

# HOUSE BILL REPORT

## HB 1613

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**As Passed House:**

February 9, 2022

**Title:** An act relating to shared reporting responsibilities for both the paid family and medical leave and the long-term services and supports trust programs to clarify that information collected from employer reports shall remain private.

**Brief Description:** Concerning shared reporting responsibilities for both the paid family and medical leave and the long-term services and supports trust programs to clarify that information collected from employer reports shall remain private.

**Sponsors:** Representatives Sells, Berry, Ryu, Wicks, Taylor, Simmons, Kloba and Harris-Talley; by request of Employment Security Department.

**Brief History:**

**Committee Activity:**

Labor & Workplace Standards: 1/11/22, 1/21/22 [DP].

**Floor Activity:**

Passed House: 2/9/22, 86-9.

**Brief Summary of Bill**

- Provides data confidentiality, sharing, and disclosure parameters under the Long-Term Services and Supports (LTSS) trust program.
- Provides for disclosure of Paid Family and Medical Leave (PFML) program data to certain agencies for the administration of the LTSS trust program.

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### HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

**Majority Report:** Do pass. Signed by 6 members: Representatives Sells, Chair; Berry, Vice Chair; Mosbrucker, Assistant Ranking Minority Member; Bronoske, Harris and Ortiz-

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

Self.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Hoff, Ranking Minority Member.

**Staff:** Lily Smith (786-7175).

**Background:**

Paid Family and Medical Leave Program Data Use.

With some exceptions, the Employment Security Department (ESD) must keep information regarding individuals and employers under the Paid Family and Medical Leave (PFML) program private and confidential. The ESD may disclose this information in the following instances:

- a third party acting on behalf of an individual or employer, with a signed release;
- to the Legislature under certain conditions, with a signed release;
- to specified other governmental agencies when necessary for certain official purposes;
- to the federal Internal Revenue Service for administration of the PFML program; and
- in certain instances for the performance of contracts with other governmental organizations, private organizations, or persons.

Long-Term Services and Supports Trust Program.

In 2019 the Long-Term Services and Supports (LTSS) trust program was created to provide long-term services and supports benefits to persons who have paid into the program for a specific amount of time and who have been assessed as needing a certain amount of assistance with activities of daily living. The ESD is tasked with determining individual eligibility, and assessing and collecting employee premiums through employers, in administration of the LTSS trust program.

**Summary of Bill:**

Information or records on individuals or employers obtained through the collection of premiums and qualification determinations for the LTSS trust program must be kept private and confidential in the same manner as in the PFML program.

Confidential information or records in the PFML program may be disclosed to the Department of Social and Health Services, the Health Care Authority, and the Office of the State Actuary for the purposes of administering ESD's responsibilities under the LTSS trust program.

The ESD may enter into data sharing agreements in order to conduct program evaluations of

the LTSS trust program.

The LTSS trust program may disclose confidential information or records in certain instances to allow for contracted assistance in the operation, management, and implementation of the program.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill allows the same privacy provisions for both the PFML and long-term care programs. The ESD intends to use the data provisions to create an improved customer support experience, with the data between the two programs commingled. Data will also be able to be shared with partner agencies.

(Opposed) None.

**Persons Testifying:** Representative Mike Sells, prime sponsor; and Lisa Kissler, Employment Security Department.

**Persons Signed In To Testify But Not Testifying:** None.