



PROPOSED RULE MAKING

CR-102 (July 2022)
(Implements RCW 34.05.320)
Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 22, 2026

TIME: 9:45 AM

WSR 26-09-141

Agency: Employment Security Department

- Original Notice**
- Supplemental Notice to WSR** _____
- Continuance of WSR** _____

- Preproposal Statement of Inquiry was filed as WSR 25-21-062 ; or**
- Expedited Rule Making--Proposed notice was filed as WSR** _____; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**
- Proposal is exempt under RCW** _____.

Title of rule and other identifying information: (describe subject)

Adding:

Chapter 192-901 WAC Program administration

WAC 192-901-001 Purpose and scope.

Chapter 192-916 WAC Out-of-state participation.

WAC 192-916-005 How can an individual continue participating if they move out of Washington state?

WAC 192-916-010 What happens after an individual applies for out-of-state participation?

WAC 192-916-015 Reporting and premium payment requirements for out-of-state participation.

WAC 192-916-020 Cancellation of coverage for out-of-state participants.

WAC 192-925-020 Can an individual designate a representative to act on their behalf?

Amending:

WAC 192-915-005 Election of coverage for self-employed persons.

WAC 192-930-005 Audit procedures.

WAC 192-940-005 Earning years to become a qualified individual.

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

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
May 26, 2026	9:00 a.m.	Microsoft TEAMS Join online: link available at https://esd.wa.gov/about-us/who-we-are-and-what-we-do/rulemaking/long-term-services-and-supports-ltss-rulemaking Join by phone: 564-999-2000 PIN: 939 667 004#	Hearing will be held remotely

Date of intended adoption: On or after June 1, 2026. (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Janette Benham

Address: Employment Security Department, PO Box 9046
Olympia, WA 98507-9046

Email: rules@esd.wa.gov

Fax:

Other:

By (date) May 26, 2026

Assistance for persons with disabilities:

Contact Teresa Eckstein, State EO Officer

Phone: 360-480-5708

Fax:

TTY:

Email: teckstein@esd.wa.gov

Other:

By (date) May 19, 2026

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Employment Security Department (department) is proposing new rules and amendments regarding the Long-Term Services and Supports Trust Program (WA Cares Fund). The rules outline requirements for out-of-state participation, provide an index of other state agency rules, update requirements for self-employed elective coverage, audits, qualified individual determinations, and clarify procedures for designated representatives.

Reasons supporting proposal: The proposed rules implement requirements for out-of-state participation under RCW 50B.04.180, give direction on where to find rules for other agencies responsible for portions of WA Cares Fund program administration (Department of Social and Health Services and Health Care Authority), add requirements for individuals to designate someone to act on their behalf, and make additional updates to clarify program requirements.

Statutory authority for adoption: RCW 50B.04.020, RCW 50B.04.050, RCW 50B.04.090, RCW 50B.04.180,

Statute being implemented: RCW 50B.04.050, RCW 50B.04.090, RCW 50B.04.180

Is rule necessary because of a:

- Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Type of proponent: Private Public Governmental

Name of proponent: (person or organization) Employment Security Department, Leave and Care Division

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	April Amundson	Olympia, WA	360-485-2816
Implementation:	April Amundson	Olympia, WA	360-485-2816
Enforcement:	April Amundson	Olympia, WA	360-485-2816

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?

Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

No: Please explain:

WAC 192-901-001 is exempt under RCW 34.05.328(5)(b)(iii) because the rule references other Washington state agency rules.

WAC 192-930-005 is exempt under RCW 34.05.328(5)(b)(v) because it is explicitly and specifically dictated by RCW 50B.04.020(4)(c).

WAC 192-940-005; and WAC 192-940-010 are exempt under RCW 34.05.328(5)(b)(v) because they are explicitly and specifically dictated by RCW 50B.04.050 and 180.

WAC 192-915-005 and WAC 192-916-020 are exempt under RCW 34.05.328(5)(b)(v) and RCW 34.05.328(5)(c)(ii). Portions of the rules are explicitly and specifically dictated by statute and portions are interpretive and set forth the agency's interpretation of statutory provisions. Interpretive rules are not significant legislative rules under RCW 34.05.328(5)(c)(iii). WAC 192-915-005 is dictated by RCW 50B.04.090. WAC 192-916-020 is dictated by RCW 50B.04.180.

WAC 192-925-020 is exempt under RCW 34.05.328(5)(c)(i)(C) because it is a procedural rule that adopts a policy pertaining to the internal operations of the department. Procedural rules are not significant legislative rules under RCW 34.05.328(5)(c)(iii).

WAC 192-916-005, WAC 192-916-010, and WAC 192-916-015 are exempt under RCW 34.05.328(5)(b)(v) and RCW 34.05.328(5)(c)(i)(C). Portions of the rules are explicitly and specifically dictated by statute and portions are procedural that adopt a policy pertaining to the internal operations of the department. Procedural rules are not significant legislative rules under RCW 34.05.328(5)(c)(iii). Portions of the rules are dictated by RCW 50B.04.180.

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:

- | | |
|--|--|
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input checked="" type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: Check one.

The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.

The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

	Proposed WAC Sections and Title	This proposed rule section is exempt. Provide RCW to support this exemption.
1.	WAC 192-901-001 Purpose and scope.	RCW 19.85.025(4) – The rule does not affect businesses and provides informational references to other Washington state agency rules for program administration.
2.	WAC 192-915-005 Election of coverage for self-employed persons.	RCW 34.05.310(4)(e) – The rule is dictated by statute (RCW 50B.04.090).
3.	WAC 192-916-005 How can an individual continue participating if they move out of Washington state?	RCW 34.05.310(4)(e) – The rule is dictated by statute (RCW 50B.04.180).

		19.85.025(4) – The rule does not affect businesses and only applies to individuals who would like to voluntarily continue participation in the program when moving out of Washington state.
4.	WAC 192-916-010 What happens after an individual applies for out-of-state participation?	RCW 34.05.310(4)(e) – The rule is dictated by statute (RCW 50B.04.180). 19.85.025(4) – The rule does not affect businesses and only applies to individuals who would like to voluntarily continue participation in the program when moving out of Washington state.
5.	WAC 192-916-015 Reporting and premium payment requirements for out-of-state participation.	RCW 34.05.310(4)(e) – The rule is dictated by statute (RCW 50B.04.180). 19.85.025(4) – The rule does not affect businesses and only applies to individuals who would like to voluntarily continue participation in the program when moving out of Washington state.
6.	WAC 192-916-020 Cancellation of coverage for out-of-state participants.	RCW 34.05.310(4)(e) – The rule is dictated by statute (RCW 50B.04.180). RCW 19.85.025(4) – The rule does not affect businesses and only applies to individuals who would like to voluntarily continue participation in the program when moving out of Washington state.
7.	WAC 192-925-020 Can an individual designate a representative to act on their behalf?	RCW 34.05.310(4)(b) – The rule is related to internal governmental operations that are not subject to violation by a nongovernment party. RCW 19.85-025(4) – The rule does not affect businesses and outlines how an individual may designate another individual to act on their behalf.
8.	WAC 192-930-005 Audit procedures.	RCW 34.05.310(4)(e) – The rule is dictated by statute (RCW 50B.04.020(4)(c)).
9.	WAC 192-940-005 Earning years to become a qualified individual.	RCW 34.05.310(4)(e) – The rule is dictated by statute (RCW 50B.04.050 and RCW 50B.04.180).
10.	WAC 192-940-010 How will the department determine if someone is a qualified individual?	RCW 34.05.310(4)(e) – The rule is dictated by statute (RCW 50B.04.050 and RCW 50B.04.180).

The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency’s minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Date: April 22, 2026

Signature:

Name: April Amundson



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