



# Concise Explanatory Statement

RCW 34.05.325(6)

## Long-Term Services and Supports Trust (WA Cares Fund)

Qualified individuals, implementation of  
Substitute House Bill 2467, definitions, and appeals

February 2025

### REASONS FOR ADOPTING THE RULE

**Rulemaking history:**

CR-101 filed: March 26, 2024, WSR # 24-08-028

Stakeholder meeting: November 21, 2024

CR-102 filed: December 18, 2024, WSR # 25-01-166

Public rulemaking hearing: January 22, 2025

CR-103 filed and rules adopted: February 14, 2025, WSR # 25-05-068

Rules effective: March 17, 2025

This Concise Explanatory Statement is regarding adoption of the following rules:

Adopted WAC Sections and Title	Description
WAC 192-900-040 Out-of-state participant.	This rule defines an out-of-state participant as an individual who has elected coverage under RCW 50B.04.180. It refers to people who move outside of Washington and elect to continue WA Cares coverage.
WAC 192-900-045 Qualified individual.	This rule defines a qualified individual as someone who has met the requirements under RCW 50B.04.050 and Chapter 192-940 WAC. Both of those references outline the details of contribution requirements to qualify for the benefit.
WAC 192-900-050 Year.	This rule defines a year as a calendar year, beginning on January 1, and ending on December 31.
WAC 192-925-015 Sections of general procedural rules for appeal under chapter 192-800 WAC apply.	This amendment adds a reference to a Paid Family and Medical Leave rule to ensure the processes and procedures for the department to address appeals align between both programs the Leave

	and Care division manages. Alignment is required under RCW 50B.04.120. The referenced section, WAC 192-800-155, specifically outlines what proceedings are open to the public and what information is publicly disclosable.
WAC 192-940-005 Earning years to become a qualified individual.	This rule outlines what wages and hours will be used in the determination of years earned toward qualified individual status, how the hours will be determined in a year, and specifies that wages and hours reported when an individual had an approved exemption don't count toward qualifying for the benefit.
WAC 192-940-010 How will the department determine if someone is a qualified individual?	This rule outlines the three different options available for someone to become a qualified individual, outlines the circumstances in which someone could continue to earn years toward becoming a qualified individual, clarifies that people may not exceed the maximum lifetime benefit amount, and that people who have approved exemptions cannot become qualified individuals.

**VARIANCE BETWEEN PROPOSED RULE AND FINAL RULE**

No changes were made between the proposed rules and the final, adopted rules.

**SUMMARY OF COMMENTS TO PROPOSED RULES AND AGENCY RESPONSE**

No written comments were received. One comment was received during the hearing regarding WAC 192-940-010 and is summarized below.

<b>Comment</b>	<b>Agency Response</b>
From Stephen Forman, Long-Term Care Associates	Thank you for participating in the rulemaking hearing and providing your comments. Your comments

It's not clear in the rule that when someone has a break of five or more consecutive years if they will have to start over to earn ten years of work.

will become part of the official rulemaking file.

RCW 50B.04.050 outlines requirements for becoming a qualified individual. The rule provides additional guidance where an individual will be required to have a period of 10 years where there is not a break of 5 or more consecutive years. The department anticipates offering additional guidance and examples before July 1, 2026, when individuals may apply for services.