



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: August 23, 2024

TIME: 12:12 PM

WSR 24-18-023

Agency: Health Care Authority, PEBB Admin #2024-03.04

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) August 24, 2024

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 refileing WAC 182-12-5200 titled *When is a retiring employee or a retiring school employee who separates from employment eligible to enroll in public employees benefits board (PEBB) retiree insurance coverage?* as authorized in House Bill 1008, Chapter 164, Laws of 2023, 68th Legislature, 2023 Regular Session.

Citation of rules affected by this order:

New: WAC 182-12-5200
 Repealed:
 Amended:
 Suspended:

Statutory authority for adoption: HB 1008, Chapter 164, Laws of 2023, 68th 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 implement to HB 1008, Chapter 164, Laws of 2023, while the authority conducts the permanent rulemaking process.

This filing continues the emergency rules filed under WSR 24-10-057, filed on April 26, 2024. Since the filing of this emergency rule, the agency filed CR-102 on the proposed rules and conducted a public hearing on August 6, 2024, and is preparing to file CR-103P under permanent rulemaking shortly. The text (OTS-4906.3) included with this filing differs from the text included in the 2nd emergency rule filing (OTS-4906.2) filed under WSR 24-10-057. The proposed text under this emergency filing includes a reference to WAC 182-12-5110 (4)(b), which is a newly proposed WAC section, also filed under emergency rule filing as WSR 24-11-151.

**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 1 Amended Repealed

The number of sections adopted using:

Negotiated rule making:	New <input type="text"/>	Amended <input type="text"/>	Repealed <input type="text"/>
Pilot rule making:	New <input type="text"/>	Amended <input type="text"/>	Repealed <input type="text"/>
Other alternative rule making:	New <u>1</u>	Amended <input type="text"/>	Repealed <input type="text"/>

Date Adopted: August 23, 2024	Signature: 
Name: Wendy Barcus	
Title: HCA Rules Coordinator	

NEW SECTION

WAC 182-12-5200 When is a retiring employee or a retiring school employee who separates from employment eligible to enroll in public employees benefits board (PEBB) retiree insurance coverage? (1) A retiring employee or a retiring school employee who meet the definition of a separated employee as defined in RCW 41.05.011 (25)(a) or (b) is eligible to continue enrollment or defer enrollment in public employees benefits board (PEBB) insurance coverage as a retiree if they meet procedural and substantive eligibility requirements as described in WAC 182-12-171 (1), (2), and (3), except as described in subsection (2) of this section.

(2) Effective January 1, 2024, the exceptions for a retiring employee and a retiring school employee to immediately begin receiving a monthly retirement plan payment to meet the substantive eligibility requirements as described in WAC 182-12-171 (2)(a), (c)(ii), and (d), and 182-12-5110 (4)(b), will include the following:

(a) A retiring employee or a retiring school employee who is a member of a Plan 3 retirement plan, also called a separated employee, must meet their Plan 3 retirement eligibility criteria; and

(b) A retiring employee or a retiring school employee who is a member of the teachers' retirement system Plan 2, school employees' retirement system Plan 2, or public employees' retirement system Plan 2, also called a separated employee, who separates from employment on or after January 1, 2024, and who is at least age 55 and have at least 20 years of service.

(3) The exceptions described in subsection (2) of this section apply to an employee or a school employee who is determined to be retroactively eligible for a disability retirement as described in WAC 182-12-211 (1)(c).