

WSR 22-02-034

PERMANENT RULES

HEALTH CARE AUTHORITY

[Filed December 29, 2021, 2:44 p.m., effective February 1, 2022]

Effective Date of Rule: February 1, 2022.

Purpose: To comply with 3SSB 5164, chapter 136, Laws of 2020, the health care authority is amending these rules to include eligibility for persons covered under the survivors of certain crimes program.

Citation of Rules Affected by this Order: Amending WAC 182-508-0005 and 182-508-0150.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160; and 3SSB 5164, chapter 136, Laws of 2020.

Adopted under notice filed as WSR 21-22-063 on October 28, 2021.

Changes Other than Editing from Proposed to Adopted Version:

Proposed/Adopted	WAC Subsection	Reason
WAC 182-508-0005 (1)(a)		
Proposed	(iii) The survivors of certain crimes (SCC) program, as described in WAC 388-424-0035, including victims of human trafficking; and	To include a reference to RCW 74.04.005, which defines victims of human trafficking.
Adopted	(iii) The survivors of certain crimes (SCC) program, as described in WAC 388-424-0035, including victims of human trafficking as described in RCW 74.04.005; and	
WAC 182-508-0150 (4)(d)		
Proposed	(iii) The survivors of certain crimes (SCC) program, as described in WAC 388-424-0035, including victims of human trafficking.	To include a reference to RCW 74.04.005, which defines victims of human trafficking.
Adopted	(iii) The survivors of certain crimes (SCC) program, as described in WAC 388-424-0035, including victims of human trafficking as described in RCW 74.04.005.	

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 2, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: December 29, 2021.

Wendy Barcus
Rules Coordinator

OTS-3230.6

AMENDATORY SECTION (Amending WSR 14-16-019, filed 7/24/14, effective 8/24/14)

WAC 182-508-0005 (~~(Eligibility for)~~) Washington apple health medical care services—Eligibility and scope of coverage.

(1) A person is eligible for state-funded Washington apple health (~~(WAH)~~) medical care services (MCS) coverage to the extent of available funds if the person is:

(a) Determined by the department of social and health services to be eligible for benefits under (~~(either)~~):

(i) The aged, blind, or disabled program as described in WAC 388-400-0060 (~~(or)~~);

(ii) The housing and essential needs referral program as described in WAC 388-400-0070; or

(iii) The survivors of certain crimes (SCC) program, as described in WAC 388-424-0035, which includes victims of human trafficking as described in RCW 74.04.005; and

(b) Not eligible for another federally funded categorically needy (CN) (as defined in WAC 182-500-0020) or alternative benefits plan (ABP) (as defined in WAC 182-500-0010) (~~(WAH)~~) Washington apple health program.

(2) If an enrollment cap exists under WAC 182-508-0150, a waiting list of (~~(persons)~~) people may be established.

(3) A person's period of eligibility for MCS is the same as (~~(either)~~) the person's period of eligibility for:

(a) The aged, blind, or disabled program as described in WAC 388-449-0150 (~~(or)~~);

(b) The person's incapacity authorization period for the housing and essential needs referral program as described in WAC 388-447-0110; or

(c) The person's period of eligibility for the SCC program as described in WAC 388-424-0035.

(4) The MCS program covers only the medically necessary services defined in WAC 182-501-0060.

(5) The MCS program does not cover medical services received outside the state of Washington unless the medical services are provided in a border city listed in WAC 182-501-0175.

[Statutory Authority: RCW 41.05.021, 41.05.160, Public Law 111-148, 42 C.F.R. § 431, 435, and 457, and 45 C.F.R. § 155. WSR 14-16-019, § 182-508-0005, filed 7/24/14, effective 8/24/14. Statutory Authority: RCW 41.05.021, 74.09.035, and 2011 1st sp.s. c 36. WSR 12-19-051, § 182-508-0005, filed 9/13/12, effective 10/14/12.]

AMENDATORY SECTION (Amending WSR 14-16-019, filed 7/24/14, effective 8/24/14)

WAC 182-508-0150 Enrollment cap for medical care services (MCS).

(1) Enrollment in medical care services (MCS) coverage is subject to available funds.

(2) The medicaid agency may limit enrollment into MCS coverage by implementing an enrollment cap and wait list.

(3) If a person is denied MCS coverage due to an enrollment cap:

(a) The person is added to the MCS wait list based on the date the person applied.

(b) Applicants with the oldest application date will be the first to receive an opportunity for enrollment when MCS coverage is available as long as the person remains on the MCS wait list.

(4) A person is exempted from the enrollment cap and wait list rules when:

(a) MCS was terminated due to agency error;

(b) The person is in the (~~(thirty-day)~~) 30-day reconsideration period for incapacity reviews under WAC 388-447-0110(4);

(c) The person is being terminated from a categorically needy (CN) medical program and was receiving and eligible for CN coverage prior to the date a wait list was implemented and at the time their CN coverage ended, the person met eligibility criteria to receive benefits under either the aged, blind, or disabled program as described in WAC 388-400-0060 or the housing and essential needs referral program as described in WAC 388-400-0070; or

(d) The person applied for a determination by the department of social and health services (DSHS) to be eligible for benefits under (~~(either)~~) one of the following programs, but the determination was not completed before the enrollment cap effective date:

(i) The aged, blind, or disabled program as described in WAC 388-400-0060 (~~(or)~~);

(ii) The housing and essential needs referral program as described in WAC 388-400-0070 (~~(, but the determination was not completed prior to the enrollment cap effective date)~~); or

(iii) The survivors of certain crimes (SCC) program, as described in WAC 388-424-0035, which includes victims of human trafficking as described in RCW 74.04.005.

(5) The person is removed from the MCS wait list if the person:

(a) Is not a Washington resident;

(b) Is deceased;

(c) Requests removal from the wait list;

(d) Is found eligible for categorically or medically needy coverage; or

(e) Is no longer determined by DSHS to be eligible for benefits under (~~(either)~~):

(i) The aged, blind, or disabled program as described in WAC 388-400-0060 (~~(or)~~);

(ii) The housing and essential needs referral program as described in WAC 388-400-0070; or

(iii) The SCC program as described in WAC 388-424-0035.

[Statutory Authority: RCW 41.05.021, 41.05.160, Public Law 111-148, 42 C.F.R. § 431, 435, and 457, and 45 C.F.R. § 155. WSR 14-16-019, § 182-508-0150, filed 7/24/14, effective 8/24/14. Statutory Authority: RCW 41.05.021, 74.09.035, and 2011 1st sp.s. c 36. WSR 12-19-051, § 182-508-0150, filed 9/13/12, effective 10/14/12.]