

WSR 23-24-003

PROPOSED RULES

HEALTH CARE AUTHORITY

[Filed November 27, 2023, 9:06 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-17-124.

Title of Rule and Other Identifying Information: WAC 182-509-0220 Washington apple health—How resources are considered and 182-519-0050 Monthly income and countable resource standards for medically needy (MN).

Hearing Location(s): On January 9, 2024, at 10:00 a.m. The health care authority (HCA) holds public hearings virtually without a physical meeting place. To attend the virtual public hearing, you must register in advance https://us02web.zoom.us/webinar/register/WN_lcj79gocS5G90rbyLRPI8g. 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: Not earlier than January 10, 2024.

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 9, 2024, 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 December 29, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: HCA is amending WAC 182-509-0220 to specify that medicare savings programs do not have a resource limit, which is consistent with section 211(40), chapter 475, Laws of 2023, and WAC 182-517-0100, as amended under WSR 22-21-043. HCA is amending WAC 182-519-0050 to correct a website address for the Washington apple health income and resource standards chart and update the medically needy income level and federal benefit rate.

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: Mark Westenhaver, P.O. Box 42722, Olympia, WA 98504-2722, 360-725-1324.

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.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: The proposed rule pertains to client program eligibility and does not impose any costs on businesses.

Scope of exemption for rule proposal:

Is fully exempt.

November 27, 2023

OTS-5025.3

AMENDATORY SECTION (Amending WSR 14-01-021, filed 12/9/13, effective 1/9/14)

WAC 182-509-0220 Washington apple health—How resources are considered. (1) A resource is any cash, other personal property, or real property that a person:

- (a) Owns;
- (b) Has the right, authority, or power to convert to cash (if not already cash); and
- (c) Has the legal right to use for his or her support and maintenance.

(2) There is no resource limit for an applicant or recipient of the following Washington apple health (~~((WAH))~~) (medicaid) programs:

(a) (~~(WAH))~~ Apple health for workers with disabilities (HWD) program, as described in chapter 182-511 WAC;

(b) (~~(WAH))~~ Apple health foster care program (see WAC 182-505-0211);

(c) Medicare savings programs (see WAC 182-517-0100);

(d) All programs that are based on modified adjusted gross income (MAGI) methodologies, as described in WAC 182-503-0510. This includes the following:

(i) (~~(WAH))~~ Apple health for parents and caretaker relatives (see WAC 182-505-0240);

(ii) (~~(WAH for pregnant women))~~ Apple health pregnancy coverage (see WAC 182-505-0115);

(iii) (~~(WAH))~~ Apple health for kids (see WAC 182-505-0210);

(iv) Premium-based (~~(WAH))~~ apple health for kids (see WAC 182-505-0215);

(v) (~~(WAH))~~ Apple health long-term care for children and adults (see WAC 182-514-0230);

(vi) (~~(WAH))~~ Apple health for MAGI-based adult coverage (see WAC 182-505-0250); and

(vii) (~~(WAH))~~ Apple health MAGI-based adult alien emergency medical (see WAC 182-507-0110).

(3) For all other (~~(WAH))~~ apple health programs, the resource limits and exclusions can be found in the following chapters:

(a) (~~(WAH))~~ Apple health SSI-related medical (see chapter 182-512 WAC) with the exception of programs listed in subsection (2) of this section;

(b) (~~(WAH))~~ Apple health long-term care (see chapters 182-513 and 182-515 WAC);

(c) SSI-related (~~(WAH))~~ apple health alien medical program (see chapter 182-507 WAC);

(d) (~~Medicare savings program~~) (see WAC 182-517-0310);

(~~e~~) (~~(WAH))~~ Apple health for refugees (see WAC 182-507-0130); and

(~~f~~) (~~(e)~~) Medical care services (see WAC (~~182-509-0200~~)) 182-508-0005).

(4) The agency or its designee determines how trusts, annuities and life estates affect eligibility for ((WAH)) apple health coverage for the programs listed in subsection((s)) (3) (a) through ((+f+)) (e) of this section by following the rules described in chapter 182-516 WAC.

(5) Receipt of money by a member of a federally recognized tribe from exercising federally protected rights or extraction of protected resources, such as fishing, shell-fishing, or selling timber, is considered conversion of an exempt resource during the month of receipt. Any amounts remaining from the conversion of this exempt resource on the first of the month after the month of receipt will remain exempt if the funds were used to purchase another exempt resource. Any amounts remaining in the form of countable resources (such as in checking or savings accounts) on the first of the month after receipt, will be added to other countable resources for eligibility determinations when a resource determination is required by the specific ((WAH)) apple health program. If no resource determination is required by the specific ((WAH)) apple health program, eligibility is not affected.

OTS-5026.2

AMENDATORY SECTION (Amending WSR 23-11-009, filed 5/4/23, effective 6/4/23)

WAC 182-519-0050 Monthly income and countable resource standards for medically needy (MN). (1) Changes to the medically needy income level (MNIL) occur on January 1st of each calendar year when the Social Security Administration (SSA) issues a cost-of-living adjustment.

(2) Medically needy (MN) standards for people who meet institutional status requirements are in WAC 182-513-1395. The standard for a client who lives in an alternate living facility is in WAC 182-513-1205.

(3) The resource standards for institutional programs are in WAC 182-513-1350. The institutional standard chart is found at: ((<http://www.dshs.wa.gov/manuals/eaz/sections/LongTermCare/LTCstandardspna.shtml>)) <http://www.hca.wa.gov/free-or-low-cost-health-care/i-help-others-apply-and-access-apple-health/program-standard-income-and-resources>.

(4) Countable resource standards for the noninstitutional MN program are:

(a) One person	\$2,000
(b) A legally married couple	\$3,000
(c) For each additional family member add	\$50

(5) People who do not meet institutional status requirements use the "effective" MNIL income standard to determine eligibility for the MN program. The "effective" MNIL is the one-person federal benefit rate (FBR) established by SSA each year, or the MNIL listed in the chart below, whichever amount is higher. The FBR is the supplemental security income (SSI) payment standard. For example, in ((2012)) 2023, the FBR is ((~~\$698~~)) \$914.

1	2	3	4	5	6	7	8	9	10
((467)) <u>914</u>	((592)) <u>914</u>	((667)) <u>914</u>	((742)) <u>914</u>	((858)) <u>914</u>	975	1125	1242	1358	1483