

WSR 22-17-154

PROPOSED RULES

HEALTH CARE AUTHORITY

[Filed August 23, 2022, 5:38 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-13-169.

Title of Rule and Other Identifying Information: WAC 182-505-0211
Washington apple health—Foster care.

Hearing Location(s): On September 27, 2022, at 10:00 a.m. In response to the coronavirus disease 2019 (COVID-19) public health emergency, the health care authority (HCA) continues to hold public hearings virtually without a physical meeting place. This promotes social distancing and the safety of the residents of Washington state. To attend the virtual public hearing, you must register in advance https://us02web.zoom.us/webinar/register/WN_9Uo_ve5ETY2is3tDmG1Udw.

If the link above opens with an error message, please try using a different browser. After registering, you will receive a confirmation email containing information about joining the public hearing.

Date of Intended Adoption: September 28, 2022.

Submit Written Comments to: HCA Rules Coordinator, P.O. Box 42716, Olympia, WA 98504-2716, email arc@hca.wa.gov, fax 360-586-9727, by September 27, 2022, by 11:59 p.m.

Assistance for Persons with Disabilities: Contact Johanna Larson, phone 360-725-1349, fax 360-586-9727, telecommunication[s] relay service 711, email Johanna.larson@hca.wa.gov, by September 16, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The agency is amending this rule to update subsection (3) to include language regarding the out-of-state alumni population as mandated by the SUPPORT Act, section 1002. The SUPPORT Act, Public Law 115-271, makes changes to the new coverage group created under the Affordable Care Act (ACA) that extends medic-aid coverage to former foster youth (alumni). This change expands the coverage group so former foster youth who have aged out of foster care in any state at the age of 18 can have medicaid coverage in any other state through the age of 26. Other housekeeping changes include the change of agencies from the children's administration to what is now the department of children, youth, and families (DCYF). Group home is now referred to as a community facility and managed by DCYF's juvenile rehabilitation. Subsection (2)(d)(v) is being removed as the voluntary placement waiver program is no longer operating.

Reasons Supporting Proposal: See purpose.

Statutory Authority for Adoption: Public Law 115-271, Sec. 1002; RCW 41.05.021, 41.05.160.

Statute Being Implemented: Public Law 115-271, Sec. 1002; RCW 41.05.021, 41.05.160.

Rule is necessary because of federal law, Public Law 115-271, Sec. 1002.

Name of Proponent: HCA, governmental.

Name of Agency Personnel Responsible for Drafting: Valerie Freudenstein, P.O. Box 42716, Olympia, WA 98504-2716, 360-725-1344; Implementation and Enforcement: Emily Good, P.O. Box 33023, Olympia, WA 98504-3023, 360-725-0920.

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.

Scope of exemption for rule proposal from Regulatory Fairness Act requirements:

Is not exempt.

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 applies to client program eligibility and does not impact small businesses.

August 23, 2022
Wendy Barcus
Rules Coordinator

OTS-4012.1

AMENDATORY SECTION (Amending WSR 17-12-017, filed 5/30/17, effective 6/30/17)

WAC 182-505-0211 Washington apple health—Foster care. (1) A ~~((person))~~ client under the age of ~~((nineteen))~~ 18 is eligible for Washington apple health foster care coverage when they:

(a) Are in foster care, as determined by the department of children, youth, and families (DCYF), under the legal responsibility of the state, or a federally recognized tribe located within the state; and

(b) Meet Washington residency requirements as described in WAC 182-503-0520 or 182-503-0525.

(2) A ~~((person))~~ client age ~~((twenty))~~ 20 or younger is eligible for coverage when the ~~((person))~~ client meets:

(a) Washington residency requirements as described in WAC 182-503-0520 or 182-503-0525;

(b) Citizenship or immigration status requirements as described in WAC 182-503-0535;

(c) Social Security number requirements as described in WAC 182-503-0515; and

(d) One of the following requirements:

(i) Is in foster care, or is eligible for continued foster care services as determined by ~~((the children's administration))~~ DCYF, under the legal responsibility of the state, or a federally recognized tribe located within the state; or

(ii) Receives subsidized adoption services through ~~((the children's administration))~~ DCYF; or

(iii) Is enrolled in the unaccompanied refugee minor (URM) program as authorized by the office of refugee and immigrant assistance (ORIA); or

(iv) Is living in a ~~((group home))~~ community facility (as defined in WAC 110-700-0005) operated or contracted by ~~((the juvenile rehabilitation administration; or~~

~~(v) Is placed in a foster home or group home through the voluntary placement waiver program managed by the division of developmental disabilities))~~ DCYF's juvenile rehabilitation.

(3) A ~~((person))~~ client age ~~((nineteen))~~ 18 or older but under age ~~((twenty-six))~~ 26 is eligible for Washington apple health coverage when the ~~((person))~~ client:

(a) Was ~~((both))~~ in foster care under the legal responsibility of ~~((the))~~ any state or a federally recognized tribe located within ~~((the))~~ any state ~~((and enrolled in medicaid))~~:

(i) On the ~~((person's eighteenth))~~ client's 18th birthday; or

(ii) At such higher age ~~((at which))~~ as to when the state or tribe extends foster care ~~((assistance ended))~~ coverage; and

(b) Meets residency, Social Security number, and citizenship requirements as described in subsection (2) of this section.

(4) A ~~((person))~~ client described in subsections (1) through (3) of this section is not eligible for full-scope coverage if the ~~((person))~~ client is confined to a public institution as defined in WAC 182-500-0050, except:

(a) If the ~~((person))~~ client is under age ~~((twenty-one))~~ 21;

(b) Resides in an institution for mental disease (IMD); and

(c) Meets the institutional status requirements in WAC ~~((182-505-0240))~~ 182-513-1320, 182-514-0250, or 182-514-0260.

[Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 17-12-017, § 182-505-0211, filed 5/30/17, effective 6/30/17. Statutory Authority: RCW 41.05.021, Patient Protection and Affordable Care Act (P.L. 111-148), 42 C.F.R. §§ 431, 435, 457, and 45 C.F.R. § 155. WSR 14-01-021, § 182-505-0211, filed 12/9/13, effective 1/9/14.]