

AMENDATORY SECTION (Amending WSR 22-20-044, filed 9/28/22, effective 10/29/22)

WAC 192-905-005 Eligibility requirements for an employee to receive a permanent exemption from the long-term services and supports trust program. (1) An employee who has long-term care insurance as outlined in RCW 50B.04.085 and attests to this, may apply through December 31, 2022, for a permanent exemption from the premium assessment under RCW 50B.04.080. Prior to July 1, 2028, an employee may rescind this exemption and participate in the program as described under WAC 192-905-009. "Long-term care insurance" has the meaning provided in RCW 48.83.020.

(a) Only an employee who is ~~((eighteen))~~ 18 years of age or older on the date of application may apply for an exemption.

(b) The employee must provide identification that verifies their age at the time of application.

(c) The department may verify an employee's long-term care insurance coverage and may request additional information from the employee.

(2) ~~((Beginning January 1, 2023,))~~ An employee who is a veteran of the United States military and has a service-connected disability rating by the United States department of veterans affairs of 70 percent or greater may apply for a permanent exemption from the premium assessment under RCW 50B.04.080.

(a) The employee must provide information sufficient for the department to verify their identity.

(b) The employee must provide documentation of their service-connected disability rating at the time of application.

(c) The department may verify an employee's service-connected disability rating and may request additional information from the employee.

AMENDATORY SECTION (Amending WSR 22-20-044, filed 9/28/22, effective 10/29/22)

WAC 192-905-006 Eligibility requirements for an employee to receive a conditional exemption from the long-term services and supports trust program. (1) An employee may apply for a conditional exemption from the premium assessment under RCW 50B.04.080 if:

(a) The employee is a spouse or registered domestic partner of an active duty service member in the United States armed forces whether or not deployed or stationed within or outside of Washington;

(b) The employee ~~((holds a nonimmigrant visa for temporary workers, as recognized by federal law))~~ is an active duty service member in the United States armed forces, whether or not deployed or stationed within or outside of Washington, who is concurrently engaged in off-duty civilian employment as an employee of an employer; or

(c) The employee maintains a permanent primary residence outside of Washington.

(2) The employee must provide information sufficient for the department to verify their identity.

(3) The employee must provide documentation sufficient to verify or substantiate the exemption under RCW 50B.04.055 at the time of application.

(4) The department may request additional information from the employee at any time.

(5) The employee must notify their employer(s) and the department within 90 days of no longer meeting exemption criteria. Requirements for notification and penalties for failing to provide notification to discontinue the exemption are outlined in WAC 192-905-007.

NEW SECTION

WAC 192-905-008 Automatic exemption for an employee who holds a nonimmigrant visa for temporary workers. (1) An employee who holds a nonimmigrant visa for temporary workers, as recognized by federal law, is not subject to the rights and responsibilities of Title 50B RCW, unless the employee notifies their employer(s) in writing that they would like to participate.

(2) The employer(s) must maintain a copy of the written notice of the employee's request to participate in the program.

(3) If an employee notifies their employer(s) that they would like to participate in the program, participation begins and premiums must be assessed:

(a) At employment commencement for new employees; or

(b) The quarter immediately following notification.

(4) If an employee who holds a nonimmigrant visa for temporary workers becomes a permanent resident or citizen employed in Washington, the employee becomes subject to the rights and responsibilities of this chapter beginning the quarter immediately following permanent status and premiums must be assessed.

(5) Wages and hours reported when an employee did not participate in the program do not count toward qualifying for the benefit.

NEW SECTION

WAC 192-905-009 Rescission period for an employee who has received a voluntary long-term care insurance exemption. From January 1, 2026, through June 30, 2028, an employee who has received a permanent exemption under RCW 50B.04.085 may rescind their exemption and participate in the program.

(1) An employee must notify the department that they would like to rescind their exemption in a format approved by the department.

(2) The rescission will be effective the quarter immediately following notification.

(3) The employee must notify any current employer of their rescinded exemption by providing a copy of their rescission letter to the employer.

(4) The employer that is the employer at the time of rescission must maintain a copy of the rescission letter provided by the employee and begin assessing and collecting premiums on the effective date of the rescission.

(5) Wages and hours reported when an employee had an approved exemption do not count toward qualifying for the benefit.

AMENDATORY SECTION (Amending WSR 21-11-013, filed 5/7/21, effective 6/7/21)

WAC 192-905-020 When is an ((exempt)) employee entitled to a refund of premiums? (1) If an exempt employee fails to notify an employer of their exemption, the exempt employee is not entitled to a refund of any premium deductions made before notification was provided.

(2) Any premium deductions made before notification was provided to the employer remain with the employer.

(3) ~~((If an employer deducts premiums after the employee provides notification of the employee's exempt status,))~~ The employer must refund ~~((the))~~ deducted premiums to the employee if:

(a) The employer deducts premiums after the employee provides notification of the employee's exempt status; or

(b) The employee is automatically exempt under WAC 192-905-008 and has not chosen to participate in the program.