



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Health Care Authority, Washington Apple Health

- Preproposal Statement of Inquiry was filed as WSR 15-13-051; or
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR \_\_\_\_\_

**Title of rule and other identifying information:**

WAC 182-540-022, Kidney disease program (KDP) —Income eligibility

**Hearing location(s):**

Health Care Authority  
Cherry Street Plaza Building; Sue Crystal Conf Rm 106A  
626 - 8<sup>th</sup> Avenue, Olympia WA 98504

Metered public parking is available street side around building. A map is available at:  
[http://www.hca.wa.gov/documents/directions\\_to\\_csp.pdf](http://www.hca.wa.gov/documents/directions_to_csp.pdf)  
or directions can be obtained by calling: 360-725-1000

Date: **October 6, 2015** Time: **10:00 a.m.**

**Date of intended adoption:** Not sooner than October 7, 2015  
(Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: HCA Rules Coordinator  
Address: PO Box 45504, Olympia WA, 98504-5504  
Delivery: 626 – 8<sup>th</sup> Avenue, Olympia WA 98504  
e-mail [arc@hca.wa.gov](mailto:arc@hca.wa.gov)  
fax (360) 586-9727

by **October 6, 2015**

**Assistance for persons with disabilities:** Contact  
Amber Lougheed by October 2, 2015  
TTY (800) 848-5429 or (360) 725-1349 or e-mail:  
[amber.lougheed@hca.wa.gov](mailto:amber.lougheed@hca.wa.gov)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The agency is amending this rule to ensure that clients who receive Cost of Living Adjustments (COLAs) to their Social Security benefits remain eligible for the Kidney Disease Program (KDP).

**Reasons supporting proposal:** In some cases, a COLA puts client slightly above the KDP income limit. This amendment will exempt Social Security benefit COLAs and the first \$20 of monthly unearned income from KDP eligibility, consistent with SSI-related medical rules. The agency is also making some housekeeping changes to this rule.

**Statutory authority for adoption:** RCW 41.05.021, 41.05.160

**Statute being implemented:** RCW 41.05.021, 41.05.160

**Is rule necessary because of a:**

- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION:

**DATE**  
August 21, 2015

**NAME** (type or print)  
Wendy Barcus

**SIGNATURE**

**TITLE**  
HCA Rules Coordinator

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: August 21, 2015**

**TIME: 10:59 AM**

**WSR 15-18-010**

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** N/A

**Name of proponent:** Health Care Authority

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Melinda Froud	PO Box 42716, Olympia, WA 98504-2716	(360) 725-1408
Implementation.... Mary Hughes	PO Box 45500, Olympia, WA 98504-5500	(360) 725-0469
Enforcement..... Mary Hughes	PO Box 45500, Olympia, WA 98504-5500	(360) 725-0469

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

The proposed filing does not impose a disproportionate cost impact on small businesses or nonprofits.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No: Please explain:

RCW 34.05.328 does not apply to Health Care Authority rules unless requested by the Joint Administrative Rules Review Committee or applied voluntarily.

**WAC 182-540-022 Kidney disease program (KDP)—Income eligibility.** (1) A household must have ~~((net))~~ countable income at or below two hundred twenty percent of the federal poverty level ~~((in order))~~ for a person to be eligible for the kidney disease program (KDP). See WAC 182-540-021 to determine who must be included in the household and whose income counts.

(2) The KDP contractor ~~((makes the determination of))~~ determines the household's income based upon the information reported in the KDP application and may request additional verification if the information in the application is not clear. A KDP applicant must provide verification of all household income (and expenses, if self-employed) to the KDP contractor ~~((in order for eligibility for KDP to be determined))~~ for a KDP eligibility determination.

(3) The ~~((following income is not counted))~~ agency does not count the following income:

(a) The first twenty dollars per month of unearned income for the entire household;

(b) Cost-of-living adjustments (COLAs) to Social Security disability benefits and supplemental security income (SSI) benefits that take effect in the calendar year of a KDP eligibility determination and any subsequent COLAs to these benefits received by:

(i) The applicant;

(ii) The applicant's spouse; or

(iii) Other family members included in the household size.

(c) Fifty percent of the gross earned income of any person included in the household size;

~~((b))~~ (d) Income received by a dependent child age eighteen ~~((years of age and))~~ or younger who is not included in the household size; or

~~((e))~~ (e) Any income source which is specifically excluded by federal law.

(4) The agency follows rules for SSI-related ~~((medicaid))~~ medical described in chapter 182-512 WAC to determine what income types count when determining eligibility for KDP.