



APPLE HEALTH (MEDICAID) MANUAL REVISION

Revision #	079
Chapter / Section	Guardianships – Deductions to participation, room and board
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Summary of Revision

[Guardianships - deductions to participation, room and board | Washington State Health Care Authority](#)

- Added clarification: WAC 182-513-1530 (2)(b) maximum guardianship fees, the initial cost of establishing a guardianship can't exceed \$1,850. Subsequent attorney costs and fees after initial establishment is \$1,200 in any three-year period. The allowance is either (2)(b)(i) or (2)(b)(ii), but not both.

Apple Health (Medicaid) Manual revision via track changes:

Revised date

March 15, 2022

Purpose statement

Describe and clarify rules regarding guardianship-related deductions to a long-term services and support client's participation or room & board (R&B).

Keep the WAC 182-513-1530 WAC in the box here.

Clarifying Information

On or after June 1, 2018

For court orders signed, or clients who begin receiving long-term services and supports (LTSS), on or after June 1, 2018, WAC [182-513-1530](#) applies. A client is allowed a deduction to their participation, R&B, or both, when that client is required to pay towards their cost of LTSS.

- Participation deductions for guardianship-related fees and costs are allowed for clients required to pay participation under WAC [182-513-1380](#), WAC [182-515-1509](#), or WAC [182-515-1514](#);
- R&B deductions are allowed for clients whose only liability for LTSS is R&B under chapter [182-513](#) WAC (for example, CFC-only, MPC, MCS, or Group 1 home and community-based service (HCBS) waiver)
- For those clients with participation and R&B, if there is insufficient participation to deduct guardianship-related fees and costs, participation can be reduced to \$0, and any remaining amounts can be deducted from R&B.
- WAC 182-513-1530 (2)(b) maximum guardianship fees, the initial cost of establishing a guardianship can't exceed \$1,850. Subsequent attorney costs and fees after initial establishment is \$1,200 in any three-year period. The allowance is either (2)(b)(i) or (2)(b)(ii), but not both.

Note: R&B deductions for guardianship fees and costs are allowed per rule effective June 1, 2018. Although an exception-to-rule (ETR) is no longer required to allow the deduction, Public Benefit Specialist (PBS) must code as a "Room and Board Exception" in ACES to allow the R&B deduction. The maximum deductions allowed for fees and costs are either the amounts in the rule, or the court order, whichever is less. Any exceptions to these amounts are subject to the eligibility ETR WAC [182-503-0090](#).

Before June 1, 2018

[WAC 388-79A-001 Definitions.](#)

[WAC 388-79A-005 Maximum Amount of Guardianship Fees and Related Costs for a Long-term Care Medicaid Eligible Client.](#)

[WAC 388-79A-010 Maximum guardianship fees and related costs before June 1, 2018.](#)

[WAC 388-79A-015 Procedure for allowing guardianship fees and related costs from client participation before June 1, 2018.](#)

For those clients who began receiving LTSS prior to June 1, 2018, and also has a court order signed before June 1, 2018, chapter [388-79A](#) WAC applies.

Effective June 1, 2018, chapter [388-79A](#) was amended to end the previous requirement of notification (by the guardian) to DSHS on proposed guardianship orders, and also end the procedure to exceed the maximum deductions allowed per rule. Any clients subject to chapter [388-79A](#) will have their deductions allowed per the signed order.

Note: R&B deductions are NOT allowed per rule under this chapter. As long as a court order is subject to chapter [388-79A](#) WAC, an ETR must be approved to reduce R&B.

Worker Responsibilities

Upon receipt of a court order: if it was signed on or after June 1, 2018, or if the client began LTSS after June 1, 2018, allow the deductions per WAC [182-513-1530](#) or the court order, whichever is less.

Most (if not all) clients subject to chapter [388-79A](#) WAC have current allowed deductions. Continue to allow these deductions until a new court order is received. Ensure an ETR is approved prior to allowing or continuing to allow a deduction to R&B.

Forward any ETR requests from the guardian to your regional guardianship designee.

See [Guardianship training | Washington State Health Care Authority](#) for additional explanation and examples.