

**Chapter 182-521 WAC**  
**PUBLIC HEALTH EMERGENCY RULES**

Last Update: 7/31/23

**WAC**

182-521-0100 Noncountable income and resources during the COVID-19 public health emergency.  
182-521-0200 Coverage after the public health emergency (PHE) ends.

**WAC 182-521-0100 Noncountable income and resources during the COVID-19 public health emergency.** (1) This section describes certain types of income and resources received as a result of the COVID-19 public health emergency that the health care authority (agency) does not count as income or resources when determining apple health eligibility. This includes certain unemployment income; any Federal Pandemic Unemployment Compensation (FPUC) or Recovery Rebates authorized under the Coronavirus Aid, Relief, and Economic Security (CARES) Act; and other needs-based and disaster-related benefits authorized as a result of the COVID-19 public health emergency. The noncountable income and resources in this section are in addition to other noncountable income and resources in this title, such as those described in WAC 182-509-0320, 182-512-0860, and 182-513-1340.

(2) For all apple health programs, including both modified adjusted gross income-based (MAGI) and nonmodified adjusted gross income-based (non-MAGI) programs, the agency does not count as income for Apple Health determinations of eligibility or cost-sharing calculations any of the following:

(a) Federal pandemic unemployment compensation benefits of six hundred dollars per week issued for the period of March 18, 2020, through July 31, 2020;

(b) Federal pandemic unemployment compensation benefits of three hundred dollars per week issued for the period of December 26, 2020, through September 6, 2021;

(c) Lost wages assistance unemployment compensation benefits of three hundred dollars per week issued for the period of weeks ending August 1, 2020, through September 6, 2021, due to the federal Disaster Relief Fund authorized for states to offset lost wages due to the COVID-19 pandemic, known as Lost Wage Assistance (LWA);

(d) Payments from the pandemic relief payment program as authorized by Governor Jay Inslee on December 27, 2020;

(e) Pandemic Recovery Rebates (also known as stimulus checks or economic impact payments);

(f) Needs-based and disaster-related benefits from other agencies, organizations, or tribal entities including, but not limited to:

(i) Federal Emergency Management Agency (FEMA) programs, such as FEMA COVID-19 Funeral Assistance;

(ii) State programs, such as disaster cash assistance and the Washington immigrant relief fund; and

(iii) Local/municipal programs, such as the city of Seattle hospitality workers relief fund and disaster relief fund for immigrants; and

(g) Pandemic-related changes to federal refundable tax credits including, but not limited to, the child tax credit, the earned income tax credit, and the child and dependent tax care credit.

(3) For non-MAGI programs, the agency does not count as income any unemployment compensation received during the public health emergency.

(4) The agency does not count for apple health premium calculations all income not counted for eligibility determinations for apple health programs. The agency waives monthly premiums until the first of the month following the calendar quarter in which the COVID-19 public health emergency ends.

(5) All income the agency does not count for eligibility determinations for non-MAGI programs, the agency also does not count in post-eligibility treatment of income (PETI) calculations for long-term services and supports. The agency does not count such income whether it is paid to the community spouse or to the spouse seeking or receiving long-term services and supports. The agency does not count such income when determining the spousal allowance or in any other part of the post-eligibility calculation process.

(6) For non-MAGI programs, the agency does not count as a resource:

(a) The value of property essential for self-support (PESS) described in 20 C.F.R. 416.1222 that is subject to the requirement of producing net annual income of at least six percent of the PESS value during the period of the presidential and secretarial emergency declarations related to the COVID-19 outbreak;

(b) Pandemic recovery rebates and all other assistance described in Social Security Administration guidance; and

(c) Assistance including, but not limited to, the Temporary Expansion of the Child Tax Credit of 2021 that is not counted as income and treated under Social Security Administration guidance as not counted as resources for a period of 12 months after receipt.

(7) The agency reviews cases on an individual basis and does not count as resources any disaster assistance identified as excludable under federal law for an indefinite period.

(8) The agency does not count as income or resources any other payments for pandemic assistance not described in this section to the fullest extent provided for under state or federal law.

(9) Any income received as unemployment compensation not described within this section is otherwise countable and the agency counts it when determining MAGI-based apple health eligibility, unless otherwise specified under state or federal law.

(10) The agency does not terminate an enrollee's eligibility due to changes to an enrollee's income or resources.

(11) These rules are in effect until the later of:

(a) The date the client is receiving any benefits described in this rule; or

(b) The end of the month the Secretary of the U.S. Department of Health and Human Services declares the COVID-19 public health emergency to be over.

[Statutory Authority: RCW 41.05.021, 41.05.160 and 42 U.S.C. § 247d. WSR 21-22-094, § 182-521-0100, filed 11/2/21, effective 12/3/21.]

**WAC 182-521-0200 Coverage after the public health emergency (PHE) ends.** (1) In response to the coronavirus (COVID-19) public health emergency (PHE) declared by the Secretary of the U.S. Department of Health and Human Services (HHS) and in response to Section 6008 of the Families First Coronavirus Response Act (Public Law 116-127), the medicaid agency:

(a) Continues your Washington apple health coverage unless your eligibility determination was made incorrectly, or you:

(i) Are deceased;  
(ii) Move out-of-state;  
(iii) Request termination of your coverage; or  
(iv) No longer meet citizenship or immigration requirements as described in WAC 182-503-0535.

(b) Waives and suspends the collection of premiums through the last day of the calendar quarter in which the PHE ends for:

(i) Apple health for kids with premiums (CHIP), as described in WAC 182-505-0215; and

(ii) Health care for workers with disabilities (HWD) program, as described in WAC 182-511-1250.

(c) As required by Social Security Administration guidance, excludes permanently from resources federal, state, and local pandemic-related disaster assistance that has been retained.

(d) Excludes, for the duration of the PHE and a period of 12 months after the PHE ends, any resources not permanently excluded under (c) of this subsection and which accumulated from participation that did not increase in response to Section 6008(b) of the Families First Coronavirus Response Act (FFCRA), as described in WAC 182-512-0550(24).

(2) Based on Section 5131 of the Consolidated Appropriations Act, 2023 (Public Law 117-328), effective April 1, 2023, if you receive continued apple health due to the suspension of certain eligibility rules during the PHE, the agency will, after April 1, 2023:

(a) Redetermine your eligibility for ongoing coverage using the process and timelines described in WAC 182-504-0035 and notify you as required under chapter 182-518 WAC. You may update any information needed to complete a redetermination of eligibility, as described in WAC 182-504-0035.

(i) If you are no longer eligible for apple health, or you do not respond to our renewal request notice, you will receive at least 10 calendar days' advance notice before your coverage is terminated, as described in WAC 182-518-0025.

(ii) If your modified adjusted gross income (MAGI)-based coverage ends because you did not renew it, you have 90 calendar days from the termination date to complete your renewal. If you are still eligible for apple health, your benefits will be restored without a gap in coverage.

(iii) If your coverage is terminated, you have a right to an administrative hearing, as described in chapter 182-526 WAC.

(b) Begin collecting premiums for CHIP and HWD clients prospectively, beginning with the month following the quarter in which the PHE ends, based upon reported circumstances, and without collecting arrears.

(c) Resume eligibility verification based on the factors described in WAC 182-503-0050.

[Statutory Authority: RCW 41.05.021, 41.05.160, and 42 U.S.C. § 1396d note. WSR 23-16-105, § 182-521-0200, filed 7/31/23, effective 8/31/23. Statutory Authority: RCW 41.05.021 and 41.05.160. WSR 22-12-004, § 182-521-0200, filed 5/19/22, effective 7/1/22.]