

WSR 21-04-074

EMERGENCY RULES

HEALTH CARE AUTHORITY

[Filed January 29, 2021, 1:58 p.m., effective January 29, 2021, 1:58 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The agency is establishing chapter 182-521 WAC, Public health emergency rules; and creating WAC 182-521-0100 Disregarded income, to identify income that the agency does not count when determining apple health eligibility.

Citation of Rules Affected by this Order: New WAC 182-521-0100.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Other Authority: Not applicable.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: In response to the current public health emergency surrounding the outbreak of the coronavirus disease (COVID-19), along with the governor of Washington's emergency proclamations related to COVID-19, this rule making is necessary to preserve the public health, safety, and general welfare by identifying income that the agency does not count when determining apple health eligibility.

This continues the current emergency rule which is set to expire on January 30, 2021. Since the previous emergency rule making filed under WSR 20-20-075, the health care authority (HCA) has continued to work on the permanent rule. The HCA workgroup has completed the draft of the rules and the HCA internal review process has begun. HCA anticipates having a draft ready for external stakeholders to review in March 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 1, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 1, Amended 0, Repealed 0.

Date Adopted: January 29, 2021.

Wendy Barcus
Rules Coordinator

OTS-2326.2

Chapter 182-521 WAC

NEW SECTION

WAC 182-521-0100 Disregarded income. (1) The health care authority (agency) does not count as income when determining apple health eligibility any Federal Pandemic Unemployment Compensation (FPUC) or Recovery Rebates authorized under the CARES Act or other needs-based assistance authorized as a result of the COVID-19 emergency as described in this section.

(2) The agency disregards an emergency increase in unemployment compensation benefits of an additional six hundred dollars per week issued as compensation for the period of March 18, 2020, through July 31, 2020, as income for medicaid determinations and post-eligibility cost-sharing calculations.

(3) The agency disregards all unemployment compensation issued as a result of the federal Disaster Relief Fund authorized for states to off-set lost wages due to the COVID-19 pandemic, known as Lost Wage Assistance (LWA). This income is intended for weeks ending August 1, 2020, forward until funds are exhausted. The weekly benefit amount for this benefit is three hundred dollars per week.

(4) The agency considers Pandemic Recovery Rebates (stimulus checks) to be exempt as income and does not count them as a resource for twelve months after receipt.

(5) The agency considers needs-based assistance from other agencies or tribal entities to be exempt as income.

(6) The agency excludes income described in this section from the post-eligibility treatment of income (PETI) calculation.

(7) Any income received as unemployment compensation not described within this section is otherwise countable and the agency counts it when determining MAGI-based apple health eligibility.

(8) These rules are in effect until the later of:

(a) The date the client is receiving any benefits described in this rule; or

(b) The date on which the Secretary of the U.S. Department of Health and Human Services declares the COVID-19 public health emergency to be over.

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