NOTICE: SLIP OPINION
(not the court's final written decision)

The opinion that begins on the next page is a slip opinion. Slip opinions are the written opinions that are originally filed by the court.

A slip opinion is not necessarily the court's final written decision. Slip opinions can be changed by subsequent court orders. For example, a court may issue an order making substantive changes to a slip opinion or publishing for precedential purposes a previously "unpublished" opinion. Additionally, nonsubstantive edits (for style, grammar, citation, format, punctuation, etc.) are made before the opinions that have precedential value are published in the official reports of court decisions: the Washington Reports 2d and the Washington Appellate Reports. An opinion in the official reports replaces the slip opinion as the official opinion of the court.

The slip opinion that begins on the next page is for a published opinion, and it has since been revised for publication in the printed official reports. The official text of the court's opinion is found in the advance sheets and the bound volumes of the official reports. Also, an electronic version (intended to mirror the language found in the official reports) of the revised opinion can be found, free of charge, at this website: https://www.lexisnexis.com/clients/wareports.

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IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

MULTICARE d/b/a MARY BRIDGE CHILDREN'S HOSPITAL, Appellant, v. STATE OF WASHINGTON DEPARTMENT OF SOCIAL AND HEALTH SERVICES, Respondent.	No. 42567-0-II 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). "

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.