



# RULE-MAKING ORDER EMERGENCY RULE ONLY

## CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON  
FILED

DATE: May 25, 2023

TIME: 5:46 PM

WSR 23-12-019

**Agency:** Health Care Authority, PEBB Admin #2023-03.01

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** The Health Care Authority is creating a new section in WAC 182-12-5000 titled *Retirees who regained eligibility for public employees benefits board (PEBB) retiree insurance coverage* as authorized in Substitute Senate Bill 5490, Chapter 15, Laws of 2023, 68<sup>th</sup> Legislature, 2023 Regular Session.

**Citation of rules affected by this order:**

- New: WAC 182-12-5000
- Repealed:
- Amended:
- Suspended:

**Statutory authority for adoption:** SSB 5490, Chapter 15, Laws of 2023, 68<sup>th</sup> Legislature, 2023 Regular Session

**Other authority:** RCW 41.05.021 and 41.05.160,

**EMERGENCY RULE**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

**Reasons for this finding:** This emergency rulemaking is necessary to preserve the public peace, health, or safety, or support of the state government and its existing public institutions by establishing rules to implement the special enrollment opportunity for retired or disabled employees who were denied coverage for failure to timely notify the Health Care Authority (HCA) of their intent to defer coverage and who appealed the denial of benefits to HCA on or before December 31, 2022. The emergency is necessary to implement SSB 5490, Chapter 15, Laws of 2023, while the authority conducts the permanent rulemaking process.

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	<u>1</u>	Amended	___	Repealed	___

**The number of sections adopted at the request of a nongovernmental entity:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted on the agency's own initiative:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted using:**

Negotiated rule making:	New	____	Amended	____	Repealed	____
Pilot rule making:	New	____	Amended	____	Repealed	____
Other alternative rule making:	New	<u>1</u>	Amended	____	Repealed	____

<b>Date Adopted:</b> May 25, 2023	<b>Signature:</b> 
<b>Name:</b> Wendy Barcus,	
<b>Title:</b> HCA Rules Coordinator	

NEW SECTION

**WAC 182-12-5000 Retirees who regained eligibility for public employees benefits board (PEBB) retiree insurance coverage under chapter 15, Laws of 2023 (SSB 5490).** (1) For this section only, "subscriber" means a retired or disabled employee who:

(a) Is receiving a retirement allowance under chapter 41.32, 41.35, 41.37, or 41.40 RCW;

(b) Was previously denied coverage solely for failure to timely notify the health care authority (HCA) of their plan to defer public employees benefits board (PEBB) retiree insurance coverage;

(c) Appealed the denial of benefits to HCA on or before December 31, 2022; and

(d) Is eligible for and enrolled in medicare Parts A and B.

(2) Subscribers may enroll only in a medicare advantage (MA), medicare advantage-prescription drug (MA-PD), or a medicare supplement plan. Subscribers may also enroll their dependents who are eligible under WAC 182-12-260 and must include the dependent's enrollment information on the required forms.

(a) The dependent must be enrolled in the same PEBB medical plan as the subscriber;

(b) If the subscriber selects a medicare supplement plan or MA-PD plan, nonmedicare enrollees will be enrolled in the UMP Classic plan. If the subscriber selects any other medicare plan, the subscriber must also select a nonmedicare plan with the same contracted vendor available to nonmedicare enrollees.

(3) The subscriber must submit the required forms to enroll in PEBB retiree insurance coverage and they must be received by the PEBB program by November 30, 2023.

(a) If the subscriber elects to enroll in a medicare supplement plan, the effective date of PEBB retiree insurance coverage described in this section is the first day of the month following the date the PEBB program receives the required forms. If the required forms are received on the first day of the month, the effective date of PEBB retiree insurance coverage is that day.

(b) Enrollment in the PEBB program's MA or MA-PD plan may not be retroactive. If the subscriber elects to enroll in a MA or MA-PD plan, coverage will be effective the first of the month following the signature date on the form.

(4) Subscribers may enroll in a PEBB dental plan if they also enroll in a MA or MA-PD plan or medicare supplemental plan. Subscribers may also enroll their dependents who are eligible under WAC 182-12-260 and must include the dependent's enrollment information on the required forms.

(5) The subscriber's first premium payment for PEBB retiree insurance coverage is due to the HCA no later than 45 days after the effective date of PEBB retiree insurance coverage as described in subsection (3) of this section. Following the subscriber's first premium payment, premiums must be paid as described in WAC 182-08-180 (1)(a).

(6) Subscribers are not eligible to elect retiree term life insurance as described in WAC 182-12-209.

(7) Once enrolled in PEBB retiree insurance coverage, subscribers and their dependents are subject to all applicable rules in chapters 182-08, 182-12, and 182-16 WAC.