

Concise Explanatory Statement
RCW 34.05.325(6)
Long-Term Services and Supports Trust
(WA Cares Fund)

**Program administration, out-of-state participation, Self-
employed persons, designated representative, audits,
qualified individuals**

June 2026

REASONS FOR ADOPTING THE RULE

Rulemaking history:

CR-101 filed: October 13, 2025, WSR # 25-21-062

Stakeholder meeting: April 7, 2026

CR-102 filed: April 22, 2026, WSR # 26-09-141

Public rulemaking hearing: May 26, 2026

CR-103 filed and rules adopted: June 1, 2026, WSR # 26-12-058

Rules effective: July 1, 2026

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

Adopted WAC Sections and Title	Description
WAC 192-901-001 Purpose and scope.	The adopted rule provides an index of Employment Security Department rules, Department of Social and Health Services rules, and Health Care Authority rules.
WAC 192-915-005 Election of coverage for self-employed persons.	The adopted amendments clarify when self-employed individuals may elect coverage and include the addition of language regarding cancellation of coverage for failing to make required payments or file reports, as provided in RCW 50B.04.090.
WAC 192-916-005 How can an individual continue participating if they move out of Washington state?	The adopted rule outlines requirements under RCW 50B.04.180 for an individual to become an out-of-state participant. The rule requires individuals to apply for out-of-state participation.
WAC 192-916-010 What happens after an individual applies for out-of-state participation?	The adopted rule outlines that the department will determine if the individual is eligible to be an out-of-state participant based on requirements in RCW

	50B.04.180 and clarifies that any wages earned and hours worked when an individual had an approved exemption do not count toward meeting the requirements.
WAC 192-916-015 Reporting and premium payment requirements for out-of-state participants.	The adopted rule outlines that any wages earned and hours worked that are not already reported by an employer must be reported to the department annually. The rule clarifies that people who move out of state but continue to have some work localized in Washington that is already reported by their employer should not double report. The rule restates and clarifies requirements of RCW 50B.04.180.
WAC 192-916-020 Cancellation of coverage for out-of-state participants.	The adopted rule references the requirement in RCW 50B.04.180 that out-of-state participants may not withdraw from program coverage and requires the department to cancel coverage for failure to make required payments or submit required reports. The rule also clarifies that individuals whose coverage is cancelled cannot participate in the program and are not entitled to receive benefits.
WAC 192-925-020 Can an individual designate a representative to act on their behalf?	The adopted rule outlines the circumstances under which an individual may designate another individual to act on their behalf for the purposes of applications, determinations, and appeals under the department's authority. The rule aligns with the rule currently in place for the Paid Family and Medical Leave program.
WAC 192-930-005 Audit procedures.	The adopted amendments add that the department may inspect and audit self-employed and out-of-state participant elective coverage documentation at intervals determined by the

	department. The rule further clarifies language describing reporting periods for each group, which are either quarterly for employers or annually for out-of-state participants.
WAC 192-940-005 Earning years to become a qualified individual.	The adopted amendments add that out-of-state participants may earn years toward qualified individual status.
WAC 192-940-010 How will the department determine if someone is a qualified individual?	The adopted amendments to this rule add that an out-of-state participant who continues to work may be eligible to earn additional years toward becoming a qualified individual if they previously qualified under a temporary or prorated pathway.

VARIANCE BETWEEN PROPOSED RULE AND FINAL RULE

None.

SUMMARY OF COMMENTS TO PROPOSED RULES AND AGENCY RESPONSE

No written comments were received. No comments were received during the rulemaking hearing.