
SENATE BILL 5185

State of Washington

57th Legislature

2001 Regular Session

By Senators Thibaudeau, Winsley, Costa and Kohl-Welles; by request of Department of Social and Health Services

Read first time 01/15/2001. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to increasing community residential options for
2 nursing facility eligible clients; amending RCW 74.09.700; and adding
3 a new 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 residents of licensed adult
17 family homes and boarding homes otherwise eligible for section 1915(c)
18 of the federal social security act home and community-based waiver
19 services, administered by the aging and adult services administration,

1 who are aged, blind, or disabled as defined in Title XVI of the federal
2 social security act and whose income exceeds three hundred percent of
3 the federal supplement security 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 community residential care services in licensed adult
11 family homes and boarding homes;

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

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

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

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

36 In order to provide Washington consumers receiving community
37 residential services in licensed adult family homes and boarding homes
38 who have a gross income above three hundred percent of the federal

1 benefit rate with greater choices in where they may live and receive
2 services, the department will develop a section 1915(c) of the federal
3 social security act home and community-based waiver that will provide
4 services to consumers living in community residential settings who are
5 income ineligible for services under the current community options
6 program entry system waiver. This waiver will allow consumers to spend
7 down their income to become eligible for services. The department will
8 establish the eligibility criteria and applicable income standards for
9 this program in rule. The department may also set the level of
10 participants in the waiver and the services offered by the waiver in
11 rule.

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