

WSR 21-08-085

PERMANENT RULES

HEALTH CARE AUTHORITY

[Filed April 7, 2021, 9:31 a.m., effective May 8, 2021]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The agency is amending WAC 182-512-0800 to add an additional category of income excluded when determining eligibility for Washington apple health SSI-related medical programs; specifically, unearned income withheld for income tax purposes from a benefit that is beyond the person's control.

Citation of Rules Affected by this Order: Amending WAC 182-512-0800.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 21-05-024 on February 8, 2021.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0;

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0;

Date Adopted: April 7, 2021.

Wendy Barcus
Rules Coordinator

OTS-2878.1

AMENDATORY SECTION (Amending WSR 14-07-059, filed 3/14/14, effective 4/14/14)

WAC 182-512-0800 SSI-related medical—General income exclusions.

The agency excludes, or does not consider, the following when determining a person's eligibility for Washington apple health ((-WAH-)) SSI-related medical programs:

(1) The first twenty dollars per month of unearned income. If there is less than twenty dollars of unearned income in a month, the remainder is excluded from earned income in that month.

(a) The twenty-dollar limit is the same, whether applying it for a couple or for a single person.

(b) The disregard does not apply to income paid totally or partially by the federal government or a nongovernmental agency on the basis of an eligible person's needs.

(c) The twenty dollars disregard is applied after all exclusions have been taken from income.

(2) Income that is not reasonably anticipated or is received infrequently or irregularly, whether for a single person or each person in a couple when it is:

(a) Earned and does not exceed a total of thirty dollars per calendar quarter; or

- (b) Unearned and does not exceed a total of sixty dollars per calendar quarter;
- (c) An increase in a person's burial funds that were established on or after November 1, 1982, if the increase is the result of:
- (i) Interest earned on excluded burial funds; or
 - (ii) Appreciation in the value of an excluded burial arrangement that was left to accumulate and become part of separately identified burial funds.
- (3) Essential expenses necessary for a person to receive compensation (e.g., necessary legal fees in order to get a settlement).
- (4) Receipts, which are not considered income, when they are for:
- (a) Replacement or repair of an exempt resource;
 - (b) Prepayment or repayment of medical care paid by a health insurance policy or medical service program; or
 - (c) Payments made under a credit life or credit disability policy.
- (5) The fee a guardian or representative payee charges as reimbursement for providing services, when such services are a requirement for the person to receive payment of the income.
- (6) Funds representing shared household costs.
- (7) Crime victim's compensation.
- (8) The value of a common transportation ticket, given as a gift, that is used for transportation and not converted to cash.
- (9) Gifts that are not for food, clothing or shelter, and gifts of home produce used for personal consumption.
- (10) In-kind payments. The agency does not consider in-kind income received from someone other than a person legally responsible for the person unless it is earned. Therefore, the following in-kind payments are not counted when determining eligibility for ((WAH)) apple health SSI-related medical programs:
- (a) In-kind payments for services paid by a person's employer if:
 - (i) The service is not provided in the course of an employer's trade or business; or
 - (ii) The service is in the form of food that is on the employer's business premises and for the employer's convenience; or
 - (iii) The service is in the form of shelter that is on the employer's business premises, for the employer's convenience, and required to be accepted by the employee as a condition of employment.
 - (b) In-kind payments made to people in the following categories:
 - (i) Agricultural employees;
 - (ii) Domestic employees;
 - (iii) Members of the uniformed services; and
 - (iv) Persons who work from home to produce specific products for the employer from materials supplied by the employer.
- (11) Unearned income withheld, before receipt by the person, for mandatory income tax purposes.

[Statutory Authority: RCW 41.05.021 and Patient Protection and Affordable Care Act (Public Law 111-148), 42 C.F.R. §§ 431, 435, 457 and 45 C.F.R. § 155. WSR 14-07-059, § 182-512-0800, filed 3/14/14, effective 4/14/14. WSR 11-24-018, recodified as § 182-512-0800, filed 11/29/11, effective 12/1/11. Statutory Authority: RCW 74.04.050, 74.04.057, 74.08.090, and 74.09.500, and Social Security Act as amended by P.L. 108-203. WSR 06-04-046, § 388-475-0800, filed 1/26/06, effective 2/26/06. Statutory Authority: RCW 74.04.050, 74.08.090. WSR 04-09-005, § 388-475-0800, filed 4/7/04, effective 6/1/04.]