
SENATE BILL 5639

State of Washington

68th Legislature

2023 Regular Session

By Senators Muzzall and Van De Wege

1 AN ACT Relating to prohibiting the recertification of existing
2 long-term services and supports trust program exemptions; and
3 amending RCW 50B.04.085.

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 years of age or older may
17 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.

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

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

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

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

12 (a) Employers must retain written notifications of exemptions
13 received from employees.

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

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

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

24 (10) The employment security department is prohibited from
25 requiring the recertification of an employee whose application for
26 exemption under this section was submitted prior to December 31,
27 2022.

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