



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: May 07, 2021

TIME: 1:32 PM

WSR 21-11-013

**Agency:** Employment Security Department

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** The adopted rules are the first of three phases of rules to implement portions of the Long-Term Services and Supports Trust Program in Title 50B RCW under the Employment Security Department's authority. The rules address exemptions from participation in the program and include rules related to eligibility and application requirements, employee and employer responsibilities, and refunds of premiums.

**Citation of rules affected by this order:**

New:

WAC 192-905-005 Eligibility requirements for an employee to receive an exemption from the long-term services and supports trust program.

WAC 192-905-010 How and when can an employee apply for an exemption from the long-term services and supports trust program?

WAC 192-905-015 What happens after an employee's exemption application is processed?

WAC 192-905-020 Is an exempt employee entitled to a refund of premiums?

Repealed:

Amended:

Suspended:

**Statutory authority for adoption:** RCW 50B.04.020, RCW 50B.04.085

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 21-06-110 on 03/03/2021 (date).

Describe any changes other than editing from proposed to adopted version: WAC 192-500-005(1) was restructured to add a reference to a relevant section of statute and for ease of readability.

Original proposal: (1) An employee who has long-term care insurance as defined in RCW 48.83.020 and attests to this, may apply for an exemption from the premium assessment under RCW 50B.04.080.

Adopted rule: (1) An employee who as long-term care insurance as outlined in RCW 50B.04.085 and attests to this, may apply for an exemption from the premium assessment under RCW 50B.04.080. "Long-term care insurance" has the meaning provided in RCW 48.83.020.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: April Amundson

Address: Employment Security Department, PO Box 9046 Olympia, WA 98507-9046

Phone: 360-485-2816

Fax:

TTY: WA Relay: 711 (Contact Teresa Eckstein at 360-507-9890 for accommodations)

Email: [rules@esd.wa.gov](mailto:rules@esd.wa.gov)

Web site: <https://esd.wa.gov/newsroom/rulemaking/ltss>

Other:

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	<u>4</u>	Amended	___	Repealed	___

**The number of sections adopted at the request of a nongovernmental entity:**

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

**The number of sections adopted on the agency's own initiative:**

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

**The number of sections adopted using:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	<u>4</u>	Amended	___	Repealed	___

**Date Adopted:** May 7, 2021

**Name:** April Amundson

**Title:** Policy and Rules Manager, Leave and Care Division

**Signature:**

