



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Health Care Authority, Washington Apple Health

Permanent Rule Only

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: This rule filing is necessary to update an incorrect cross-citation and to make housekeeping changes.

Citation of existing rules affected by this order:

Repealed:
 Amended: 182-505-0210
 Suspended:

Statutory authority for adoption: RCW 41.05.021, 41.05.160

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 15-11-007 on May 7, 2015.
 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: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

Date adopted: July 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: July 21, 2015
TIME: 9:50 AM

WSR 15-15-153

**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:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	<u>1</u>	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	<u>1</u>	Repealed	_____

WAC 182-505-0210 Washington apple health—Eligibility for children. (1) Unless otherwise stated in this section, a child is a person (~~who is under nineteen years of~~) age eighteen or younger (including the month the (~~person~~) child turns nineteen). To be eligible for one of the Washington apple health (WAH) for kids programs (~~described below~~), a child must:

(a) Be a resident of Washington state (~~, as described in~~) under WAC 182-503-0520 and 182-503-0525;

(b) Provide a Social Security number (SSN) (~~as described in~~) under WAC 182-503-0515 unless exempt; and

(c) Meet any additional requirements listed for the specific program.

(2) Children (~~under~~) younger than age one (~~year of age~~) are eligible for WAH categorically needy (CN) coverage, without a new application, when they are born to a mother who is eligible for WAH:

(a) On the date of the newborn's birth, including a retroactive eligibility determination; or

(b) Based on meeting a medically needy (MN) spenddown liability with expenses incurred (~~no later than~~) by the date of the newborn's birth.

(3) Children are eligible for WAH at no cost when they:

(a) Have countable family income that is no more than two hundred ten percent of the federal poverty level (FPL) (~~as described in~~) under WAC 182-505-0100;

(b) Are currently eligible for supplemental security income (SSI); or

(c) Received SSI payments in August 1996 and would continue to be eligible for those payments except for the August 1996 passage of amendments to federal disability definitions.

(4) Children are eligible for premium-based WAH (~~as described in~~) under WAC 182-505-0215 when they:

(a) Have countable family income that is not more than three hundred twelve percent of FPL (~~as described in~~) under WAC 182-505-0100;

(b) Do not have other creditable health insurance (~~as described in WAC 182-505-0220~~) under WAC 182-500-0020; and

(c) Pay the required monthly premiums (~~as described in~~) under WAC 182-505-0225.

(5) Children are eligible for WAH home and community based waiver programs (~~as described in~~) under chapter 182-515 WAC when they:

(a) Meet citizenship or immigration status (~~as described in~~) under WAC 182-503-0525;

(b) Meet SSI-related eligibility requirements (~~as described in~~) under chapter 182-512 WAC; and

(c) Meet program-specific age requirements.

(6) Children are eligible for the WAH long-term care program when they meet the institutional program rules (~~as described in~~) under chapter 182-513 or 182-514 WAC, and either:

(a) Reside or are expected to reside in a medical institution, intermediate care facility for the intellectually disabled (ICF/ID), hospice care center, or nursing home for thirty days or longer; or

(b) Reside or are expected to reside in an institution for mental diseases (IMD) (as defined in WAC 182-500-0050(1)) or inpatient psychiatric facility:

(i) For ninety days or longer and are age seventeen or younger; or

(ii) For thirty days or longer and are age eighteen through twenty-one.

(7) Children are eligible for the WAH-MN program (~~as described in~~) under WAC 182-519-0100 when they:

(a) Meet citizenship or immigrant status (~~as described in~~) under WAC 182-503-0535;

(b) Have countable family income that exceeds three hundred twelve percent of FPL (~~as described in~~) under WAC 182-505-0100; or

(c) Have countable family income that is more than two hundred ten percent of FPL, but are not eligible for premium-based WAH as described in subsection (4) of this section because of creditable coverage; and

(d) Meet a spenddown liability (~~as described in~~) under WAC 182-519-0110, if required.

(8) Children are eligible for WAH SSI-related programs (~~as described in~~) under chapter 182-512 WAC when they:

(a) Meet citizenship or immigration status (~~as described in~~) under WAC 182-503-0535;

(b) Meet SSI-related eligibility (~~as described in~~) under chapter 182-512 WAC; and

(c) Meet an MN spenddown liability (~~as described in~~) under WAC 182-519-0110, if required.

(9) Children who are not eligible for WAH under subsections (5) through (8) of this section because of their immigration status, are eligible for the WAH alien emergency medical program if they:

(a) Meet the eligibility requirements of WAC 182-507-0110;

(b) Have countable family income:

(i) That exceeds three hundred twelve percent of FPL (~~as described in~~) under WAC 182-505-0100; or

(ii) That is more than two hundred ten percent of FPL, but they are not eligible for premium-based WAH, as described in subsection (4) of this section because of creditable coverage; and

(c) Meet a spenddown liability (~~as described in~~) under WAC 182-519-0110, if required.

(10) Children who are in foster care or receive subsidized adoption services are eligible for coverage under the WAH foster care program described in WAC 182-505-0211.

(11) Children who are incarcerated in a public institution (as defined in WAC 182-500-0050(4)) that is not an IMD, are not eligible for any WAH program unless they are receiving inpatient hospital services outside of the public institution.

(12) Children who reside in a public institution that is an IMD are eligible for WAH under this section but are not eligible to receive inpatient hospital services outside of the IMD unless they are unconditionally discharged from the IMD (~~prior to~~) before receiving (~~such~~) the services.