
SUBSTITUTE SENATE BILL 5185

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Thibaudeau, Winsley, Costa and Kohl-Welles; by request of Department of Social and Health Services)

READ FIRST TIME 02/16/01.

1 AN ACT Relating to increasing community options for nursing
2 facility eligible clients; amending RCW 74.09.700; and adding a new
3 section to chapter 74.39 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 74.09.700 and 1993 c 57 s 2 are each amended to read
6 as follows:

7 (1) To the extent of available funds and subject to any conditions
8 placed on appropriations made for this purpose, medical care may be
9 provided under the limited casualty program to persons not otherwise
10 eligible for medical assistance or medical care services who are
11 medically needy as defined in the social security Title XIX state plan
12 and medical indigents in accordance with eligibility requirements
13 established by the department. The eligibility requirements may
14 include minimum levels of incurred medical expenses. This includes
15 residents of nursing facilities ((and)), residents of intermediate care
16 facilities for the mentally retarded, and individuals who are otherwise
17 eligible for section 1915(c) of the federal social security act home
18 and community-based waiver services, administered by the aging and
19 adult services administration, who are aged, blind, or disabled as

1 defined in Title XVI of the federal social security act and whose
2 income exceeds three hundred percent of the federal supplement security
3 income benefit level.

4 (2) Determination of the amount, scope, and duration of medical
5 coverage under the limited casualty program shall be the responsibility
6 of the department, subject to the following:

7 (a) Only the following services may be covered:

8 (i) For persons who are medically needy as defined in the social
9 security Title XIX state plan: Inpatient and outpatient hospital
10 services, and home and community-based waiver services;

11 (ii) For persons who are medically needy as defined in the social
12 security Title XIX state plan, and for persons who are medical
13 indigents under the eligibility requirements established by the
14 department: Rural health clinic services; physicians' and clinic
15 services; prescribed drugs, dentures, prosthetic devices, and
16 eyeglasses; nursing facility services; and intermediate care facility
17 services for the mentally retarded; home health services; hospice
18 services; other laboratory and x-ray services; rehabilitative services,
19 including occupational therapy; medically necessary transportation; and
20 other services for which funds are specifically provided in the omnibus
21 appropriations act;

22 (b) Medical care services provided to the medically indigent and
23 received no more than seven days prior to the date of application shall
24 be retroactively certified and approved for payment on behalf of a
25 person who was otherwise eligible at the time the medical services were
26 furnished: PROVIDED, That eligible persons who fail to apply within
27 the seven-day time period for medical reasons or other good cause may
28 be retroactively certified and approved for payment.

29 (3) The department shall establish standards of assistance and
30 resource and income exemptions. All nonexempt income and resources of
31 limited casualty program recipients shall be applied against the cost
32 of their medical care services.

33 NEW SECTION. **Sec. 2.** A new section is added to chapter 74.39 RCW
34 to read as follows:

35 In order to provide Washington consumers who have a gross income
36 above three hundred percent of the federal benefit rate with greater
37 choices in where they may live and receive services, the department may
38 develop two section 1915(c) of the federal social security act home and

1 community-based waivers, one that will serve consumers living in
2 licensed adult family homes and boarding homes and one that will serve
3 consumers living in their own homes. These waivers will allow
4 consumers to spend down their income to become eligible for services.
5 The department shall establish the eligibility criteria and applicable
6 income standards for these programs in rule. The department may also
7 set the level of participants in these waivers and the services offered
8 by these waivers in the waiver applications.

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