

WAC 388-79A-015 Procedure for allowing guardianship fees and related costs from client participation before June 1, 2018. (1) This section describes the procedure for allowing guardianship fees and related costs from client participation when:

(a) A court order was entered before June 1, 2018; and

(b) The client under guardianship was receiving medicaid-funded long-term care before June 1, 2018.

(2) The medicaid agency or the agency's designee, after receiving the court order, adjusts the client's current participation to reflect the amounts, as allowed under WAC 182-513-1380, 183-515-1509, or 183-515-1514.

(3) A client's participation cannot be prospectively or retroactively reduced to pay guardianship fees and related costs incurred:

(a) Before the client's long-term care medicaid eligibility effective date;

(b) During any time when the client was not eligible for or did not receive long-term care services; or

(c) After the client has died.

(4) The fees and costs allowed by the court at the final accounting must not exceed the amounts advanced and paid to the guardian from the client's participation if:

(a) The court, at a prior accounting, allowed the guardian to receive guardianship fees and related costs from the client's participation in advance of services rendered by the guardian; and

(b) The client dies before the next accounting.

[WSR 18-11-039, recodified as § 388-79A-015, filed 5/8/18, effective 6/1/18. Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 18-10-024, § 182-513-1525, filed 4/24/18, effective 6/1/18. WSR 16-15-042, recodified as § 182-513-1525, filed 7/14/16, effective 7/14/16. Statutory Authority: RCW 11.92.180, 43.20B.460. WSR 03-16-022, § 388-79-050, filed 7/28/03, effective 8/28/03.]