

WSR 21-08-085

PERMANENT RULES

HEALTH CARE AUTHORITY

[Filed April 7, 2021, 9:31 a.m., effective May 8, 2021]

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

Purpose: 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.

Citation of Rules Affected by this Order: Amending WAC 182-512-0800.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 21-05-024 on February 8, 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.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: April 7, 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.]