

WSR 22-20-049

PERMANENT RULES

HEALTH CARE AUTHORITY

[Filed September 28, 2022, 2:31 p.m., effective January 1, 2023]

Effective Date of Rule: January 1, 2023.

Purpose: The agency amended this rule to update subsection (3) to include language regarding the out-of-state alumni population as mandated by the SUPPORT Act, section 1002. The SUPPORT Act, P.L. 115-271, makes changes to the new coverage group created under the Affordable Care Act that extends medicaid coverage to former foster youth (alumni). This change expands the coverage group so former foster youth who have aged out of foster care in any state at the age of 18 can have medicaid coverage in any other state through the age of 26. Other housekeeping changes include the change of agencies from the children's administration to what is now the department of children, youth, and families (DCYF). Group home is now referred to as a community facility and managed by DCYF's juvenile rehabilitation. Subsection (2)(d)(v) was removed as the voluntary placement waiver program is no longer operating.

Citation of Rules Affected by this Order: Amending WAC 182-505-0211.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Other Authority: P.L. 115-271, Section 1002.

Adopted under notice filed as WSR 22-17-154 on August 23, 2022.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 1, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: September 28, 2022.

Wendy Barcus
Rules Coordinator

OTS-4012.1

AMENDATORY SECTION (Amending WSR 17-12-017, filed 5/30/17, effective 6/30/17)

WAC 182-505-0211 Washington apple health—Foster care. (1) A ((person)) client under the age of ((nineteen)) 18 is eligible for Washington apple health foster care coverage when they:

(a) Are in foster care, as determined by the department of children, youth, and families (DCYF), under the legal responsibility of

the state, or a federally recognized tribe located within the state; and

(b) Meet Washington residency requirements as described in WAC 182-503-0520 or 182-503-0525.

(2) A ~~((person))~~ client age ~~((twenty))~~ 20 or younger is eligible for coverage when the ~~((person))~~ client meets:

(a) Washington residency requirements as described in WAC 182-503-0520 or 182-503-0525;

(b) Citizenship or immigration status requirements as described in WAC 182-503-0535;

(c) Social Security number requirements as described in WAC 182-503-0515; and

(d) One of the following requirements:

(i) Is in foster care, or is eligible for continued foster care services as determined by ~~((the children's administration))~~ DCYF, under the legal responsibility of the state, or a federally recognized tribe located within the state; or

(ii) Receives subsidized adoption services through ~~((the children's administration))~~ DCYF; or

(iii) Is enrolled in the unaccompanied refugee minor (URM) program as authorized by the office of refugee and immigrant assistance (ORIA); or

(iv) Is living in a ~~((group home))~~ community facility (as defined in WAC 110-700-0005) operated or contracted by ~~((the juvenile rehabilitation administration; or~~

~~(v) Is placed in a foster home or group home through the voluntary placement waiver program managed by the division of developmental disabilities))~~ DCYF's juvenile rehabilitation.

(3) A ~~((person))~~ client age ~~((nineteen))~~ 18 or older but under age ~~((twenty-six))~~ 26 is eligible for Washington apple health coverage when the ~~((person))~~ client:

(a) Was ~~((both))~~ in foster care under the legal responsibility of ~~((the))~~ any state or a federally recognized tribe located within ~~((the))~~ any state ~~((and enrolled in medicaid))~~:

(i) On the ~~((person's eighteenth))~~ client's 18th birthday; or

(ii) At such higher age ~~((at which))~~ as to when the state or tribe extends foster care ~~((assistance ended))~~ coverage; and

(b) Meets residency, Social Security number, and citizenship requirements as described in subsection (2) of this section.

(4) A ~~((person))~~ client described in subsections (1) through (3) of this section is not eligible for full-scope coverage if the ~~((person))~~ client is confined to a public institution as defined in WAC 182-500-0050, except:

(a) If the ~~((person))~~ client is under age ~~((twenty-one))~~ 21;

(b) Resides in an institution for mental disease (IMD); and

(c) Meets the institutional status requirements in WAC ~~((182-505-0240))~~ 182-513-1320, 182-514-0250, or 182-514-0260.

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 17-12-017, § 182-505-0211, filed 5/30/17, effective 6/30/17. Statutory Authority: RCW 41.05.021, Patient Protection and Affordable Care Act (P.L. 111-148), 42 C.F.R. §§ 431, 435, 457, and 45 C.F.R. § 155. WSR 14-01-021, § 182-505-0211, filed 12/9/13, effective 1/9/14.]