

WSR 23-11-123

PROPOSED RULES

HEALTH CARE AUTHORITY

[Filed May 22, 2023, 5:48 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-05-080.

Title of Rule and Other Identifying Information: WAC 182-540-030
Kidney disease program (KDP)—Resource eligibility.

Hearing Location(s): On June 27, 2023, at 10:00 a.m. The health care authority (HCA) holds public hearings virtually without a physical meeting place. To attend the virtual public hearing, you must register in advance https://us02web.zoom.us/webinar/register/WN_Y517j7-oTzq4pOEKrMh1bg. If the link above opens with an error message, please try using a different browser. After registering, you will receive a confirmation email containing information about joining the public hearing.

Date of Intended Adoption: June 28, 2023.

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 June 27, 2023, by 11:59 p.m.

Assistance for Persons with Disabilities: Contact Johanna Larson, phone 360-725-1349, fax 360-586-9727, telecommunication[s] relay service 711, email Johanna.Larson@hca.wa.gov, by June 9, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency is amending this rule to remove the website link referencing where the qualified medicare beneficiary (QMB) resource standards for an individual and a couple are listed. Under recent legislation, ESSB 5693, section 205(26), chapter 297, Laws of 2022, countable resources are no longer required for other eligibility programs. As a result, HCA removed the QMB resource standards chart from its website. There is still a resource standard for the kidney disease program (KDP); since QMB no longer has a resource standard as of January 1, 2023, HCA will amend the rule to include that the KDP resource standard is based on the federal low-income subsidy (LIS) program with a hyperlink to HCA's program standard for income and resources website.

Reasons Supporting Proposal: See purpose.

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.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: None.

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Valerie Freudenstein, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1344; Implementation and Enforcement: Stefanie Slakey, P.O. Box 55644, Olympia, WA 98504-5644, 360-725-1243.

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.

Scope of exemption for rule proposal from Regulatory Fairness Act requirements:

Is not exempt.

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 rule is being revised to remove language about the QMB resource standard and add/clarify that KDP still has a resource standard which is based on the federal LIS program. The proposed rule pertains to clients and therefore does not impose any costs on businesses.

May 22, 2023
Wendy Barcus
Rules Coordinator

OTS-4458.2

AMENDATORY SECTION (Amending WSR 16-01-033, filed 12/8/15, effective 1/8/16)

WAC 182-540-030 Kidney disease program (KDP)—Resource eligibility. (1) The person's household must have countable resources at or below the limits established (~~(for the qualified medicare beneficiary (QMB))~~) in the federal low-income subsidy (LIS) program for the person to be eligible for the kidney disease program. (~~(QMB resource standards for an individual and a couple are listed at: <http://www.hca.wa.gov/medicaid/eligibility/pages/standards.aspx>)~~) LIS resource standards are listed at <https://www.hca.wa.gov/free-or-low-cost-health-care/i-help-others-apply-and-access-apple-health/program-standard-income-and-resources>.

(2) See WAC 182-540-021 to determine who must be included in the household when making a determination of whose resources count.

(3) The following resources are not counted:

(a) A home, defined as real property owned by a client as their principal place of residence together with surrounding and contiguous property;

(b) Household furnishings;

(c) One burial plot per household member or irrevocable burial plans with a mortuary;

(d) Up to (~~(one thousand five hundred dollars)~~) \$1,500 for a person or (~~(three thousand dollars)~~) \$3,000 for a couple set aside in a revocable burial account;

(e) Any resource which is specifically excluded by federal law.

(4) The agency follows rules for SSI-related medicaid determinations described in WAC 182-512-0200 through 182-512-0550 when determining whether any other resources are countable with the exception of subsection (5) of this section.

(5) The agency follows rules in chapter 182-516 WAC when a person owns a trust, an annuity, or a life estate.

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 16-01-033, § 182-540-030, filed 12/8/15, effective 1/8/16. Statutory Authority: RCW 41.05.021. WSR 13-23-065, § 182-540-030, filed 11/18/13, effective 1/1/14.]