

## WSR 24-16-113

## PROPOSED RULES

## HEALTH CARE AUTHORITY

[Filed August 5, 2024, 10:58 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-13-063.

Title of Rule and Other Identifying Information: WAC 182-505-0100 Monthly income standards for MAGI-based programs, and 182-509-0305 MAGI income—Persons subject to the modified adjusted gross income (MAGI) methodology.

Hearing Location(s): On September 10, 2024, 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\\_J5FUI0dEQXyGt7tux4U4Rw](https://us02web.zoom.us/webinar/register/WN_J5FUI0dEQXyGt7tux4U4Rw). 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: Not sooner than September 11, 2024.

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, beginning August 6, 2024, 8:00 a.m., by September 10, 2024, by 11:59 p.m.

Assistance for Persons with Disabilities: Contact Johanna Larson, phone 360-725-1349, fax 360-586-9727, telecommunications relay service 711, email [Johanna.Larson@hca.wa.gov](mailto:Johanna.Larson@hca.wa.gov), by August 30, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: HCA is amending its rules to increase the income standards for pregnancy and postpartum groups from 193 percent to 210 percent of the federal poverty level. This increase is consistent with RCW 74.09.830 and 74.09.839.

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, 74.09.830, 74.09.839.

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

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Brian Jensen, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-0815; Implementation and Enforcement: Kristina Bair, P.O. Box 42722, Olympia, WA 98504-2722, 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.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: The proposed rule implements legislative directives arising from chapter 213, Laws of 2024 (2E2SSB 5580), that are codified at RCW 74.09.830 and 74.09.839. The proposed rule

pertains to client program eligibility and does not impose costs on businesses.

Scope of exemption for rule proposal:  
Is fully exempt.

August 5, 2024  
Wendy Barcus  
Rules Coordinator

**OTS-5591.1**

AMENDATORY SECTION (Amending WSR 22-11-004, filed 5/5/22, effective 6/5/22)

**WAC 182-505-0100 Monthly income standards for MAGI-based programs.** (1) Each year, the federal government publishes new federal poverty level (FPL) income standards in the Federal Register found at <https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines/prior-hhs-poverty-guidelines-federal-register-references>.

(a) The income standards for the following Washington apple health programs change on the first day of April every year based on the new FPL, except for subsections (2) and (3) of this section.

(b) The agency determines income eligibility by comparing countable income (~~as determined~~) of the person's medical assistance unit (MAU), as determined under WAC 182-506-0010 and 182-506-0012, to the applicable income standard. Rules for determining countable income are in chapter 182-509 WAC.

(2) Parents and caretaker relatives under WAC 182-505-0240 must have countable income equal to or below the following standards:

Medical Assistance Unit Size	1	2	3	4	5	6	7	8	9	10	11+
Income Standard	\$511	\$658	\$820	\$972	\$1,127	\$1,284	\$1,471	\$1,631	\$1,792	\$1,951	\$1,951

(3) Parents and caretaker relatives with earned income above the limits in subsection (2) of this section are the only people who may be eligible for the transitional medical program described in WAC 182-523-0100.

(4) Adults described in WAC 182-505-0250 who are not eligible under subsection (2) or (3) of this section must have countable income equal to or below (~~one hundred thirty-three~~) 133 percent of the FPL.

(5) Pregnant people described in WAC 182-505-0115 must have countable income equal to or below (~~one hundred ninety-three~~) 210 percent of the FPL.

(6) Children with countable income:

(a) Equal to or below (~~two hundred ten~~) 210 percent of the FPL as described in WAC 182-505-0210 (~~(3)(a)(i)~~) receive coverage at no cost.

(b) Greater than (~~two hundred ten~~) 210 percent but equal to or less than (~~three hundred twelve~~) 312 percent as described in WAC 182-505-0210 (~~(3)(a)(ii)~~) receive premium-based coverage. Premium amounts are described in WAC 182-505-0225.

OTS-5592.1

AMENDATORY SECTION (Amending WSR 24-10-083, filed 4/30/24, effective 7/1/24)

**WAC 182-509-0305 MAGI income—Persons subject to the modified adjusted gross income (MAGI) methodology.** (1) Eligibility for Washington apple health for the following people is determined using the modified adjusted gross income (MAGI) methodology described in WAC 182-509-0300:

(a) Parents or caretaker relatives with an eligible dependent child (described in WAC 182-503-0565) whose net countable income is below 54 percent of the federal poverty level (FPL) as described in WAC 182-505-0240.

(b) Parents or caretaker relatives with an eligible dependent child whose net countable income exceeds the standard described in (a) of this subsection but is at or below 133 percent FPL as described in WAC 182-505-0250 and 182-507-0110.

(c) Adults with no eligible dependent child with net countable income at or below 133 percent FPL as described in WAC 182-505-0250 and 182-507-0110.

(d) Pregnant people whose net countable income, based on a household size that includes any unborn children, is equal to or below ~~((193))~~ 210 percent FPL at the time of application, as described in WAC 182-505-0115.

(e) People within the 12-month postpartum period beginning the month after the pregnancy ends whose net countable income is equal to or below ~~((193))~~ 210 percent FPL at the time of application, as described in WAC 182-505-0115.

(f) Children age 18 or younger in households with net countable income which is equal to or below 210 percent FPL, as described in WAC 182-505-0210 ~~((3)(a))~~.

(g) Children age 18 or younger in households with net countable income that is ~~((between))~~ greater than 210 percent ~~((and))~~ but equal to or below 312 percent FPL, as described in WAC 182-505-0215. Children who are eligible under this section are subject to premiums as described in WAC 182-505-0225.

(h) People age 18 and older who have income over 150 percent FPL who are financially and functionally eligible to receive the community behavioral health support services (CBHS) benefit, as described in chapter 182-561 WAC.

(2) Household size for a person who is subject to MAGI income methodologies is determined according to WAC 182-506-0010.