demonstration project, funded by a "money follows the person" grant originally authorized under section 6071 of the Deficit Reduction Act of 2005 (P.L. 109-171) and extended through the Pa-

tient Affordable Care Act (P.L. 111-148). It is designed to test services and supports which help customers move from institutional settings into the community if they wish to.

(2) To be eligible, the department must assess your needs in CARE per chapter 388-106 or 388-845 WAC and you must:

(a) Have a continuous stay of at least ~~((90))~~ sixty days in a qualified institutional setting (hospital, nursing home, residential habilitation center);

(i) Any days you were solely receiving medicare-paid, short term rehabilitation services are excluded from the ~~((90))~~ sixty days.

(ii) If you are discharging from a state psychiatric hospital and meet the length of stay criteria, you must be under age ~~((22))~~ twenty-two, or age ~~((65))~~ sixty-five and older.

(b) Have received at least one day of medicaid-paid inpatient services immediately prior to discharge from the institutional setting;

(c) Intend to move to a ~~((qualified))~~ home and community based setting (home, apartment, licensed residential setting ~~((with four or less unrelated individuals))~~); and

(d) On the day of discharge, you must be functionally and financially eligible for, but are not required to receive, medicaid waiver or state plan services.

[Statutory Authority: RCW 74.08.090, 74.09.520, and Affordable Care Act (ACA). WSR 14-01-112, § 388-106-0250, filed 12/18/13, effective 1/18/14. Statutory Authority: RCW 74.08.090, 74.09.520, and Deficit Reduction Act of 2005 (P.L. 109-171). WSR 08-18-046, § 388-106-0250, filed 8/29/08, effective 9/29/08.]