Effective Date of Rule: Thirty-one days after filing.
Purpose: The health care authority is amending WAC 182-513-1230 to replace "chemical dependency" with "substance use disorder (SUD)."
Citation of Rules Affected by this Order: Amending WAC 182-513-1230.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.
Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.
Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.
Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.
Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.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: August 25, 2021.

Wendy Barcus
Rules Coordinator

OTS-3170.1

AMENDATORY SECTION (Amending WSR 17-03-116, filed 1/17/17, effective 2/17/17)

WAC 182-513-1230 Program of all-inclusive care for the elderly (PACE). (1) The program of all-inclusive care for the elderly (PACE) provides long-term services and supports (LTSS), medical, mental health, and ((chemical dependency)) substance use disorder (SUD) treatment through a department-contracted managed care plan using a personalized plan of care for each enrollee.
(3) A person is financially eligible for PACE if the person:
(a) Is age:
   (i) Fifty-five or older and disabled under WAC 182-512-0050; or
   (ii) Sixty-five or older;
(b) Meets nursing facility level of care under WAC 388-106-0355;
(c) Lives in a designated PACE service area;
(d) Meets financial eligibility requirements under this section; and
(e) Agrees to receive services exclusively through the PACE provider and the PACE provider's network of contracted providers.
(4) Although PACE is not a home and community based (HCB) waiver program, financial eligibility is determined using the HCB waiver rules under WAC 182-515-1505 when a person is living at home or in an alternate living facility (ALF), with the following exceptions:

(a) PACE enrollees are not subject to the transfer of asset rules under WAC 182-513-1363; and

(b) PACE enrollees may reside in a medical institution thirty days or longer and still remain eligible for PACE services. The eligibility rules for institutional coverage are under WAC 182-513-1315 and 182-513-1380.

(5) A person may have to pay third-party resources as defined under WAC 182-513-1100 in addition to the room and board and participation.