RULE-MAKING ORDER
PERMANENT RULE ONLY

CR-103P (December 2017)
(Implements RCW 34.05.360)

Agency: Health Care Authority

Effective date of rule:

Permanent Rules
☒ 31 days after filing.
☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
☐ Yes  ☒ No  If Yes, explain:

Purpose: The agency is amending this section to align with the Consolidated Appropriations Act, 2021 (Sec. 208) which restored eligibility for Medicaid benefits for individuals from the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia.

Citation of rules affected by this order:

New:
Repealed:
Amended: 182-503-0535
Suspended:

Statutory authority for adoption: RCW 41.05.021, 41.05.160

Other authority: N/A

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 21-16-065 on July 30, 2021 (date).
Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Web site:
Other:
Note: If any category is left blank, it will be calculated as zero.
No descriptive text.

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

<table>
<thead>
<tr>
<th>Category</th>
<th>New</th>
<th>Amended</th>
<th>Repealed</th>
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<tbody>
<tr>
<td>Federal statute</td>
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<td>Federal rules or standards</td>
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<tr>
<td>Recently enacted state statutes</td>
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The number of sections adopted at the request of a nongovernmental entity:

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<tr>
<th>Category</th>
<th>New</th>
<th>Amended</th>
<th>Repealed</th>
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The number of sections adopted on the agency’s own initiative:

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<th>Category</th>
<th>New</th>
<th>Amended</th>
<th>Repealed</th>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

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<tr>
<th>Category</th>
<th>New</th>
<th>Amended</th>
<th>Repealed</th>
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The number of sections adopted using:

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<tr>
<th>Category</th>
<th>New</th>
<th>Amended</th>
<th>Repealed</th>
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<tbody>
<tr>
<td>Negotiated rule making</td>
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<tr>
<td>Pilot rule making</td>
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<tr>
<td>Other alternative rule making</td>
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Date Adopted: September 9, 2021

Name: Wendy Barcus

Title: HCA Rules Coordinator

Signature:

(a) Nonqualified alien means someone who is lawfully present in the United States (U.S.) but who is not a qualified alien, a U.S. citizen, a U.S. national, or a qualifying American Indian born abroad.

(b) Qualified alien means someone who is lawfully present in the United States and who is one or more of the following:

(i) A person lawfully admitted for permanent residence (LPR).

(ii) An abused spouse or child, a parent of an abused child, or a child of an abused spouse who no longer resides with the person who committed the abuse, and who has one of the following:

(A) A pending or approved I-130 petition or application to immigrate as an immediate relative of a U.S. citizen or as the spouse of an unmarried LPR younger than twenty-one years of age.

(B) Proof of a pending application for suspension of deportation or cancellation of removal under the Violence Against Women Act (VAWA).

(C) A notice of prima facie approval of a pending self-petition under VAWA. An abused spouse's petition covers his or her child if the child is younger than twenty-one years of age. In that case, the child retains qualified alien status even after he or she turns twenty-one years of age.

(iii) A person who has been granted parole into the U.S. for one year or more, under the Immigration and Nationality Act (INA) Section 212 (d)(5), including public interest parolees.

(iv) A member of a Hmong or Highland Laotian tribe that rendered military assistance to the U.S. between August 5, 1964, and May 7, 1975, including the spouse, unmarried widow or widower, and unmarried dependent child of the tribal member.

(v) A person who was admitted into the U.S. as a conditional entrant under INA Section 203 (a)(7) before April 1, 1980.

(vi) A person admitted to the U.S. as a refugee under INA Section 207.

(vii) A person who has been granted asylum under INA Section 208.

(viii) A person granted withholding of deportation or removal under INA Section 243(h) or 241 (b)(3).

(ix) A Cuban or Haitian national who was paroled into the U.S. or given other special status.

(x) An Amerasian child of a U.S. citizen under 8 C.F.R. Section 204.4(a).

(xi) A person from Iraq or Afghanistan who has been granted special immigrant status under INA Section 101 (a)(27).

(xii) A person who has been certified or approved as a victim of trafficking by the federal office of refugee resettlement, or who is:

(A) The spouse or child of a trafficking victim of any age; or

(B) The parent or minor sibling of a trafficking victim who is younger than twenty-one years of age.

(xiii) A person from the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands living in the United States in accordance with the Compacts of Free Association.

(c) U.S. citizen means someone who is a United States citizen under federal law.
U.S. national means someone who is a United States national under federal law.

Undocumented person means someone who is not lawfully present in the U.S.

Qualifying American Indian born abroad means someone who:
(i) Was born in Canada and has at least fifty percent American Indian blood, regardless of tribal membership; or
(ii) Was born outside of the United States and is a member of a federally recognized tribe or an Alaska Native enrolled by the Secretary of the Interior under the Alaska Native Claims Settlement Act.

Eligibility.
(a) A U.S. citizen, U.S. national or qualifying American Indian born abroad may be eligible for:
(i) Apple health for adults;
(ii) Apple health for kids;
(iii) Apple health for pregnant women; or
(iv) Classic medicaid.
(b) A qualified alien who meets or is exempt from the five-year bar may be eligible for:
(i) Apple health for adults;
(ii) Apple health for kids;
(iii) Apple health for pregnant women; or
(iv) Classic medicaid.
(c) A qualified alien who neither meets nor is exempt from the five-year bar may be eligible for:
(i) Alien medical programs;
(ii) Apple health for kids;
(iii) Apple health for pregnant women; or
(iv) Medical care services.
(d) A nonqualified alien may be eligible for:
(i) Alien medical programs;
(ii) Apple health for kids;
(iii) Apple health for pregnant women; or
(iv) Medical care services.
(e) An undocumented person may be eligible for:
(i) Alien medical programs;
(ii) State-only funded apple health for kids; or
(iii) State-only funded apple health for pregnant women.

The five-year bar.
(a) A qualified alien meets the five-year bar if he or she:
(i) Continuously resided in the U.S. for five years or more from the date he or she became a qualified alien; or
(ii) Entered the U.S. before August 22, 1996, and:
(A) Became a qualified alien before August 22, 1996; or
(B) Became a qualified alien on or after August 22, 1996, and has continuously resided in the U.S. between the date of entry into the U.S. and the date he or she became a qualified alien.

(b) A qualified alien is exempt from the five-year bar if he or she is:
(i) A qualified alien as defined in subsection((#)) (1)(b)(vi) through (((xii))) (xiii) of this section;
(ii) An LPR, parolee, or abused person, who is also an armed services member or veteran, or a family member of an armed services member or veteran, as described below:
(A) An active-duty member of the U.S. military, other than active-duty for training;
(B) An honorably discharged U.S. veteran;
(C) A veteran of the military forces of the Philippines who served before July 1, 1946, as described in Title 38 U.S.C. Section 107; or

(D) The spouse, unremarried widow or widower, or unmarried dependent child of an honorably discharged U.S. veteran or active-duty member of the U.S. military.