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IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
STATE OF WASHINGTON

DIVISION II

BY  DEPUTY

No. 42567-0-II

MULTICARE d/b/a MARY BRIDGE
CHILDREN'S HOSPITAL,

Appellant,

v.

STATE OF WASHINGTON DEPARTMENT
OF SOCIAL AND HEALTH SERVICES,

Respondent.

ORDER AMENDING OPINION AND
DENYING MOTION FOR
RECONSIDERATION

The published opinion in this case was filed on January 29, 2013. This opinion is hereby amended as follows:

Footnote 6 on page 8 that reads:

We have found one case analyzing this issue, and it supports our conclusion, *Michael Reese Hosp. V. State*, 44 Ill ct. Cl. 61, 1992 WL 12147804 (1992). That court concluded that when a patient incurs expenses that exceed the spenddown, but the negotiated rate is less than the spenddown, the patient owes the hospital the negotiated rate and the State owes the hospital nothing. *Michael Rees Hosp.*, at *2-3.

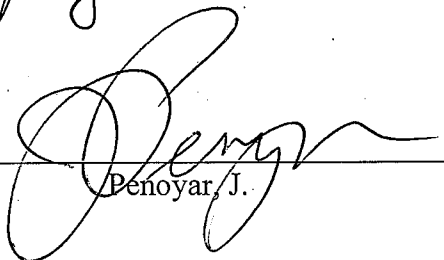
is deleted. The following language is inserted in its place:

We have found one case analyzing this issue, and it supports our conclusion, *Michael Reese Hosp. V. State*, 44 Ill ct. Cl. 61, 1992 WL 12147804 (1992). That court concluded that when a patient incurs expenses that exceed the spenddown, but the negotiated rate is less than the spenddown, the patient owes the hospital the negotiated rate and the State owes the hospital nothing. *Michael Rees Hosp.*, at *2-3. Although Illinois, unlike Washington, is a § 209(b) state, this case is still instructive. Section 209(b) status affects income requirements for Medicaid eligibility, it does not exempt participating states from the federal spenddown requirements at issue here. See *Schweiker v. Gray Panthers*, 453 U.S. 34, 38-39 n.5 (1981) ("States exercising the § 209(b) option were required to adopt a 'spend-down' provision."); *Michael Reese Hosp.* at *1 (citing 42 C.F.R. § 435.831). "

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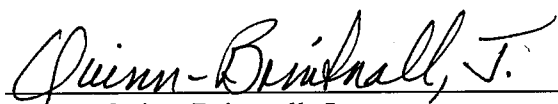
We further order that Appellant's Motion for Reconsideration filed on February 8, 2013 is denied.

DATED this 2nd day of July, 2013.

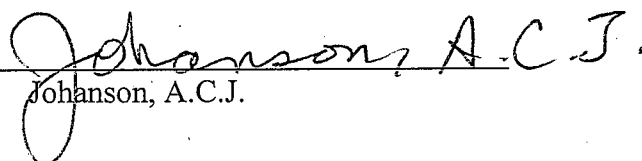


Penoyar, J.

We concur:



Quinn-Brintnall, J.



Johanson, A.C.J.