



EXPEDITED RULE MAKING

CR-105 (June 2004)
(Implements RCW 34.05.353)
EXPEDITED RULE MAKING ONLY

Agency: Department of Social and Health Services, Health and Recovery Services Administration

Title of rule and other identifying information: (Describe Subject)

The department is amending WAC 388-475-0300 SSI-related medical -- Resources eligibility.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

Name: Rules Coordinator
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AND RECEIVED BY 5 p.m. on October 21, 2008

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The purpose of the proposed rule is to strike the duplicative word "other" in WAC 388-475-0300(4), and correct a cross reference in WAC 388-475-0300(6) from "in chapters 388-531 and 388-515 WAC" to "in chapters 388-513 and 388-515 WAC". The rule remains unchanged.

Reasons supporting proposal:

The anticipated effect will be to eliminate potential confusion for the public and make the rule clearer and easier to understand.

Statutory authority for adoption:
RCW 74.04.057; RCW 74.08.090

Statute being implemented:
RCW 74.04.050; RCW 74.09.500

Is rule necessary because of a:

Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 20, 2008
TIME: 9:35 AM

WSR 08-17-111

DATE
August 15, 2008

NAME (TYPE OR PRINT)
Stephanie Schiller

SIGNATURE

TITLE
DSHS Rules Coordinator

(COMPLETE REVERSE SIDE)

Name of proponent: (person or organization): Department of Social and Health Services

- Private
- Public
- Governmental

Name of agency personnel responsible for:

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Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Correcting typographical errors in the rule will ensure the rule is correct and will improve readability.

AMENDATORY SECTION (Amending WSR 08-14-048, filed 6/24/08, effective 7/25/08)

WAC 388-475-0300 SSI-related medical--Resources eligibility.

(1) At 12:00 a.m. on the first day of the month a client's countable resources must be at or below the resource standard to be eligible for noninstitutional medical benefits for that month. If the total of the client's countable resources is above the resource standard at 12:00 a.m. on the first day of the month, the client is ineligible for noninstitutional medical benefits for that entire month regardless of resource status at the time of application during that month. For resource eligibility relating to long-term care eligibility see chapter 388-513 WAC.

(2) An excluded resource converted to another excluded resource remains excluded.

(3) Cash received from the sale of an excluded resource becomes a countable resource the first of the month following conversion unless the cash is;

(a) Used to replace the excluded resource; or

(b) Invested in another excluded resource in the same month or within the longer time allowed for home sales under WAC 388-475-0350; or

(c) Spent.

(4) The unspent portion of a nonrecurring lump sum payment is counted as a resource on the first of the month following its receipt with the following exception: The unspent portion of any Title II (SSA) or Title XVI (SSI) retroactive payment is excluded as a resource for nine months following the month of receipt. These exclusions apply to lump sums received by the client, client's spouse or ~~((other))~~ any other person who is financially responsible for the client.

(5) Clients applying for SSI-related medical coverage for long-term care (LTC) services must meet different resource rules. See chapter 388-513 WAC for LTC resource rules.

(6) The transfer of a resource without adequate consideration does not affect medical program eligibility except for LTC services described in chapters ~~((388-531))~~ 388-513 and 388-515 WAC. In those programs, the transfer may make a client ineligible for medical benefits for a period of time. See WAC 388-513-1363 through 388-513-1366 for LTC rules.