

February 2025

**Long-Term Services and Supports Trust (WA Cares Fund)
Qualified individuals, implementation of
Substitute House Bill 2467, definitions, and appeals**

INTRODUCTION

As required under RCW 34.05.328, the Leave and Care Division of the Employment Security Department (department) is placing into the rulemaking file an implementation plan regarding new rules and amendments regarding the Long-Term Services and Supports Trust Program (WA Cares Fund) to implement a portion of Substitute House Bill 2467, which passed into law during the 2024 legislative session. The adopted rules implement a portion of the bill that was codified in RCW 50B.04.180 by defining “out-of-state participant.” The adopted rules also add additional program definitions, outline qualified individual requirements and determinations, and further align the WA Cares Fund and Paid Family and Medical Leave appeals processes.

New Rules:

WAC 192-900-040 Out-of-state participant.

WAC 192-900-045 Qualified individual.

WAC 192-900-050 Year.

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?

Amended Rule:

WAC 192-925-015 Sections of general procedural rules for appeal under chapter 192-800 WAC apply.

PLAN TO IMPLEMENT AND ENFORCE THE RULE

The department will integrate the new and amended rules into operational policy and discuss the rules with staff members. The content of the rules will also be integrated into the program’s technological functions, to the extent possible, to implement the changes, automate processes, and simplify the customer experience.

PLAN TO INFORM AND EDUCATE AFFECTED PERSONS ABOUT THE RULE

Information regarding the new and amended rules will be posted on the department’s website and included in all relevant online literature. Customer service staff members will be trained on the subject matter of the rules and will be available by phone and email to answer customer questions. Emails are sent to all mailing list

subscribers summarizing the rulemaking processes and providing updates on any rules. Additional information, including the final text of the amendments, will be available on the program's rulemaking website.

PLAN TO PROMOTE AND ASSIST VOLUNTARY COMPLIANCE

The plan to promote and assist voluntary compliance will be identical to the plan to inform and educate affected persons about the rules.

PLAN TO EVALUATE WHETHER THE RULES ACHIEVE THE PURPOSE FOR WHICH THEY WERE ADOPTED

The department will consider feedback from customers and the stakeholder community to gauge the effectiveness and understanding of the changes to the rules.