

WSR 21-04-076

PERMANENT RULES

HEALTH CARE AUTHORITY

[Filed January 29, 2021, 2:36 p.m., effective March 1, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The agency is amending WAC 182-503-0090 to specify the department of social and health services administrations responsible for processing exceptions to rule related to long-term services and supports programs.

Citation of Rules Affected by this Order: Amending WAC 182-503-0090.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 21-01-044 on December 8, 2020.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.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: January 28, 2021.

Wendy Barcus
Rules Coordinator

OTS-2687.2

AMENDATORY SECTION (Amending WSR 13-14-019, filed 6/24/13, effective 7/25/13)

WAC 182-503-0090 Washington apple health—Exceptions to rule.

(1) ~~((An individual))~~ A client or client's representative may request an exception to a Washington apple health financial eligibility rule in Title 182 WAC. ~~((An individual must request an exception to rule (ETR) within ninety calendar days of the agency action with which the individual disagrees. The individual or the individual's representative may))~~ The request for an exception to rule (ETR) may be submitted orally or in writing. The request must:

(a) Be received within ninety calendar days of the agency action with which the client disagrees or wants waived;

(b) Identify the rule for which an exception is being requested;

~~((b))~~ (c) State what the ((individual)) client is requesting;
and

~~((e))~~ (d) Describe how the request meets subsection (2) of this section.

(2) The agency director or designee has the discretion to grant an ETR if ~~((he or she))~~ they determine~~((s))~~ that the ~~((individual's))~~ client's circumstances satisfy the conditions below:

(a) The exception would not contradict a specific provision of federal or state law; and

(b) The ~~((individual's))~~ client's situation differs from the majority; and

(c) It is in the interest of the overall economy and the ~~((individual's))~~ client's welfare, and:

(i) It increases opportunity for the ~~((individual))~~ client to function effectively; or

(ii) The ~~((individual))~~ client has an impairment or limitation that significantly interferes with the usual procedures required to determine eligibility and payment.

(3) ~~((Individuals cannot appeal))~~ A client does not have a right to an administrative hearing on ETR decisions under chapter 182-526 WAC.

(4) ~~((An individual))~~ A client is mailed a decision in writing within ten calendar days when agency staff:

(a) Approve or deny an ETR request; or

(b) Request more information.

(5) If the ETR is approved, the notice includes information on ~~((the approval period))~~ what is approved and for what time frame.

(6) The agency designates staff at the aging and ~~((disability services))~~ long-term support administration ~~((ADSA))~~ (AL TSA) and the developmental disabilities administration (DDA) to process all ETRs specifically relating to long-term ~~((care))~~ services and supports programs described in Title 182 WAC.

(7) This section does not apply to requests that the agency pay for noncovered medical or dental services or related equipment. WAC 182-501-0160 applies to such requests.

[Statutory Authority: RCW 41.05.021, Patient Protection and Affordable Care Act (Public Law 111-148), 42 C.F.R. §§ 431, 435, and 457, and 45 C.F.R. § 155. WSR 13-14-019, § 182-503-0090, filed 6/24/13, effective 7/25/13.]