

WSR 21-05-024

PROPOSED RULES

HEALTH CARE AUTHORITY

[Filed February 8, 2021, 4:48 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-01-101.

Title of Rule and Other Identifying Information: WAC 182-512-0800 SSI-related medical—General income exclusions.

Hearing Location(s): On March 23, 2021, at 10:00 a.m. In response to the coronavirus disease 2019 (COVID-19) public health emergency, the agency will not provide a physical location for this hearing. This promotes social distancing and the safety of the citizens of Washington state. A virtual public hearing, without a physical meeting space, will be held instead. To attend the virtual public hearing, you must register at the following link <https://attendee.gotowebinar.com/register/3340410196417463307>, Webinar ID 747-864-883. After registering, you will receive a confirmation email containing the information about joining the webinar.

Date of Intended Adoption: Not sooner than March 24, 2021.

Submit Written Comments to: Health Care Authority (HCA), Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email arc@hca.wa.gov, fax 360-586-9727, by March 23, 2021.

Assistance for Persons with Disabilities: Contact Amber Lougheed, phone 360-725-1349, fax 360-586-9727, telecommunication[s] relay service 711, email amber.lougheed@hca.wa.gov, by March 5, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency is amending WAC 182-512-0800 to add an additional category of income excluded when determining eligibility for Washington apple health SSI-related medical programs, specifically, unearned income withheld for income tax purposes from a benefit that is beyond the person's control.

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.

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: Stephen Kozak, P.O. Box 45534, Olympia, WA 98504-5534, 360-725-1343.

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.

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

February 8, 2021
Wendy Barcus
Rules Coordinator

OTS-2878.1

AMENDATORY SECTION (Amending WSR 14-07-059, filed 3/14/14, effective 4/14/14)

WAC 182-512-0800 SSI-related medical—General income exclusions.

The agency excludes, or does not consider, the following when determining a person's eligibility for Washington apple health ~~((WAH))~~ SSI-related medical programs:

- (1) The first twenty dollars per month of unearned income. If there is less than twenty dollars of unearned income in a month, the remainder is excluded from earned income in that month.
 - (a) The twenty-dollar limit is the same, whether applying it for a couple or for a single person.
 - (b) The disregard does not apply to income paid totally or partially by the federal government or a nongovernmental agency on the basis of an eligible person's needs.
 - (c) The twenty dollars disregard is applied after all exclusions have been taken from income.
- (2) Income that is not reasonably anticipated or is received infrequently or irregularly, whether for a single person or each person in a couple when it is:
 - (a) Earned and does not exceed a total of thirty dollars per calendar quarter; or
 - (b) Unearned and does not exceed a total of sixty dollars per calendar quarter;
 - (c) An increase in a person's burial funds that were established on or after November 1, 1982, if the increase is the result of:
 - (i) Interest earned on excluded burial funds; or
 - (ii) Appreciation in the value of an excluded burial arrangement that was left to accumulate and become part of separately identified burial funds.
- (3) Essential expenses necessary for a person to receive compensation (e.g., necessary legal fees in order to get a settlement).
- (4) Receipts, which are not considered income, when they are for:
 - (a) Replacement or repair of an exempt resource;
 - (b) Prepayment or repayment of medical care paid by a health insurance policy or medical service program; or
 - (c) Payments made under a credit life or credit disability policy.
- (5) The fee a guardian or representative payee charges as reimbursement for providing services, when such services are a requirement for the person to receive payment of the income.
- (6) Funds representing shared household costs.
- (7) Crime victim's compensation.
- (8) The value of a common transportation ticket, given as a gift, that is used for transportation and not converted to cash.
- (9) Gifts that are not for food, clothing or shelter, and gifts of home produce used for personal consumption.
- (10) In-kind payments. The agency does not consider in-kind income received from someone other than a person legally responsible for the person unless it is earned. Therefore, the following in-kind payments are not counted when determining eligibility for ~~((WAH))~~ apple health SSI-related medical programs:
 - (a) In-kind payments for services paid by a person's employer if:

- (i) The service is not provided in the course of an employer's trade or business; or
 - (ii) The service is in the form of food that is on the employer's business premises and for the employer's convenience; or
 - (iii) The service is in the form of shelter that is on the employer's business premises, for the employer's convenience, and required to be accepted by the employee as a condition of employment.
- (b) In-kind payments made to people in the following categories:
- (i) Agricultural employees;
 - (ii) Domestic employees;
 - (iii) Members of the uniformed services; and
 - (iv) Persons who work from home to produce specific products for the employer from materials supplied by the employer.
- (11) Unearned income withheld, before receipt by the person, for mandatory income tax purposes.

[Statutory Authority: RCW 41.05.021 and Patient Protection and Affordable Care Act (Public Law 111-148), 42 C.F.R. §§ 431, 435, 457 and 45 C.F.R. § 155. WSR 14-07-059, § 182-512-0800, filed 3/14/14, effective 4/14/14. WSR 11-24-018, recodified as § 182-512-0800, filed 11/29/11, effective 12/1/11. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.500, and Social Security Act as amended by P.L. 108-203. WSR 06-04-046, § 388-475-0800, filed 1/26/06, effective 2/26/06. Statutory Authority: RCW 74.04.050, 74.08.090. WSR 04-09-005, § 388-475-0800, filed 4/7/04, effective 6/1/04.]