

**WSR 21-22-107**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**EMPLOYMENT SECURITY DEPARTMENT**

[Filed November 2, 2021, 4:17 p.m.]

Subject of Possible Rule Making: The long-term services and supports trust program under Title 50B RCW requires rule making for implementation. Rule making is being done in distinct phases. This pre-proposal statement of inquiry is regarding Phase 3 to implement portions of the program that are under the employment security department's (ESD) authority. This phase may include, but is not limited to, audit functions, and other rules as necessary.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 50B.04.020 (4)(c) and (e).

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: ESD must implement and administer portions of chapter 50B.04 RCW. Rules will ensure clear guidance is available for implementation and administration.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: The Washington state health care authority, department of social and health services, and office of the state actuary also have program implementation and administration responsibilities under chapter 50B.04 RCW. ESD's rules drafting timeline will be shared with these agencies and feedback will be requested from them throughout the rule-making process.

Process for Developing New Rule: The draft rules will be shared with other state agencies, the public, stakeholders, and the program's commission and council. ESD will solicit input from all involved parties and consider all comments in the development of the final rules.

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 68503 [98503], phone 360-790-6583, TTY Teresa Eckstein, State EO Officer, 771 or 360-902-9354, email Rules@esd.wa.gov, website <https://esd.wa.gov/newsroom/rulemaking/ltss/>.

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April Amundson  
Policy and Rules Manager  
Leave and Care Division