



# PREPROPOSAL STATEMENT OF INQUIRY

## CR-101 (October 2017) (Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

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DATE: June 22, 2021

TIME: 11:36 AM

WSR 21-13-141

**Agency:** Employment Security Department

**Subject of possible rule making:** The Employment Security Department (department) is considering rules to implement Section 7 of Substitute House Bill (SHB) 1323, Chapter 113, Laws of 2021. The bill, among other things, provides a pathway for federally recognized Washington tribes to elect Long-Term Services and Supports (LTSS) Program coverage. Section 7 of the bill also clarifies that any tribe that elects coverage may opt out at any time for any reason it deems necessary and requires the department to adopt rules to implement the section.

**Statutes authorizing the agency to adopt rules on this subject:** Chapter 113, Laws of 2021; RCW 50B.04.020

**Reasons why rules on this subject may be needed and what they might accomplish:** SHB 1323 requires the department to adopt rules to implement tribal elective coverage and opt-out provisions of the law. Administrative rules are necessary to provide information and clarity to federally recognized tribes considering electing LTSS program coverage.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** The department will share drafts and engage with interested Washington federally recognized tribes, interested stakeholders, and other state agencies with responsibilities under the LTSS law, including the Department of Social and Health Services, the Health Care Authority, and the State Actuary.

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Collaborative rule making

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

	(If necessary)
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Additional comments:

**Date:** June 22, 2021

**Name:** April Amundson

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

**Signature:**