

## WSR 23-21-068

## PROPOSED RULES

## HEALTH CARE AUTHORITY

[Filed October 12, 2023, 4:10 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-17-042.

Title of Rule and Other Identifying Information: WAC 182-559-300  
Eligibility for community support services.

Hearing Location(s): On November 21, 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\\_F8flPPyoSyqDs-EZHwgrLQ](https://us02web.zoom.us/webinar/register/WN_F8flPPyoSyqDs-EZHwgrLQ). If the link 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: November 22, 2023.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email [arc@hca.wa.gov](mailto:arc@hca.wa.gov), fax 360-586-9727, by November 21, 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](mailto:Johanna.larson@hca.wa.gov), by November 10, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: HCA intends to lower the minimum eligibility age for community support services from age 18 to age 16.

Reasons Supporting Proposal: This proposed rule will allow more people to receive supportive housing services that aim to reduce homelessness and improve health outcomes.

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.

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Melinda Froud, P.O. Box 42716, Olympia, WA 98605 [98504]-2716, 360-725-1408; Implementation and Enforcement: Matthew Christie, P.O. Box 42730, Olympia, WA 98504-2730, 360-725-1015.

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 proposed rule change pertains to client eligibility and does not impose any costs on businesses.

October 12, 2023  
Wendy Barcus  
Rules Coordinator

## OTS-4866.1

AMENDATORY SECTION (Amending WSR 21-23-052, filed 11/10/21, effective 12/11/21)

**WAC 182-559-300 Eligibility for community support services.** To be eligible for community support services, a client must:

- (1) Be age (~~(eighteen)~~) 16 or older;
- (2) Be eligible for Washington apple health (medicaid);
- (3) Meet at least one of the following health criteria and be expected to benefit from community support services:
  - (a) Clients assessed by a licensed behavioral health agency, under chapter 246-341 WAC, to have a behavioral health need, which is defined as one or both of the following criteria:
    - (i) Mental health needs, including a need for improvement, stabilization, or prevention of deterioration of functioning (including the ability to live independently without support) resulting from the presence of a mental illness; or
    - (ii) Substance use needs determined by an assessment using the American Society of Addiction Medicine (ASAM) criteria indicates that the client meets at least ASAM level 1.0, indicating the need for outpatient substance use disorder (SUD) treatment. The ASAM is a multi-dimensional assessment approach for determining a client's need for SUD treatment.
  - (b) Clients assessed via a CARE assessment, per WAC 388-106-0050, to have a need for assistance demonstrated by:
    - (i) The need for assistance with at least three activities of daily living (ADLs) defined in WAC 388-106-0010, one of which may be body care; or
    - (ii) The need for hands-on assistance with at least one ADL which may include body care.
  - (c) Clients assessed to be a homeless person with a disability, according to 24 C.F.R. 578.3, which is defined as a long continuing or indefinite physical condition requiring improvement, stabilization, or prevention of deterioration of functioning (including ability to live independently without support).
- (4) Exhibit at least one of the following risk factors:
  - (a) Homeless clients who:
    - (i) Have been homeless for at least (~~(twelve)~~) 12 months; or
    - (ii) Have been homeless on at least four separate occasions in the last three years, as long as the combined occasions equal at least (~~(twelve)~~) 12 months.  
Homeless is defined as living in a safe haven, an emergency shelter, or a place not meant for human habitation. See 24 C.F.R. 578.3.
  - (b) A history of frequent or lengthy institutional contact.
    - (i) Institutional care facilities include jails, substance use disorder or mental health treatment facilities, hospitals, or other similar facilities, as defined in 24 C.F.R. 578.3, or skilled nursing facilities as defined in WAC 388-97-0001.
    - (ii) Frequent means more than one contact in the past (~~(twelve)~~) 12 months.
    - (iii) Lengthy means (~~(ninety)~~) 90 or more consecutive days within an institutional setting in the past (~~(twelve)~~) 12 months.
  - (c) A history of frequent stays at adult residential care facilities as defined by WAC 388-110-020 or residential treatment facilities

as defined by WAC 246-337-005. Frequent means more than one contact in the past (~~(twelve)~~) 12 months.

(d) Have frequent turnover of in-home caregivers as defined by WAC 388-106-0040, where within the last (~~(twelve)~~) 12 months the client utilized three or more different in-home caregiver providers and the current placement is not appropriate for the client.

(e) Have a predictive risk score of 1.5 or above. See WAC 182-557-0225.

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 21-23-052, § 182-559-300, filed 11/10/21, effective 12/11/21; WSR 18-15-007, § 182-559-300, filed 7/6/18, effective 8/6/18. Statutory Authority: RCW 41.05.021, 41.05.160, 2014 c 225 § 9 (1)(i) and 2016 1st sp.s c 36 § 213 (1)(f) and (g). WSR 17-11-136, § 182-559-300, filed 5/24/17, effective 7/1/17.]