

# First Friday Forum: Legislative & Public Charge Updates

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# 2022 Legislative Session

- The state's 2022 legislative session ended on March 10
- Legislature passed 303 bills
- Legislature passed a supplemental biennial budget (July 2021- June 2023) which increases spending by \$3.2B and retains \$4.2B in reserves
- Governor is wrapping up bill signings and vetoes

# Select Health Budget Highlights

Issue	Description
Immigrant health equity	<p>Funds \$12M in start-up costs to launch two health coverage programs for immigrants who don't qualify for coverage today by January 2024:</p> <ul style="list-style-type: none"><li>(1) a Medicaid-equivalent program for those up to 138% FPL, and</li><li>(2) an Exchange-based program for others (if federal "1332 waiver" permission is granted), with Cascade Care Savings premium assistance for those up to 250% FPL</li></ul>
Medicare affordability	<p>Effective January 2022, removes asset test for Medicare Savings Program. Also funds DSHS study of options to expand Medicaid and MSP wrap-arounds programs for Medicare enrollees</p>
Continuous enrollment for children	<p>If federal "1115 waiver" permission is granted, funds continuous enrollment for Medicaid-eligible children ages zero to six with income up to 215% FPL (regardless of income changes)</p>
ABD/HEN Mid-certification review	<p>Eliminates the mid-certification review for the Aged, Blind, and Disabled and Housing and Essential Needs Referral programs</p>

# Bill Highlights: Charity Care

Issue	Bill #	Description
Charity care	SHB 1616	<p>Effective July 2022, expands minimum charity care requirements at acute care hospitals in two tiers:</p> <p><u>Tier 1</u></p> <ul style="list-style-type: none"><li>• Applies to hospitals owned by health system that owns 3+ hospitals, hospitals with 300+ beds in most populous county, and hospitals with 200+ beds in county on southern WA border with 450k+ residents</li><li>• Must provide a full write-off of charges for up to 300% FPL, 75% write-off for 301-350% FPL, and 50% write-off for 351-400% FPL</li></ul> <p><u>Tier 2</u></p> <ul style="list-style-type: none"><li>• Other acute care hospitals</li><li>• Must provide a full write-off of charges up to 200% FPL, 75% write-off for 201-250% FPL, and 50% write-off for 250-300% FPL</li></ul> <p>Hospitals may reduce the charity care discount for assets, but only if the person's income is above the limit for full charity care, and certain assets must be excluded</p>

# Bill Highlights: Apple Health & Homes

Issue	Bill #	Description
Health care & housing  ("Apple Health and Homes")	ESHB 1866	<p>Establishes the Apple Health and Homes Program at HCA to provide a 12-month, renewable permanent supportive housing and community support services benefit to low-income enrollees who meet eligibility criteria related to certain medical or behavioral health risk factors and barriers to finding stable housing.</p> <p>Establishes the Office of Health and Homes within the Dept. of Commerce to acquire sufficient permanent supportive housing units to fulfill the needs of program enrollees.</p> <p>Requires the Dept. of Commerce to establish a rapid permanent supportive housing acquisition and development program to help local governments, nonprofits, and tribes acquire/develop housing units.</p>

# Other Select Health Bill Highlights

Issue	Bill #	Description
Personal Needs Allowance	SSB 5745	Effective July 2022, increases the Personal Needs Allowance from 100% FPL to 300% of the federal benefit rate so DSHS-ALISA clients who receive in-home long term care services can keep enough income to pay for housing, food, and basic necessities
Victims of Human Trafficking	HB 1748	Makes victims of human trafficking eligible for the Housing and Essential Needs program; the Aged, Blind, or Disabled program; and the Pregnant Women Assistance Program (no SSN requirement)
Good Cause Exception	SSB 5729	Provides a good cause exception to the 90-day deadline to request a hearing for applicants and recipients of benefits who are aggrieved by a decision of DSHS or HCA, if request is made within 1 year.
Long Term Care	SHB 1732; E2SHB 1733	Refines WA Cares Fund, the state's new long-term care program. Delays the start until July 2023.
Surprise Billing	E2SHB 1688	Expands surprise billing protections to include emergency behavioral health services, post-emergency stabilization services, and air ambulance services.
Prescription Drug Prices	2SSB 5532	Creates a state prescription drug affordability board to oversee prescription drug price increases
DSHS Service Requirements	HB 20175	<b><i>Vetoed (will not become law):</i></b> Would have required minimum customer service standards for DSHS

# How to Learn More

- Sign up for NoHLA updates: [www.nohla.org](http://www.nohla.org) – *final legislative updates coming next week!*
- Look up a bill by number or topic: <https://app.leg.wa.gov/billinfo/>
- Final budget documents (ESSB 5693):  
<http://leap.leg.wa.gov/leap/budget/detail/2022/so2022Supp.asp>

# Public Charge Updates

- The Biden Administration has released proposed “public charge” rules for public comment
- The proposed rule is available at [www.federalregister.gov/documents/2022/02/24/2022-03788/public-charge-ground-of-inadmissibility](https://www.federalregister.gov/documents/2022/02/24/2022-03788/public-charge-ground-of-inadmissibility)
- Public comments are due April 25th - learn more at a Protecting Immigrant Families webinar April 6th @ 12 PM: <https://protectingimmigrantfamilies.org/events/>



## Remember:

The federal government has already confirmed that accessing most public benefits does not affect immigration status.

- The Trump Administration's restrictive "public charge" policy has ended
- Immigrants can safely use many benefits, including food, housing, and medical assistance, without fear that it will affect immigration status
- Immigration officials may only consider the applicant's use of these benefits in a public charge determination:
  - Ongoing cash assistance (such as TANF, State Family Assistance, Aged Blind and Disabled benefits, or Supplemental Security Income)
  - Long-term care in an institution (like a nursing home) paid for by the government

# Other Current Policy Reminders

- The public charge test does not apply to many immigrants!
  - It mainly affects people applying for green card status, such as through a family visa petition
  - It does not apply to refugees, asylees, or other humanitarian entrants
- It is safe to get health care programs and benefits, including COVID-19 testing, treatment, and vaccines
- There is only one exception where public charge could apply for some immigrants using public health care programs: getting long-term care in an institution like a nursing home
- Getting a public benefit does not automatically make someone a public charge - the public charge test considers many factors about the person's circumstances

# Under Consideration in New Rule

- If adopted, the new proposed rule would largely mirror existing guidance from the Biden Administration (similar to pre-Trump 1999 guidance)
- But the rule proposes some helpful clarifications, such as:
  - Lists the benefits not subject to public charge more clearly
  - Lists categories of immigrants exempt from public charge more clearly
  - Clarifies that short-term rehabilitative stays and home and community based services would not be considered as long term institutionalization, and thus would not be subject to public charge
- *These proposals are not yet final*

# Public Charge Resources

- Washington Law Help:  
[www.washingtonlawhelp.org/resource/public-charge-when-is-it-safe-for-immigrants-to-get-benefits](http://www.washingtonlawhelp.org/resource/public-charge-when-is-it-safe-for-immigrants-to-get-benefits)
- Protecting Immigrant Families Washington resources:
  - "Know Your Rights": [https://nohla.org/wordpress/wp-content/uploads/2021/08/Public\\_Charge\\_Know\\_Your\\_Rights.pdf](https://nohla.org/wordpress/wp-content/uploads/2021/08/Public_Charge_Know_Your_Rights.pdf)
  - Detailed fact sheet:  
<https://docs.google.com/document/d/1dwVkJylxa3HBcyaWb2Jg0LmRYgbxqcyZfhqTIMs-cq8/edit>
- More resources, including Spanish translations, here:  
<https://nohla.org/index.php/immigrants-access/>