

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2467**

68th Legislature  
2024 Regular Session

Passed by the House February 12, 2024  
Yeas 58 Nays 39

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**Speaker of the House of  
Representatives**

Passed by the Senate February 28,  
2024  
Yeas 27 Nays 21

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2467** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2467**

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Passed Legislature - 2024 Regular Session

**State of Washington**                      **68th Legislature**                      **2024 Regular Session**

**By** House Health Care & Wellness (originally sponsored by Representatives Macri, Chopp, Thai, Bateman, and Pollet)

READ FIRST TIME 01/31/24.

1            AN ACT Relating to increasing access to the long-term services  
2 and supports trust program by allowing participants who move out-of-  
3 state the option of maintaining benefit eligibility or opting out,  
4 and by prohibiting discrimination including based upon race, gender,  
5 age, or preexisting condition; amending RCW 50B.04.010, 50B.04.020,  
6 50B.04.060, 50B.04.070, and 50B.04.100; reenacting and amending RCW  
7 50B.04.050; adding new sections to chapter 50B.04 RCW; creating a new  
8 section; and providing an effective date.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10            NEW SECTION.    **Sec. 1.**    The purpose of this act is to preserve and  
11 strengthen Washington's long-term care program by giving participants  
12 who move out-of-state the option of maintaining benefit eligibility  
13 or opting out, and prohibiting discrimination based upon race,  
14 gender, age, or preexisting condition.

15            Extending coverage to Washington workers when they move out-of-  
16 state will protect employees' investments in the state's long-term  
17 care program, ensuring that eligible beneficiaries can receive long-  
18 term care benefits when they need them, even if they move out-of-  
19 state, while preserving the right for out-of-state participants to  
20 opt out. The extension of the program will increase the state's  
21 investment in long-term care services. The prohibition in this act

1 against discrimination will ensure that the program is implemented  
2 uniformly and that all program participants are equally protected  
3 from discrimination regardless of the laws in their home state.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 50B.04  
5 RCW to read as follows:

6 (1) Beginning July 1, 2026, an employee or self-employed person,  
7 who has elected coverage under RCW 50B.04.090, who relocates outside  
8 of Washington may elect to continue participation in the program if:

9 (a) The employee or self-employed person has been assessed  
10 premiums by the employment security department for at least three  
11 years in which the employee or self-employed person has worked at  
12 least 500 hours in each of those years in Washington; and

13 (b) The employee or self-employed person notifies the employment  
14 security department within one year of establishing a primary  
15 residence outside of Washington that the employee or self-employed  
16 person is no longer a resident of Washington and elects to continue  
17 participation in the program.

18 (2) Out-of-state participants under subsection (1) of this  
19 section must report their wages or self-employment earnings to the  
20 employment security department according to standards for manner and  
21 timing of reporting and documentation submission, as adopted by rule  
22 by the employment security department. An out-of-state participant  
23 must submit documentation to the employment security department  
24 whether or not the out-of-state participant earned wages or self-  
25 employment earnings, as applicable, during the applicable reporting  
26 period. When an out-of-state participant reaches the age of 67, the  
27 participant is no longer required to provide the documentation of  
28 their wages or self-employment earnings, but if the participant earns  
29 wages or self-employment earnings, the participant must submit  
30 reports of those wages or self-employment earnings and remit the  
31 required premiums.

32 (3) Out-of-state participants under subsection (1) of this  
33 section must provide documentation of wages and self-employment  
34 earnings earned at the time that they report their wages or self-  
35 employment earnings to the employment security department.

36 (4) The employment security department may cancel elective  
37 coverage if the out-of-state participant fails to make required  
38 payments or submit reports. The employment security department may  
39 collect due and unpaid premiums and may levy an additional premium

1 for the remainder of the period of coverage. The cancellation must be  
2 effective no later than 30 days from the date of the notice in  
3 writing advising the out-of-state participant of the cancellation.

4 (5) The employment security department shall:

5 (a) Adopt standards by rule for the manner and timing of  
6 reporting and documentation submission for out-of-state participants.  
7 The employment security department must consider user experience with  
8 the wage and self-employment earnings reporting process and the  
9 document submission process and regularly update the standards to  
10 minimize the procedural burden on out-of-state participants and  
11 support the accurate reporting of wages and self-employment earnings  
12 at the time of the payment of premiums;

13 (b) Collect premiums from out-of-state participants as provided  
14 in RCW 50B.04.080 and 50B.04.090, as relevant to out-of-state  
15 participants; and

16 (c) Verify the wages or self-employment earnings as reported by  
17 an out-of-state participant.

18 (6) For the purposes of this section, "wages" includes  
19 remuneration for services performed within or without or both within  
20 and without this state.

21 (7) Entities providing services to an eligible beneficiary  
22 outside Washington are subject to section 9 of this act and may not  
23 discriminate based upon race, gender, age, or preexisting condition.

24 (8) An employee or self-employed person who has elected coverage  
25 under RCW 50B.04.090 who relocates outside of Washington may elect to  
26 opt out of coverage by no longer reporting wages to the department,  
27 rather than become an out-of-state participant in the program.

28 (9) By extending the premium base to out-of-state participants  
29 under subsection (1) of this section, this act will increase the  
30 state's investment in long-term care services.

31 **Sec. 3.** RCW 50B.04.010 and 2021 c 113 s 1 are each amended to  
32 read as follows:

33 The definitions in this section apply throughout this chapter  
34 unless the context clearly requires otherwise.

35 (1) "Account" means the long-term services and supports trust  
36 account created in RCW 50B.04.100.

37 (2) "Approved service" means long-term services and supports  
38 including, but not limited to:

39 (a) Adult day services;

- 1 (b) Care transition coordination;
- 2 (c) Memory care;
- 3 (d) Adaptive equipment and technology;
- 4 (e) Environmental modification;
- 5 (f) Personal emergency response system;
- 6 (g) Home safety evaluation;
- 7 (h) Respite for family caregivers;
- 8 (i) Home delivered meals;
- 9 (j) Transportation;
- 10 (k) Dementia supports;
- 11 (l) Education and consultation;
- 12 (m) Eligible relative care;
- 13 (n) Professional services;
- 14 (o) Services that assist paid and unpaid family members caring
- 15 for eligible individuals, including training for individuals
- 16 providing care who are not otherwise employed as long-term care
- 17 workers under RCW 74.39A.074;
- 18 (p) In-home personal care;
- 19 (q) Assisted living services;
- 20 (r) Adult family home services; and
- 21 (s) Nursing home services.
- 22 (3) "Benefit unit" means up to (~~one hundred dollars~~) \$100 paid
- 23 by the department of social and health services to a long-term
- 24 services and supports provider as reimbursement for approved services
- 25 provided to an eligible beneficiary on a specific date. The benefit
- 26 unit must be adjusted annually at a rate no greater than the
- 27 Washington state consumer price index, as determined solely by the
- 28 council. Any changes adopted by the council shall be subject to
- 29 revision by the legislature.
- 30 (4) "Commission" means the long-term services and supports trust
- 31 commission established in RCW 50B.04.030.
- 32 (5) "Council" means the long-term services and supports trust
- 33 council established in RCW 50B.04.040.
- 34 (6) "Eligible beneficiary" means a qualified individual who is
- 35 age (~~eighteen~~) 18 or older, (~~residing in the state of~~
- 36 ~~Washington,~~) has been determined to meet the minimum level of
- 37 assistance with activities of daily living necessary to receive
- 38 benefits through the trust program, as established in this chapter,
- 39 and has not exhausted the lifetime limit of benefit units.
- 40 (7) "Employee" has the meaning provided in RCW 50A.05.010.

1 (8) "Employer" has the meaning provided in RCW 50A.05.010.

2 (9) "Employment" has the meaning provided in RCW 50A.05.010.

3 (10) "Exempt employee" means a person who has been granted a  
4 premium assessment exemption by the employment security department.

5 (11) "Long-term services and supports provider" means:

6 (a) For entities providing services to an eligible beneficiary in  
7 Washington, an entity that meets the qualifications applicable in law  
8 to the approved service they provide, including a qualified or  
9 certified home care aide, licensed assisted living facility, licensed  
10 adult family home, licensed nursing home, licensed in-home services  
11 agency, adult day services program, vendor, instructor, qualified  
12 family member, or other entities as registered by the department of  
13 social and health services; and

14 (b) For entities providing services to an eligible beneficiary  
15 outside Washington, an entity that meets minimum standards for care  
16 provision and program administration, as established by the  
17 department of social and health services, and that is appropriately  
18 credentialed in the jurisdiction in which the services are being  
19 provided as established by the department of social and health  
20 services.

21 (12) "Premium" or "premiums" means the payments required by RCW  
22 50B.04.080 and paid to the employment security department for deposit  
23 in the account created in RCW 50B.04.100.

24 (13) "Program" means the long-term services and supports trust  
25 program established in this chapter.

26 (14) "Qualified family member" means a relative of an eligible  
27 beneficiary qualified to meet requirements established in state law  
28 for the approved service they provide that would be required of any  
29 other long-term services and supports provider to receive payments  
30 from the state.

31 (15) "Qualified individual" means an individual who meets the  
32 duration of payment requirements, as established in this chapter.

33 (16) "State actuary" means the office of the state actuary  
34 created in RCW 44.44.010.

35 (17) "Wage or wages" means all remuneration paid by an employer  
36 to an employee. Remuneration has the meaning provided in RCW  
37 50A.05.010. All wages are subject to a premium assessment and not  
38 limited by the commissioner of the employment security department, as  
39 provided under RCW 50A.10.030(4).

1       **Sec. 4.** RCW 50B.04.020 and 2022 c 1 s 1 are each amended to read  
2 as follows:

3       (1) The health care authority, the department of social and  
4 health services, the office of the state actuary, and the employment  
5 security department each have distinct responsibilities in the  
6 implementation and administration of the program. In the performance  
7 of their activities, they shall actively collaborate to realize  
8 program efficiencies and provide persons served by the program with a  
9 well-coordinated experience.

10       (2) The health care authority shall:

11       (a) Track the use of lifetime benefit units to verify the  
12 individual's status as an eligible beneficiary as determined by the  
13 department of social and health services;

14       (b) Ensure approved services are provided through audits or  
15 service verification processes within the service provider payment  
16 system for registered long-term services and supports providers and  
17 recoup any inappropriate payments;

18       (c) Establish criteria for the payment of benefits to registered  
19 long-term services and supports providers under RCW 50B.04.070;

20       (d) Establish rules and procedures for benefit coordination when  
21 the eligible beneficiary is also funded for medicaid and other long-  
22 term services and supports, including medicare, coverage through the  
23 department of labor and industries, and private long-term care  
24 coverage; and

25       (e) Adopt rules and procedures necessary to implement and  
26 administer the activities specified in this section related to the  
27 program.

28       (3) The department of social and health services shall:

29       (a) Make determinations regarding an individual's status as an  
30 eligible beneficiary under RCW 50B.04.060;

31       (b) Approve long-term services and supports eligible for payment  
32 as approved services under the program, as informed by the  
33 commission;

34       (c) Register long-term services and supports providers that meet  
35 minimum qualifications;

36       (d) Discontinue the registration of long-term services and  
37 supports providers that: (i) Fail to meet the minimum qualifications  
38 applicable in law to the approved service that they provide; or (ii)  
39 violate the operational standards of the program;

1 (e) Disburse payments of benefits to registered long-term  
2 services and supports providers, utilizing and leveraging existing  
3 payment systems for the provision of approved services to eligible  
4 beneficiaries under RCW 50B.04.070;

5 (f) Prepare and distribute written or electronic materials to  
6 qualified individuals, eligible beneficiaries, and the public as  
7 deemed necessary by the commission to inform them of program design  
8 and updates;

9 (g) Provide customer service and address questions and  
10 complaints, including referring individuals to other appropriate  
11 agencies;

12 (h) Provide administrative and operational support to the  
13 commission;

14 (i) Track data useful in monitoring and informing the program, as  
15 identified by the commission; (~~and~~)

16 (j) Develop criteria to deem a family member as qualified when  
17 providing approved services outside of Washington; and

18 (k) Adopt rules and procedures necessary to implement and  
19 administer the activities specified in this section related to the  
20 program.

21 (4) The employment security department shall:

22 (a) Collect and assess employee premiums as provided in RCW  
23 50B.04.080 and 50B.04.090 and section 2 of this act;

24 (b) Assist the commission, council, and state actuary in  
25 monitoring the solvency and financial status of the program;

26 (c) Perform investigations to determine the compliance of premium  
27 payments in RCW 50B.04.080 and 50B.04.090 and section 2 of this act  
28 in coordination with the same activities conducted under the family  
29 and medical leave act, Title 50A RCW, to the extent possible;

30 (d) Make determinations regarding an individual's status as a  
31 qualified individual under RCW 50B.04.050, including criteria to  
32 determine the status of persons receiving partial benefit units under  
33 RCW 50B.04.050(2) and out-of-state participants under section 2 of  
34 this act; and

35 (e) Adopt rules and procedures necessary to implement and  
36 administer the activities specified in this section related to the  
37 program.

38 (5) The office of the state actuary shall:

39 (a) Beginning July 1, 2025, and biennially thereafter, perform an  
40 actuarial audit and valuation of the long-term services and supports



1 trust fund. Additional or more frequent actuarial audits and  
2 valuations may be performed at the request of the council;

3 (b) Make recommendations to the council and the legislature on  
4 actions necessary to maintain trust solvency. The recommendations  
5 must include options to redesign or reduce benefit units, approved  
6 services, or both, to prevent or eliminate any unfunded actuarially  
7 accrued liability in the trust or to maintain solvency; and

8 (c) Select and contract for such actuarial, research, technical,  
9 and other consultants as the actuary deems necessary to perform its  
10 duties under chapter 363, Laws of 2019.

11 (6) By October 1, 2021, the employment security department and  
12 the department of social and health services shall jointly conduct  
13 outreach to provide employers with educational materials to ensure  
14 employees are aware of the program and that the premium assessments  
15 will begin on July 1, 2023. In conducting the outreach, the  
16 employment security department and the department of social and  
17 health services shall provide on a public website information that  
18 explains the program and premium assessment in an easy to understand  
19 format. Outreach information must be available in English and other  
20 primary languages as defined in RCW 74.04.025.

21 **Sec. 5.** RCW 50B.04.050 and 2022 c 2 s 3 and 2022 c 1 s 3 are  
22 each reenacted and amended to read as follows:

23 (1) Except as provided in subsection (2) of this section, the  
24 employment security department shall deem a person to be a qualified  
25 individual as provided in this chapter if the person has paid the  
26 long-term services and supports premiums required by RCW 50B.04.080  
27 for the equivalent of either:

28 (a) A total of ten years without interruption of five or more  
29 consecutive years; or

30 (b) Three years within the last six years from the date of  
31 application for benefits.

32 (2) A person born before January 1, 1968, who has not met the  
33 duration requirements under subsection (1)(a) of this section may  
34 become a qualified individual with fewer than the number of years  
35 identified in subsection (1)(a) of this section if the person has  
36 paid the long-term services and supports premiums required by RCW  
37 50B.04.080 for at least one year. A person becoming a qualified  
38 individual pursuant to this subsection (2) may receive one-tenth of  
39 the maximum number of benefit units available under RCW

1 50B.04.060(3)(b) for each year of premium payments. In accordance  
2 with RCW 50B.04.060, benefits for eligible beneficiaries in  
3 Washington will not be available until July 1, 2026, and benefits for  
4 out-of-state participants who become eligible beneficiaries will not  
5 be available until July 1, 2030, and nothing in this section requires  
6 the department of social and health services to accept applications  
7 for determining an individual's status as an eligible beneficiary  
8 prior to July 1, 2026. Nothing in this subsection (2) prohibits a  
9 person born before January 1, 1968, who meets the conditions of  
10 subsection (1)(b) of this section from receiving the maximum number  
11 of benefit units available under RCW 50B.04.060(3)(b).

12 (3) When deeming a person to be a qualified individual, the  
13 employment security department shall require that the person have  
14 worked at least (~~five hundred~~) 500 hours during each of the ten  
15 years in subsection (1)(a) of this section, each of the three years  
16 in subsection (1)(b) of this section, or each of the years identified  
17 in subsection (2) of this section.

18 (4) An exempt employee may never be deemed to be a qualified  
19 individual, unless the employee's exemption was discontinued under  
20 RCW 50B.04.055.

21 **Sec. 6.** RCW 50B.04.060 and 2022 c 1 s 4 are each amended to read  
22 as follows:

23 (1) Beginning July 1, 2026, approved services must be available  
24 and benefits payable to a registered long-term services and supports  
25 provider on behalf of an eligible beneficiary under this section.

26 (2) (~~Beginning~~) (a)(i) Except for qualified individuals  
27 residing outside of Washington as provided in (a)(ii) of this  
28 subsection, beginning July 1, 2026, a qualified individual may become  
29 an eligible beneficiary by filing an application with the department  
30 of social and health services and undergoing an eligibility  
31 determination which includes an evaluation that the individual  
32 requires assistance with at least three activities of daily living.

33 (ii) For a qualified individual residing outside of Washington,  
34 beginning January 1, 2030, the out-of-state qualified individual may  
35 become an eligible beneficiary by filing an application with the  
36 department of social and health services and undergoing an  
37 eligibility determination. The eligibility determination must include  
38 an evaluation that the individual either (A) is unable to perform,  
39 without substantial assistance from another individual, at least two

1 of the following activities of daily living for a period of at least  
2 90 days due to a loss of functional capacity: Eating, toileting,  
3 transferring, bathing, dressing, or continence, or (B) requires  
4 substantial supervision to protect such individual from threats to  
5 health and safety due to severe cognitive impairments.

6 (b) The department of social and health services must engage  
7 sufficient qualified assessor capacity, including via contract, so  
8 that the determination may be made within 45 days from receipt of a  
9 request by a beneficiary to use a benefit.

10 (3) (a) An eligible beneficiary may receive approved services and  
11 benefits through the program in the form of a benefit unit payable to  
12 a registered long-term services and supports provider.

13 (b) Except as limited in RCW 50B.04.050(2), an eligible  
14 beneficiary may not receive more than the dollar equivalent of 365  
15 benefit units over the course of the eligible beneficiary's lifetime.

16 (i) If the department of social and health services reimburses a  
17 long-term services and supports provider for approved services  
18 provided to an eligible beneficiary and the payment is less than the  
19 benefit unit, only the portion of the benefit unit that is used shall  
20 be taken into consideration when calculating the person's remaining  
21 lifetime limit on receipt of benefits.

22 (ii) Eligible beneficiaries may combine benefit units to receive  
23 more approved services per day as long as the total number of  
24 lifetime benefit units has not been exceeded.

25 **Sec. 7.** RCW 50B.04.070 and 2019 c 363 s 8 are each amended to  
26 read as follows:

27 (1) Benefits provided under this chapter shall be paid  
28 periodically and promptly to (~~registered~~) long-term services and  
29 supports providers (~~-~~

30 ~~-2-))~~ who provide approved services to:

31 (a) Eligible beneficiaries in Washington if the long-term  
32 services and supports provider is registered with the department of  
33 social and health services; and

34 (b) Eligible beneficiaries outside Washington if the long-term  
35 services and supports providers meet minimum standards established by  
36 the department.

37 (2) Qualified family members may be paid for approved personal  
38 care services in the same way as individual providers, through a  
39 licensed home care agency, or through a third option if recommended

1 by the commission and adopted by the department of social and health  
2 services.

3 **Sec. 8.** RCW 50B.04.100 and 2019 c 363 s 11 are each amended to  
4 read as follows:

5 (1) The long-term services and supports trust account is created  
6 in the custody of the state treasurer. All receipts from employers  
7 under RCW 50B.04.080 and from out-of-state participants under section  
8 2 of this act must be deposited in the account. Expenditures from the  
9 account may be used for the administrative activities of the  
10 department of social and health services, the health care authority,  
11 and the employment security department. Benefits associated with the  
12 program must be disbursed from the account by the department of  
13 social and health services. Only the secretary of the department of  
14 social and health services or the secretary's designee may authorize  
15 disbursements from the account. The account is subject to the  
16 allotment procedures under chapter 43.88 RCW. An appropriation is  
17 required for administrative expenses, but not for benefit payments.  
18 The account must provide reimbursement of any amounts from other  
19 sources that may have been used for the initial establishment of the  
20 program.

21 (2) The revenue generated pursuant to this chapter shall be  
22 utilized to expand long-term care in the state. These funds may not  
23 be used either in whole or in part to supplant existing state or  
24 county funds for programs that meet the definition of approved  
25 services.

26 (3) The moneys deposited in the account must remain in the  
27 account until expended in accordance with the requirements of this  
28 chapter. If moneys are appropriated for any purpose other than  
29 supporting the long-term services and supports program, the  
30 legislature shall notify each qualified individual by mail that the  
31 person's premiums have been appropriated for an alternate use,  
32 describe the alternate use, and state its plan for restoring the  
33 funds so that premiums are not increased and benefits are not  
34 reduced.

35 NEW SECTION. **Sec. 9.** A new section is added to chapter 50B.04  
36 RCW to read as follows:

1 (1) In carrying out this chapter, discrimination against any  
2 person based upon race, gender, age, or preexisting condition is  
3 prohibited.

4 (2) The department of social and health services shall adopt  
5 rules to prohibit discrimination pursuant to this section, which  
6 shall govern all state agencies and all persons and entities involved  
7 in implementing this chapter, including but not limited to long-term  
8 services and supports providers.

9 (3) The prohibition against discrimination adopted in this  
10 section shall equally protect in state participants and out-of-state  
11 participants under section 2 of this act.

12 (4) The prohibition against discrimination will ensure that the  
13 program is implemented uniformly and that all program participants  
14 are treated fairly and protected from discrimination regardless of  
15 the laws in their home state.

16 (5) The prohibitions provided in this section are additional and  
17 supplemental to existing protections against discrimination under  
18 federal, state, and local laws, including chapter 49.60 RCW, as may  
19 be applicable.

20 NEW SECTION. **Sec. 10.** If any provision of this act or its  
21 application to any person or circumstance is held invalid, the  
22 remainder of the act or the application of the provision to other  
23 persons or circumstances is not affected.

24 NEW SECTION. **Sec. 11.** This act takes effect July 1, 2025.

--- END ---