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WAESD-LTSS Phase 2 Rulemaking Hearing

January 7, 2021

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Live Captioner standing by...

>> This is Jeanette. We'll get started in just a second. I wanted to confirm that a stenographer. We'll get started in just a minute.

Hey, everyone, I want to give it just a couple minutes before we get started on today's rulemaking stakeholders meeting just in case there's other people wanting to join in. We'll get started in just a couple minutes. Thanks.

I don't hear any other beeps. I want to thank everyone for joining us today for our long-term services and supports rulemaking meeting. Just a quick reminder to please mute your phones until you're speaking. And I want to start by welcoming everyone again and introductions. We're here this morning to discuss the second phase of rulemaking for the long-term services and supports program. My name is Jeanette Benum and I'm joined by another member of our policy team. I'll ask that he introduce himself.

>> Good morning, my name is Brett Kane, I'm a

policy analyst [Away from mic].

>> Thanks, Brett. And I would like to reiterate that we're here this morning to discuss draft rules regarding the long-term services and supports program. We've had a couple of calls in the past with people calling in regarding individual claims for the paid family medical leave program so I want to note that if you're on the phone regarding a claim or how to file a claim, you'll need to contact our customer care team by calling 833-717-2273. Again, that's 833-717-2273.

I want to go over just a few goals for today and the process. Our goal for today is to receive public comments on the draft rules prior to moving to the next step of rulemaking. The draft rules we'll be discussing today can be found through a link on the agenda or you can pull them up at the following website: The website's ESD.WA.gov. That's ESD.WA.gov/newsroom/rulemaking/LTSS.

Once you're there, under the rules under development heading, you'll choose Phase 2. And under the Phase 2 heading, there's a link to the draft rules there. Again, rules are also linked on the agenda for today's meeting. The draft rules we'll be discussing and receiving comments on today are regarding definitions, premium collection, collective bargaining agreement exemption, election of coverage by self-employed individuals, reporting and payment, and appeals.

These topics are the only subjects we'll be discussing in Phase 2 of rulemaking and are the only subjects we'll be discussing today.

Before we get started on opening it up for public comment, I want to just go through a quick rulemaking update and how we're tackling rulemaking to implement long-term services and supports program.

The rulemaking for the parts of the program that ESD is responsible for is being done in three distinct phases. Phase one of rulemaking addresses exemptions. We held a stakeholder meeting on October 21, 2020, regarding phase one draft rules. We received comments and we considered those comments and anticipate filing the CR102 in mid-February which will open the formal comment period and it will also

set the public hearing date. The public hearing date is anticipated to be March 23, 2021. Phase 2 rules, which are the rules we're discussing today will address, again, definitions, premium collection, collective bargaining agreement exemption, selection of coverage by self-employed individuals, reporting and payment and appeals. We anticipate filing the CR102 for this phase of rulemaking on May 18, which will set the public hearing date for June 22, 2021.

Phase 3 rules will address audit functions, state actuary and ESD functioning, determinations on individual status, and appeals. We anticipate having stakeholder meetings for Phase 3 in June or July of 2021. I want to note that as we move forward in the rulemaking process for each phase, some of these dates may need to be adjusted a bit based on implementation needs and public comments we receive. In order to stay up to date on rulemaking activities, you can sign up on our LISTSERV. There's a link on our website to sign up. The link is at [ESD.WA.gov/newsroom/rulemaking/LTSS](https://ESD.WA.gov/newsroom/rulemaking/LTSS). And in the upper right corner there's a link to sign up for the rulemaking notices there. With that, I want to go ahead and move to the public comment period on the agenda. Again, the rules we're discussing today are regarding Phase 2. There are several new chapters of draft rules that address the topics. At this time I would like to open it up for comments and discussion regarding the draft rules. And if you would like to speak, please unmute your phone, state your name and who you represent if applicable, and please spell your name. After you're done speaking, please remember to remute your phone and please also indicate which specific rule you're providing comment on.

With that, I'll go ahead and open it up for comments.

Do we have anyone on the phone who would like to provide comment on any of the draft rules for Phase 2?

>> This is setting green fast at the University of Washington.

>> Hi, Seth, can you please spell your last name?

>> GREE NFEST.

>> Thank you.

>> You're welcome. This is 192-92-0005. It's more of a question, I think, than a comment. In part four, the first of title 50A and other sections refer to 50B. As I was reading through it, it jumped out to me and I just wanted to confirm that it was intended and not a typo.

>> I'm looking through that here.

>> Thanks. It's on page 15 of the PDF, I think.

>> I will note that. I can't tell right off the bat this quickly if that is a typo. But some of our LTSS statute in title 50B does refer back to title 50A, so I'll make sure to note that to double check that. Thank you for bringing that up. I appreciate it.

>> You're welcome. There's a second one, 192-92-5015. And the fact that there was more than one made me think along the lines of what you just said.

>> I'll make a note to double check that. A lot of our rules we have drafted is a little bit mirrored off our paid family medical leave rules and that's largely because a lot of the statute of 50B does refer back. It's not beyond us that we would have a typo in there but some of them do intentionally refer back. Thank you for bringing that up. I'll make sure to double check all those references.

>> You're welcome. Thanks.

>> Do we have anyone else on the phone who would like to provide comment or question or feedback on the rules?

It sounds like someone just joined us, so I want to again extend the invitation to comment on the rules regarding Phase 2. We'll give it another minute and keep the phone lines open if there's someone who would like to comment.

It doesn't sound like we have anyone else on the phone to provide comment. I just want to go over next steps for the rulemaking process. The next steps for Phase 2 include consideration of any comments received. We will also look at any comments we've received in writing based on the draft rules that we have posted on our website. And we'll make any

applicable changes to the draft rules. We have a target date, as I mentioned earlier, of May 18 of 2021 to file the CR102, which will set the rules hearing target date at June 22 of 2021. And once these dates are final, we'll post the notices on our website and send them out to those who signed up on our LISTSERV. The same information will be posted for each phase of rulemaking. You'll also notice that on our rulemaking website the draft of Phase 1 rules are there. Once we have information and file the CR102 for Phase 2, we will post that information there also. And once we open up rulemaking for Phase 3, you'll see a Phase 3 heading there on the rules page. I want to thank everyone again for joining us today and I hope everybody has a great day.