



## Overview of DSHS Rulemaking Project

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# Housekeeping

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- Please use Q&A feature to ask questions during the presentation
- Chat will open for discussion at the end of the presentation
- Questions not addressed during the presentation or discussion will be addressed through a Q&A document that will be available on the WA Cares Fund website

# Agenda

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- Review meeting schedule
- Overview of Washington Cares Fund
- Overview of rulemaking activities
- Discussion
- Next steps

# Common terms

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Department of Social and Health Services	DSHS
Employment Security Department	ESD
Health Care Authority	HCA
Long-term services and supports	LTSS
Office of the State Actuary	OSA
Revised Code of Washington	RCW
Washington Cares Fund / WA Cares Fund	WCF
Washington Administrative Code	WAC





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# WA Cares Fund

# Program timeline



**2014**

Research on policy options for long-term care

**2019**

Legislature passes LTSS Trust Act & governor signs into law

**2021**

Legislature improves coverage for adults with disabilities that onset prior to age 18

**2022**

Legislature adds pathway to partial benefits for near-retirees; establishes voluntary exemptions for certain groups

**2023**

**July 1**  
Workers begin contributing

**2026**

**July 1**  
Benefits become available for qualified, eligible individuals



# WA Cares Fund can help

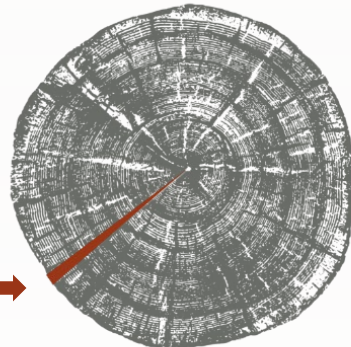
- Earned benefit
- Self-funded by worker contributions
- Works like an insurance program
- Only contribute while you're working
- Everyone covered at same rate regardless of pre-existing conditions
- No copays, no deductibles, and you never have to file a claim

## Typical Income:

\$50,091

## Typical Contribution:

\$291/year



0.58%

## Contributions

0.58%

Amount workers  
contribute from wages



Contributions began

## Benefits

\$36,500

Lifetime maximum benefit  
(adjusted annually up to  
inflation)

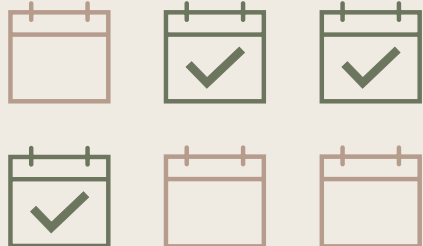


Benefits available

# Qualifying for benefits

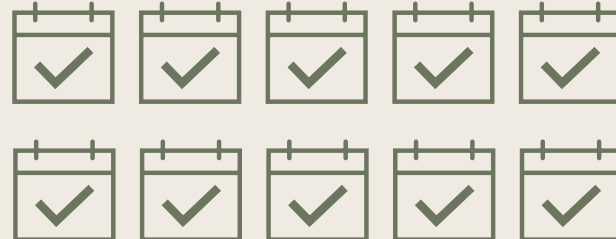
## Early access to full benefit

Contributed at least **3 of the last 6 years** at the time you apply for benefits



## Lifetime access to full benefit

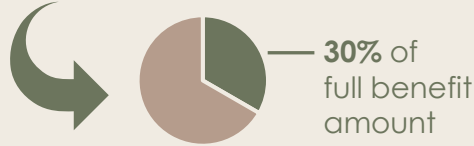
Contributed for a **total of 10 years** without a break of 5+ consecutive years



## FOR NEAR-RETIRES

## Lifetime access to partial benefit

People born before 1968 earn **10% of benefit amount** for each year worked



To earn benefits, must work at least 500 hours per year (about 10 hours per week)



# The benefit is flexible

Up to **\$36,500** for any combination of services and supports, including:



Professional care at home or in a facility



Adaptive equipment & technology like hearing or medication reminder devices



Training & paying family member or friend to be your caregiver



Home-delivered meals



Home safety evaluations & environmental modifications like wheelchair ramps



Support & respite for family caregivers



Transportation

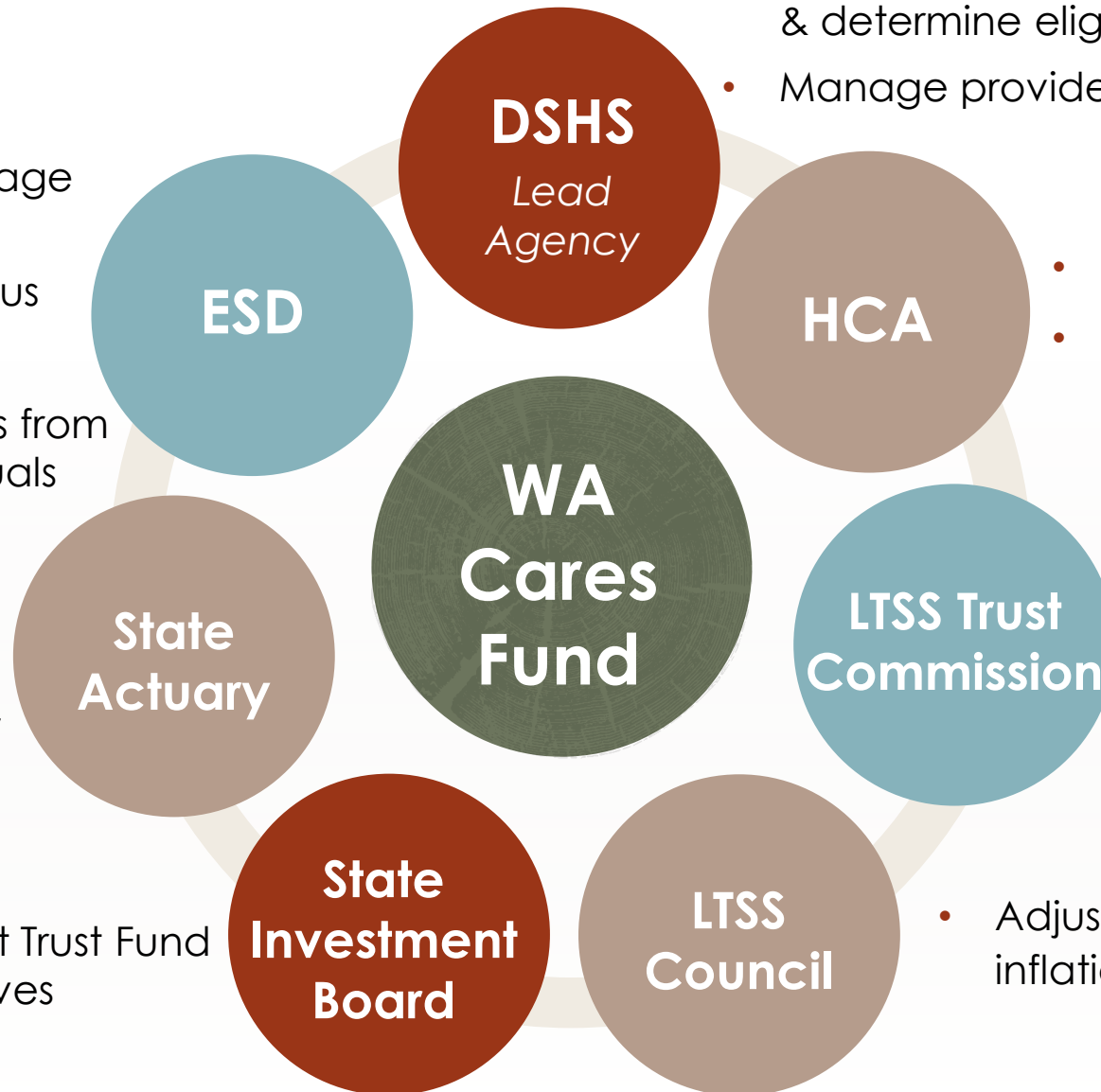
Must need help with **3 activities of daily living** like bathing, dressing, eating, medication management

# Program structure

- Collect premiums & wage reports
- Determine vesting status
- Process exemptions
- Process opt-in requests from self-employed individuals

- Provide actuarial analysis to assess ongoing solvency

- Invest Trust Fund reserves



- Process applications
- Perform care needs assessments & determine eligibility
- Manage providers

- Pay providers
- Track benefit usage

- Make recommendations to legislature & agencies
- Monitor expenses

- Adjust benefits annually up to inflation



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# Rulemaking

# Rulemaking Activities for WA Cares Fund

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- This meeting series is focused on DSHS rulemaking. Our hope is to hear your ideas, input, and be able to ask you questions about key topics for DSHS rulemaking.
- Employment Security Department's WA Cares Fund rules can be found in Title 192 WAC under Long-Term Services and Supports. ESD focuses on collecting employee premiums, contribution determinations, and assisting with monitoring solvency and financial status of the program.
- Health Care Authority rulemaking is expected to begin in 2025. HCA focuses on benefit use, benefit coordination, and criteria for benefit payment.



# Rulemaking schedule

Meeting	Day	Time	Topic
<b>1</b>	<b>March 6</b>	<b>1:00pm-2:00pm</b>	<b>Overview of rulemaking project and schedule</b>
2	March 27	2:00pm – 4:00pm	Approved services
3	April 3	3:00pm – 5:00pm	Approved services
4	April 17	10:00am – 12:00pm	Beneficiaries: applying for services, eligibility criteria
5	May 8	2:00pm – 4:00pm	Beneficiaries: assessment and eligibility
6	May 15	2:00pm – 4:00pm	Beneficiaries: rights and responsibilities, application
7	May 29	2:00pm – 4:00pm	Providers: Rights and application process
8	June 12	2:00pm – 4:00pm	Providers: Registration requirements
9	June 26	1:00pm – 3:00pm	Providers: registration requirements, denial and termination of registration
10	July 17	2:00pm – 4:00pm	Governance, definitions

# Register for Webinars

- Make sure to register for each webinar
- Add the calendar invite from the registration to your calendar

Topic	Meeting details
Overview of rulemaking project and schedule	March 6, 2024 1 - 2 p.m. <a href="#">Register here</a> ↗
Approved services	March 27, 2024 2 - 4 p.m. <a href="#">Register here</a> ↗
Approved services continued	April 3, 2024 3 - 5 p.m. <a href="#">Register here</a> ↗
Beneficiaries: applying for services, eligibility criteria	April 17, 2024 10 a.m. - 12 p.m. <a href="#">Register here</a> ↗

# Please sign up for notifications

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- Verify you are signed up to receive notifications about DSHS WA Cares Fund rulemaking.
- Notifications about rulemaking will be sent out through the DSHS WA Cares Fund rulemaking mailing list.

What types of email updates are you interested in? (Select all that apply)

- General program news and updates
- Announcements of webinars and events
- Notifications when new resources become available
- Updates on LTSS Trust Commission meetings and recommendation
- DSHS Rulemaking

# Process for rulemaking

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- Identify authority to draft rules
- File the public notice form of intention to write rules
- Engage with stakeholders to understand the impact of rules
- Draft proposed rules with input from stakeholders
- File proposed rules for public hearing with the Code Reviser's Office
- Receive feedback through public hearing and public comment period on proposed rule language
- Respond to feedback by making changes or explaining why a change was not made
- File final rule language for adoption with Code Reviser's Office
- Washington Administrative Codes go into effect



# Authority for Rulemaking

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- To write administrative rules (WAC), the legislature must grant authority to a state department to draft and implement rules.
- The scope of authority to write rules is limited to the authority granted by the legislature.
- DSHS was granted authority under chapter 50b.04 RCW to draft rules to implement the WA Cares Fund.
- RCW 50b.04.020 outlines the responsibilities of each department engaged with implementing WA Cares Fund.
- RCW 50b.04.020(3) outlines DSHS's responsibilities including:
  - Determining an individual's status as an eligible beneficiary
  - Defining and identifying approved services
  - Registering and deregistering long-term services and supports (LTSS) providers
  - Disbursing payments of benefits to LTSS providers

# DSHS WA Cares team goals

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- Understand values of the community as they relate to the topics subject to rulemaking within chapter 50b.04 RCW subject to rulemaking by DSHS
- Hear ideas on planned rulemaking topics
- Receive input to help guide rule language drafting

# What to expect moving forward

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- Meetings will be focused on specific topics for focused discussion
- The DSHS WA Cares team will listen carefully to ideas and ask questions to understand values
- The DSHS WA Cares team will use the information gathered to guide drafting rule language
- Information will be available on the WA Cares Fund website.



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# Discussion



# Discussion

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- In the chat, please share your name, organization, and topics you are interested in related to WA Cares.

# Discussion

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- What do you hope to experience during the upcoming meeting sessions?

# Discussion

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- What do you want the DSHS WA Cares team to learn from you?

# Discussion

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- What do you think is important to keep in mind when drafting rules?

# Resources

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- DSHS website: <https://wacaresfund.wa.gov/rulemaking>
- ESD website: <https://esd.wa.gov/newsroom/rulemaking/ltss>
- HCA website: <https://www.hca.wa.gov/about-hca/rulemaking>
- Questions related to the WA Cares program, please email [WACares@dshs.wa.gov](mailto:WACares@dshs.wa.gov)



# Next steps

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- Provide communication through the DSHS Rulemaking mailing list(sign up on the WA Cares Fund website)
- Our next meeting will be held on March 27<sup>th</sup> from 2pm-4pm (make sure you are registered). Discussion will be focused on approved services.
- Please share!



# Thank you!

We look forward to continuing this discussion in upcoming meetings

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Questions about the WA Cares Fund rulemaking process?

Contact Arielle Finney at [Arielle.Finney2@dshs.wa.gov](mailto:Arielle.Finney2@dshs.wa.gov)

Questions about the WA Cares Fund program?

Contact the WA Cares Fund Customer Care Team at [WACares@dshs.wa.gov](mailto:WACares@dshs.wa.gov)