

WSR 21-13-141
PREPROPOSAL STATEMENT OF INQUIRY
EMPLOYMENT SECURITY DEPARTMENT

[Filed June 22, 2021, 11:36 a.m.]

Subject of Possible Rule Making: The employment security department (department) is considering rules to implement SHB 1323, section 7, chapter 113, Laws of 2021. The bill, among other things, provides a pathway for federally recognized Washington tribes to elect long-term services and supports (LTSS) program coverage. Section 7 of the bill also clarifies that any tribe that elects coverage may opt out at any time for any reason it deems necessary and requires the department to adopt rules to implement the section.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 113, Laws of 2021; RCW 50B.04.020.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: SHB 1323 requires the department to adopt rules to implement tribal elective coverage and opt-out provisions of the law. Administrative rules are necessary to provide information and clarity to federally recognized tribes considering electing LTSS program coverage.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The department will share drafts and engage with interested Washington federally recognized tribes, interested stakeholders, and other state agencies with responsibilities under the LTSS law, including the department of social and health services, the health care authority, and the state actuary.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Janette Benham, 640 Woodland Square Loop S.E., Lacey, WA 98503, phone 360-790-6583, TTY Teresa Eckstein, state EO officer, 771 or 360-902-9354, email rules@esd.wa.gov.

June 22, 2021
April Amundson
Policy and Rules Manager
Leave and Care Division