
SENATE BILL 5611

State of Washington

67th Legislature

2022 Regular Session

By Senators Mullet and King; by request of Secretary of State

Prefiled 12/29/21.

1 AN ACT Relating to providing an exemption to long-term care
2 insurance for retired veterans and retirement eligible veterans; and
3 amending RCW 50B.04.010, 50B.04.020, and 50B.04.085.

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

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

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

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

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

13 (a) Adult day services;

14 (b) Care transition coordination;

15 (c) Memory care;

16 (d) Adaptive equipment and technology;

17 (e) Environmental modification;

18 (f) Personal emergency response system;

19 (g) Home safety evaluation;

20 (h) Respite for family caregivers;

21 (i) Home delivered meals;

- 1 (j) Transportation;
- 2 (k) Dementia supports;
- 3 (l) Education and consultation;
- 4 (m) Eligible relative care;
- 5 (n) Professional services;
- 6 (o) Services that assist paid and unpaid family members caring
7 for eligible individuals, including training for individuals
8 providing care who are not otherwise employed as long-term care
9 workers under RCW 74.39A.074;
- 10 (p) In-home personal care;
- 11 (q) Assisted living services;
- 12 (r) Adult family home services; and
- 13 (s) Nursing home services.
- 14 (3) "Benefit unit" means up to one hundred dollars paid by the
15 department of social and health services to a long-term services and
16 supports provider as reimbursement for approved services provided to
17 an eligible beneficiary on a specific date. The benefit unit must be
18 adjusted annually at a rate no greater than the Washington state
19 consumer price index, as determined solely by the council. Any
20 changes adopted by the council shall be subject to revision by the
21 legislature.
- 22 (4) "Commission" means the long-term services and supports trust
23 commission established in RCW 50B.04.030.
- 24 (5) "Council" means the long-term services and supports trust
25 council established in RCW 50B.04.040.
- 26 (6) "Eligible beneficiary" means a qualified individual who is
27 age eighteen or older, residing in the state of Washington, has been
28 determined to meet the minimum level of assistance with activities of
29 daily living necessary to receive benefits through the trust program,
30 as established in this chapter, and has not exhausted the lifetime
31 limit of benefit units.
- 32 (7) "Employee" has the meaning provided in RCW 50A.05.010.
- 33 (8) "Employer" has the meaning provided in RCW 50A.05.010.
- 34 (9) "Employment" has the meaning provided in RCW 50A.05.010.
- 35 (10) "Exempt employee" means a person who has been granted a
36 premium assessment exemption by the employment security department.
- 37 (11) "Long-term services and supports provider" means an entity
38 that meets the qualifications applicable in law to the approved
39 service they provide, including a qualified or certified home care
40 aide, licensed assisted living facility, licensed adult family home,

1 licensed nursing home, licensed in-home services agency, adult day
2 services program, vendor, instructor, qualified family member, or
3 other entities as registered by the department of social and health
4 services.

5 (12) "Premium" or "premiums" means the payments required by RCW
6 50B.04.080 and paid to the employment security department for deposit
7 in the account created in RCW 50B.04.100.

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

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

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

17 (16) "Retired veteran and retirement eligible veteran" means a
18 person who has served in the armed service of the United States and
19 is eligible for retirement or has retired from the armed service
20 either after a duration of service necessary to qualify for veterans
21 benefits or due to disability qualification for veterans benefits.

22 (17) "State actuary" means the office of the state actuary
23 created in RCW 44.44.010.

24 (~~(17)~~) (18) "Wage or wages" means all remuneration paid by an
25 employer to an employee. Remuneration has the meaning provided in RCW
26 50A.05.010. All wages are subject to a premium assessment and not
27 limited by the commissioner of the employment security department, as
28 provided under RCW 50A.10.030(4).

29 **Sec. 2.** RCW 50B.04.020 and 2021 c 113 s 2 are each amended to
30 read as follows:

31 (1) The health care authority, the department of social and
32 health services, the office of the state actuary, and the employment
33 security department each have distinct responsibilities in the
34 implementation and administration of the program. In the performance
35 of their activities, they shall actively collaborate to realize
36 program efficiencies and provide persons served by the program with a
37 well-coordinated experience.

38 (2) The health care authority shall:

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

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

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

10 (d) Establish rules and procedures for benefit coordination when
11 the eligible beneficiary is also funded for medicaid and other long-
12 term services and supports, including medicare, coverage through the
13 department of labor and industries, and private long-term care
14 coverage; and

15 (e) Adopt rules and procedures necessary to implement and
16 administer the activities specified in this section related to the
17 program.

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

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

21 (b) Approve long-term services and supports eligible for payment
22 as approved services under the program, as informed by the
23 commission;

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

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

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

34 (f) Prepare and distribute written or electronic materials to
35 qualified individuals, eligible beneficiaries, and the public as
36 deemed necessary by the commission to inform them of program design
37 and updates;

38 (g) Provide customer service and address questions and
39 complaints, including referring individuals to other appropriate
40 agencies;

1 (h) Provide administrative and operational support to the
2 commission;

3 (i) Track data useful in monitoring and informing the program, as
4 identified by the commission; and

5 (j) Adopt rules and procedures necessary to implement and
6 administer the activities specified in this section related to the
7 program.

8 (4) The employment security department shall:

9 (a) Collect and assess employee premiums as provided in RCW
10 50B.04.080;

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

13 (c) Perform investigations to determine the compliance of premium
14 payments in RCW 50B.04.080 and 50B.04.090 in coordination with the
15 same activities conducted under the family and medical leave act,
16 Title 50A RCW, to the extent possible;

17 (d) Make determinations regarding an individual's status as a
18 qualified individual under RCW 50B.04.050; and

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

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

23 (a) Beginning January 1, 2024, and biennially thereafter, perform
24 an actuarial audit and valuation of the long-term services and
25 supports trust fund. Additional or more frequent actuarial audits and
26 valuations may be performed at the request of the council;

27 (b) Make recommendations to the council and the legislature on
28 actions necessary to maintain trust solvency. The recommendations
29 must include options to redesign or reduce benefit units, approved
30 services, or both, to prevent or eliminate any unfunded actuarially
31 accrued liability in the trust or to maintain solvency; and

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

35 (6) By October 1, 2021, the employment security department and
36 the department of social and health services shall jointly conduct
37 outreach to provide employers with educational materials to ensure
38 employees are aware of the program and that the premium assessments
39 will begin on January 1, 2022. In conducting the outreach, the
40 employment security department and the department of social and

1 health services shall provide on a public website information that
2 explains the program and premium assessment in an easy to understand
3 format. Outreach information must be available in English and other
4 primary languages as defined in RCW 74.04.025.

5 (7) By July 1, 2022, the employment security department and the
6 department of social and health services shall jointly conduct
7 outreach to retired veterans and retirement eligible veterans living
8 in the state and provide employers with educational materials to
9 ensure employees are aware of the option available to retired
10 veterans to exempt themselves from the program. In conducting the
11 outreach, the employment security department and the department of
12 social and health services shall provide on a public website
13 information that explains the program and premium assessment in an
14 easy to understand format, and the procedure for a retired veteran
15 and retirement eligible veterans to exempt themselves from the
16 program. Outreach information must be available in English and other
17 primary languages as defined in RCW 74.04.025.

18 **Sec. 3.** RCW 50B.04.085 and 2021 c 113 s 5 are each amended to
19 read as follows:

20 (1)(a) An employee who attests that the employee has long-term
21 care insurance purchased before November 1, 2021, may apply for an
22 exemption from the premium assessment under RCW 50B.04.080.

23 (b) A retired veteran or retirement eligible veteran may request
24 exemption from the premium assessment under RCW 50B.04.080 by
25 attesting to their service and eligibility for veterans benefits.

26 (c) An exempt employee may not become a qualified individual or
27 eligible beneficiary and is permanently ineligible for coverage under
28 this title.

29 (2) The employment security department must accept applications
30 for exemptions for retired veterans and retirement eligible veterans
31 at any time.

32 (3) The employment security department is not required to verify
33 the attestation of an employee that the employee is a retired veteran
34 or a retirement eligible veteran.

35 (4)(a) The employment security department must accept
36 applications for exemptions only from October 1, 2021, through
37 December 31, 2022.

38 (b) Only employees who are eighteen years of age or older may
39 apply for an exemption.

1 (~~(3)~~) (5) The employment security department is not required to
2 verify the attestation of an employee that the employee has long-term
3 care insurance.

4 (~~(4)~~) (6) Approved exemptions will take effect on the first day
5 of the quarter immediately following the approval of the exemption.

6 (~~(5)~~) (7) Exempt employees are not entitled to a refund of any
7 premium deductions made before the effective date of an approved
8 exemption.

9 (~~(6)~~) (8) An exempt employee must provide written notification
10 to all current and future employers of an approved exemption.

11 (~~(7)~~) (9) If an exempt employee fails to notify an employer of
12 an exemption, the exempt employee is not entitled to a refund of any
13 premium deductions made before notification is provided.

14 (~~(8)~~) (10) Employers must not deduct premiums after being
15 notified by an employee of an approved exemption.

16 (a) Employers must retain written notifications of exemptions
17 received from employees.

18 (b) An employer who deducts premiums after being notified by the
19 employee of an exemption is solely responsible for refunding to the
20 employee any premiums deducted after the notification.

21 (c) The employer is not entitled to a refund from the employment
22 security department for any premiums remitted to the employment
23 security department that were deducted from exempt employees.

24 (~~(9)~~) (11) The department must adopt rules necessary to
25 implement and administer the activities specified in this section
26 related to the program, including rules on the submission and
27 processing of applications under this section.

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