

WSR 21-02-042
PREPROPOSAL STATEMENT OF INQUIRY
HEALTH CARE AUTHORITY

[Filed December 30, 2020, 12:08 p.m.]

Subject of Possible Rule Making: WAC 182-512-0550 SSI-related medical—All other excluded resources; other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Some clients receiving long-term services and supports (LTSS) have accumulated resources under requirements described in section 6008 of the Families First Coronavirus Response Act (FFCRA) that may result in their loss of coverage when the public health emergency (PHE) ends. The proposed amendment allows the client to spend down these excess resources over twelve months beginning the month following the end of the PHE. Also, the interim rule with comment published by the Centers for Medicare and Medicaid Services (CMS) that is being codified in 42 C.F.R. 433.400 requires action on changes in circumstances for these clients, which had been prohibited under FFCRA.

Without this amendment, this action will have a disproportionate impact on some clients receiving LTSS. Depending on which program is providing services and where the client lives, at home or in an institution, some will have to spend down these accumulated resources on their cost of care, while others would keep to spend them through the end of the PHE.

During the course of this review, the agency may identify additional related changes that are required in order to improve clarity or update policy.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: CMS via the state plan amendment process.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael Williams, Rulemaking Questions, P.O. Box 42716, Olympia, WA 98504-2716, phone 360-725-1346, fax 360-586-9727, telecommunication[s] relay service (TRS) 711, email michael.williams@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking; or Steve Kozak, Program Questions, P.O. Box 45534, Olympia, WA 98504-2716, phone 360-725-1343, fax 360-586-9727, TRS 711, email stephen.kozak@hca.wa.gov, website www.hca.wa.gov/about-hca/rulemaking.

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Wendy Barcus
Rules Coordinator