
SENATE BILL 5737

State of Washington

67th Legislature

2022 Regular Session

By Senator L. Wilson

Prefiled 01/07/22.

1 AN ACT Relating to suspending premium assessments for pending
2 exemption applications for the long-term services and supports trust
3 program; amending RCW 50B.04.085; and declaring an emergency.

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

5 **Sec. 1.** RCW 50B.04.085 and 2021 c 113 s 5 are each amended to
6 read as follows:

7 (1) An employee who attests that the employee has long-term care
8 insurance purchased before November 1, 2021, may apply for an
9 exemption from the premium assessment under RCW 50B.04.080. An exempt
10 employee may not become a qualified individual or eligible
11 beneficiary and is permanently ineligible for coverage under this
12 title.

13 (2)(a) The employment security department must accept
14 applications for exemptions only from October 1, 2021, through
15 December 31, 2022.

16 (b) Only employees who are ((eighteen)) 18 years of age or older
17 may apply for an exemption.

18 (3) The employment security department is not required to verify
19 the attestation of an employee that the employee has long-term care
20 insurance.

1 (4) Approved exemptions will take effect on the first day of the
2 quarter immediately following the approval of the exemption except as
3 provided in subsection (10) of this section.

4 (5) Exempt employees are not entitled to a refund of any premium
5 deductions made before the effective date of an approved exemption
6 except as provided in subsection (10) of this section.

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

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

12 (8) Employers must not deduct premiums after being notified by an
13 employee of an approved exemption.

14 (a) Employers must retain written notifications of exemptions
15 received from employees.

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

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

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

26 (10) The employment security department shall exclude from
27 premium calculation any individual with an unprocessed exemption
28 application submitted prior to January 1, 2022. Individuals with
29 pending exemption applications as of January 1, 2022, shall notify
30 their employer. Employers shall exclude from premium assessment
31 individuals with an unprocessed exemption application as of January
32 1, 2022.

33 (a) If the employment security department deems the individual's
34 application to be incomplete on or after January 1, 2022, the
35 individual is responsible for premiums starting January 1, 2022.

36 (b) If premiums were assessed by the employer, but not yet
37 remitted to the employment security department, the employer shall
38 issue a full refund to the individual.

39 (11) Subsection (10) of this section retroactively applies to any
40 exemption application submitted before January 1, 2022.

1 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of
3 the state government and its existing public institutions, and takes
4 effect immediately.

--- END ---