



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON  
FILED

DATE: December 01, 2025

TIME: 10:48 AM

WSR 25-24-065

**Agency:** Employment Security Department

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** The Employment Security Department (department) is adopting 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 (Chapter 380, Laws of 2025). The adopted rules implement portions of ESSB 5291 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

**Citation of rules affected by this order:**

New:

- 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?

Repealed:

Amended:

- 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?

Suspended:

**Statutory authority for adoption:** RCW 50B.04.020, RCW 50B.04.053, RCW 50B.04.055, RCW 50B.04.085

**Other authority:** Section 16, chapter 380, Laws of 2025

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 25-19-099 on September 17, 2025 (date).

Describe any changes other than editing from proposed to adopted version: WAC 192-940-011 was changed to refer to section 16, chapter 380, Laws of 2025 since the pilot project is temporary and was not codified in chapter 50B.04 RCW. WAC 192-905-005 was changed from referring to "out-of-state coverage applications" to "out-of-state participant applications" to match language in statute. Neither change is substantive.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Janette Benham  
 Address: Employment Security Department, PO Box 9046 Olympia, WA 98507-9046  
 Phone: 360-790-6583  
 Fax:  
 TTY: WA Relay: 711 (Contact Teresa Eckstein at 360-507-9890 for accommodations)  
 Email: [rules@esd.wa.gov](mailto:rules@esd.wa.gov)  
 Web site: <https://esd.wa.gov>  
 Other:

**Note: If any category is left blank, it will be calculated as zero.  
 No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
 A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	3	Amended	6	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted on the agency's own initiative:**

New	3	Amended	_____	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted using:**

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	6	Amended	6	Repealed	_____

**Date Adopted:** December 1, 2025

**Name:** April Amundson

**Title:** Policy and Rules Manager, ESPI, Leave and Care Programs

**Signature:**

