

WSR 23-14-072

PERMANENT RULES

HEALTH CARE AUTHORITY

[Filed June 29, 2023, 6:55 a.m., effective July 30, 2023]

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

Purpose: The agency amended this rule to remove the website link referencing where the qualified medicare beneficiary (QMB) resource standards for an individual and a couple are listed. Under recent legislation, ESSB 5693, chapter 297, Laws of 2022, section 205(26), countable resources are no longer required for other eligibility programs. As a result, the health care authority (HCA) removed the QMB resource standards chart from its website. There is still a resource standard for the kidney disease program (KDP) and since QMB no longer has a resource standard as of January 1, 2023, HCA amended the rule to include that the KDP resource standard is based on the federal low-income subsidy program with a hyperlink to HCA's program standard for income and resources website.

Citation of Rules Affected by this Order: Amending WAC 182-540-030.

Statutory Authority for Adoption: RCW 41.05.021, 41.05.160.

Adopted under notice filed as WSR 23-11-123 on May 22, 2023.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: June 29, 2023.

Wendy Barcus
Rules Coordinator

OTS-4458.2

AMENDATORY SECTION (Amending WSR 16-01-033, filed 12/8/15, effective 1/8/16)

WAC 182-540-030 Kidney disease program (KDP)—Resource eligibility. (1) The person's household must have countable resources at or below the limits established ((for the qualified medicare beneficiary (QMB)) in the federal low-income subsidy (LIS) program for the person to be eligible for the kidney disease program. ((QMB resource standards for an individual and a couple are listed at: <http://www.heca.wa.gov/medicaid/eligibility/pages/standards.aspx>.) LIS resource standards are listed at [Certified on 9/1/2023](https://www.hca.wa.gov/free-or-low-</u></p></div>
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cost-health-care/i-help-others-apply-and-access-apple-health/program-standard-income-and-resources.

(2) See WAC 182-540-021 to determine who must be included in the household when making a determination of whose resources count.

(3) The following resources are not counted:

(a) A home, defined as real property owned by a client as their principal place of residence together with surrounding and contiguous property;

(b) Household furnishings;

(c) One burial plot per household member or irrevocable burial plans with a mortuary;

(d) Up to (~~one thousand five hundred dollars~~) \$1,500 for a person or (~~three thousand dollars~~) \$3,000 for a couple set aside in a revocable burial account;

(e) Any resource which is specifically excluded by federal law.

(4) The agency follows rules for SSI-related medicaid determinations described in WAC 182-512-0200 through 182-512-0550 when determining whether any other resources are countable with the exception of subsection (5) of this section.

(5) The agency follows rules in chapter 182-516 WAC when a person owns a trust, an annuity, or a life estate.