

WSR 22-24-072

PROPOSED RULES

HEALTH CARE AUTHORITY

[Filed December 5, 2022, 10:46 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-21-091.

Title of Rule and Other Identifying Information: WAC 182-508-0005
Washington apple health medical care services—Eligibility and scope
of coverage.

Hearing Location(s): On January 10, 2023, at 10:00 a.m. In re-
sponse to the coronavirus disease 2019 (COVID-19) public health emer-
gency, the health care authority (HCA) continues to hold public hear-
ings virtually without a physical meeting place. This promotes social
distancing and the safety of Washington state residents. To attend the
virtual public hearing, you must register in advance [https://
us02web.zoom.us/webinar/register/WN_uzi3CSJ5TjaOjrSSuttwUA](https://us02web.zoom.us/webinar/register/WN_uzi3CSJ5TjaOjrSSuttwUA). If the
link above opens with an error message, please try using a different
browser. After registering, you will receive a confirmation email con-
taining information about joining the public hearing.

Date of Intended Adoption: Not sooner than January 11, 2023.

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 January 10, 2023, by 11:59 p.m.

Assistance for Persons with Disabilities: Contact Johanna Larson,
phone 360-725-1349, fax 360-586-9727, telecommunication[s] relay serv-
ice 711, email Johanna.Larson@hca.wa.gov, by December 30, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including
Any Changes in Existing Rules: The agency is amending WAC 182-508-0005
to include individuals residing in "public institutions" (as that term
is defined in WAC 182-500-0050) within the population not eligible for
state-funded Washington apple health medical care services. The amend-
ment is necessary to ensure that individuals residing in public insti-
tutions receiving a new aged, blind, or disabled program cash grant
(ESSB 5693, section 205(22), chapter 297, Laws of 2022) do not thereby
become eligible for state-funded Washington apple health medical care
services.

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; ESSB 5693,
section 205(22), chapter 297, Laws of 2022.

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: Dody McAlpine, P.O. Box 42722, Olympia, WA
98504-2722, 360-725-9964.

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:

Is not exempt.

The proposed rule does not impose more-than-minor costs on busi-
nesses. 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.

December 5, 2022
Wendy Barcus
Rules Coordinator

OTS-4185.1

AMENDATORY SECTION (Amending WSR 22-02-034, filed 12/29/21, effective 2/1/22)

WAC 182-508-0005 Washington apple health medical care services—Eligibility and scope of coverage. (1) A person is eligible for state-funded Washington apple health 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:

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

(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) Washington apple health program; and

(c) Not residing in a public institution as defined in WAC 182-500-0050.

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

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

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

(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, and 2020 c 136. WSR 22-02-034, § 182-508-0005, filed 12/29/21, effective 2/1/22. 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.]