

December 2025

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

Implementation of portions of Engrossed Substitute House Bill 5291 and determinations

INTRODUCTION

As required under RCW 34.05.328, the Leave and Care Division of the Employment Security Department (department) is placing into the rulemaking file an implementation plan regarding new rules and amendments regarding the Long-Term Services and Supports Trust Program (WA Cares Fund) to implement portions of Engrossed Substitute Senate Bill (ESSB) 5291, which passed into law during the 2025 legislative session. The adopted rules implement portions of the bill and include requirements regarding qualifying for benefits, a new voluntary exemption for off-duty civilian employment for active-duty service members, automatic exemptions for non-immigrant work visa holders, voluntary rescission of private long-term care insurance exemptions, qualified individual determinations for a pilot project, and collective bargaining agreement participation requirements. Additional adopted rules include a new chapter regarding due process when additional information is requested by the department.

New Rules:

WAC 192-905-008 Automatic exemption for an employee who holds a nonimmigrant visa for temporary workers.

WAC 192-905-009 Rescission period for an employee who has received a voluntary long-term care insurance exemption.

WAC 192-940-011 How is a qualified individual determination made for the pilot project?

Chapter 192-950 WAC Determinations

WAC 192-950-005 What happens if there is a question regarding an individual's application?

WAC 192-950-010 What happens if an interested party does not respond to the department's request for information?

WAC 192-950-015 How will determinations be made?

Amended Rules:

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

WAC 192-905-006 Eligibility requirements for an employee to receive a conditional exemption from the long-term services and supports trust program.

WAC 192-905-020 When is an employee entitled to a refund of premiums?

WAC 192-910-015 What are the employer’s responsibilities for premium deductions?

WAC 192-920-005 Parties to collective bargaining agreements.

WAC 192-940-010 How will the department determine if someone is a qualified individual?

PLAN TO IMPLEMENT AND ENFORCE THE RULE

The department will integrate the new and amended rules into operational policy and discuss the rules with staff members. The content of the rules will also be integrated into the program’s technological functions, to the extent possible, to implement the changes, automate processes, and simplify the customer experience.

PLAN TO INFORM AND EDUCATE AFFECTED PERSONS ABOUT THE RULE

Information regarding the new and amended rules will be posted on the department’s website and included in all relevant online literature. Customer service staff members will be trained on the subject matter of the rules and will be available by phone and email to answer customer questions. Emails are sent to all mailing list subscribers summarizing the rulemaking processes and providing updates on any rules. Additional information, including the final text of the amendments, will be available on the program’s rulemaking website.

PLAN TO PROMOTE AND ASSIST VOLUNTARY COMPLIANCE

The plan to promote and assist voluntary compliance will be identical to the plan to inform and educate affected persons about the rules.

PLAN TO EVALUATE WHETHER THE RULES ACHIEVE THE PURPOSE FOR WHICH THEY WERE ADOPTED

The department will consider feedback from customers and the stakeholder community to gauge the effectiveness and understanding of the changes to the rules.