

WSR 21-22-063

PROPOSED RULES

HEALTH CARE AUTHORITY

[Filed October 28, 2021, 3:43 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-13-047.

Title of Rule and Other Identifying Information: WAC 182-508-0005 Eligibility for Washington apple health medical care services eligibility and scope of coverage and 182-508-0150 Enrollment cap for medical care services (MCS).

Hearing Location(s): On December 7, 2021, at 10:00 a.m. The health care authority (HCA) remains closed in response to the coronavirus disease (COVID-19) public health emergency. Until further notice, HCA continues to hold public hearings virtually without a physical meeting place. This promotes social distancing and the safety of the residents of Washington state. Register in advance for this webinar https://zoom.us/webinar/register/WN_02NigG27RGGZF3b8fcFbJw. After registering, you will receive a confirmation email containing information about joining the webinar.

Date of Intended Adoption: Not sooner than December 8, 2021.

Submit Written Comments to: HCA rules coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email arc@hca.wa.gov, fax 360-586-9727, by December 7, 2021.

Assistance for Persons with Disabilities: Contact Amber Lougheed, phone 360-725-1349, fax 360-586-9727, telecommunication[s] relay service 711, email amber.lougheed@hca.wa.gov, by November 19, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: To comply with 3SSB 5164, chapter 136, Laws of 2020, HCA is amending these rules to include eligibility for persons covered under the survivors of certain crimes program.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160; and 3SSB 5164, chapter 136, Laws of 2020.

Statute Being Implemented: RCW 41.05.021, 41.05.160; and 3SSB 5164, chapter 136, Laws of 2020.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Jason Crabbe, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-9563; Implementation and Enforcement: Dody McAlpine, P.O. Box 45534, Olympia, WA 98504-5534, 360-725-9964.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 does not apply to HCA rules unless requested by the joint administrative rules review committee or applied voluntarily.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The changes to the proposed rules apply to clients and do not impose any costs on businesses.

October 28, 2021

Wendy Barcus

OTS-3230.3

AMENDATORY SECTION (Amending WSR 14-16-019, filed 7/24/14, effective 8/24/14)

- WAC 182-508-0005 ((Eligibility for)) Washington apple health medical care services—Eligibility and scope of coverage.** (1) A person is eligible for state-funded Washington apple health ~~((WAH))~~ medical care services (MCS) coverage to the extent of available funds if the person is:
- (a) Determined by the department of social and health services to be eligible for benefits under ~~((either))~~:
 - (i) The aged, blind, or disabled program as described in WAC 388-400-0060 ~~((or))~~;
 - (ii) The housing and essential needs referral program as described in WAC 388-400-0070; or
 - (iii) The survivors of certain crimes (SCC) program, as described in WAC 388-424-0035, including victims of human trafficking; and
 - (b) Not eligible for another federally funded categorically needy (CN) (as defined in WAC 182-500-0020) or alternative benefits plan (ABP) (as defined in WAC 182-500-0010) ~~((WAH))~~ Washington apple health program.
- (2) If an enrollment cap exists under WAC 182-508-0150, a waiting list of ~~((persons))~~ people may be established.
- (3) A person's period of eligibility for MCS is the same as ~~((either))~~ the person's period of eligibility for:
 - (a) The aged, blind, or disabled program as described in WAC 388-449-0150 ~~((or))~~;
 - (b) The person's incapacity authorization period for the housing and essential needs referral program as described in WAC 388-447-0110; or
 - (c) The person's period of eligibility for the SCC program as described in WAC 388-424-0035.
- (4) The MCS program covers only the medically necessary services defined in WAC 182-501-0060.
- (5) The MCS program does not cover medical services received outside the state of Washington unless the medical services are provided in a border city listed in WAC 182-501-0175.

[Statutory Authority: RCW 41.05.021, 41.05.160, Public Law 111-148, 42 C.F.R. § 431, 435, and 457, and 45 C.F.R. § 155. WSR 14-16-019, § 182-508-0005, filed 7/24/14, effective 8/24/14. Statutory Authority: RCW 41.05.021, 74.09.035, and 2011 1st sp.s. c 36. WSR 12-19-051, § 182-508-0005, filed 9/13/12, effective 10/14/12.]

AMENDATORY SECTION (Amending WSR 14-16-019, filed 7/24/14, effective 8/24/14)

WAC 182-508-0150 Enrollment cap for medical care services (MCS).

(1) Enrollment in medical care services (MCS) coverage is subject to available funds.

(2) The medicaid agency may limit enrollment into MCS coverage by implementing an enrollment cap and wait list.

(3) If a person is denied MCS coverage due to an enrollment cap:

(a) The person is added to the MCS wait list based on the date the person applied.

(b) Applicants with the oldest application date will be the first to receive an opportunity for enrollment when MCS coverage is available as long as the person remains on the MCS wait list.

(4) A person is exempted from the enrollment cap and wait list rules when:

(a) MCS was terminated due to agency error;

(b) The person is in the thirty-day reconsideration period for incapacity reviews under WAC 388-447-0110(4);

(c) The person is being terminated from a categorically needy (CN) medical program and was receiving and eligible for CN coverage prior to the date a wait list was implemented and at the time their CN coverage ended, the person met eligibility criteria to receive benefits under either the aged, blind, or disabled program as described in WAC 388-400-0060 or the housing and essential needs referral program as described in WAC 388-400-0070; or

(d) The person applied for a determination by the department of social and health services (DSHS) to be eligible for benefits under ((either)) one of the following programs, but the determination was not completed before the enrollment cap effective date:

(i) The aged, blind, or disabled program as described in WAC 388-400-0060 ((or));

(ii) The housing and essential needs referral program as described in WAC 388-400-0070 ((, but the determination was not completed prior to the enrollment cap effective date)); or

(iii) The survivors of certain crimes (SCC) program, as described in WAC 388-424-0035, including victims of human trafficking.

(5) The person is removed from the MCS wait list if the person:

(a) Is not a Washington resident;

(b) Is deceased;

(c) Requests removal from the wait list;

(d) Is found eligible for categorically or medically needy coverage; or

(e) Is no longer determined by DSHS to be eligible for benefits under ((either)):

(i) The aged, blind, or disabled program as described in WAC 388-400-0060 ((or));

(ii) The housing and essential needs referral program as described in WAC 388-400-0070; or

(iii) The SCC program as described in WAC 388-424-0035.

[Statutory Authority: RCW 41.05.021, 41.05.160, Public Law 111-148, 42 C.F.R. § 431, 435, and 457, and 45 C.F.R. § 155. WSR 14-16-019, § 182-508-0150, filed 7/24/14, effective 8/24/14. Statutory Authority: RCW 41.05.021, 74.09.035, and 2011 1st sp.s. c 36. WSR 12-19-051, § 182-508-0150, filed 9/13/12, effective 10/14/12.]