**PROPOSED RULE MAKING**

**CR-102 (December 2017)**
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

**Agency:** Health Care Authority, School Employees Benefits Board (SEBB) Admin #2021-01.01

- **Original Notice**
- **Supplemental Notice to WSR**
- **Continuance of WSR**

- **Preproposal Statement of Inquiry was filed as WSR 21-04-109**; or
- **Expedited Rule Making--Proposed notice was filed as WSR**; or
- **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1)**; or
- **Proposal is exempt under RCW**.

**Title of rule and other identifying information:** (describe subject)

WAC 182-31-050 When does eligibility for the employer contribution for school employees benefits board (SEBB) benefits end?

<table>
<thead>
<tr>
<th>Hearing location(s):</th>
<th>Date:</th>
<th>Time:</th>
<th>Location: (be specific)</th>
<th>Comment:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>June 8, 2021</td>
<td>10:00 AM</td>
<td>In response to the coronavirus disease 2019 (COVID-19) public health emergency, the agency will not provide a physical location for this hearing. This promotes social distancing and the safety of the citizens of Washington State. A virtual public hearing, without a physical meeting space, will be held instead.</td>
<td>To attend the virtual public hearing, you must register at the following link: Registration URL <a href="https://attendee.gotowebinar.com/register/8620587191761803532">https://attendee.gotowebinar.com/register/8620587191761803532</a> Webinar ID 384-227-715 After registering, you will receive a confirmation email containing the information about joining the webinar.</td>
</tr>
</tbody>
</table>

**Date of intended adoption:** Not sooner than June 9, 2021  (Note: This is **NOT** the effective date)

**Submit written comments to:**
Name: HCA Rules Coordinator  
Address: PO Box 42716, Olympia WA 98504-2716  
Email: arc@hca.wa.gov  
Fax: (360) 586-9727  
Other:  
By (date) June 8, 2021

**Assistance for persons with disabilities:**
Contact Amber Lougheed  
Phone: (360) 725-1349  
Fax: (360) 586-9727  
TTY: Telecommunication Relay Services (TRS): 711  
Email: amber.lougheed@hca.wa.gov  
Other:  
By (date) May 21, 2021
Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this proposal is to implement a policy resolution to support the School Employees Benefits Board (SEBB) Program.

Amended WAC 182-31-050 to implement Policy Resolution SEBB 2021-01 amending resolution SEBB 2018-25 when the employer contribution for SEBB benefits end.

Reasons supporting proposal: See purpose statement.

Statutory authority for adoption: RCW 41.05.021, 41.05.160, Policy Resolution SEBB 2021-01

Statute being implemented: RCW 41.05.021, 41.05.160

Is rule necessary because of a:

- Federal Law? ☐ Yes ☒ No
- Federal Court Decision? ☐ Yes ☒ No
- State Court Decision? ☐ Yes ☒ No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: N/A

Name of proponent: (person or organization) Health Care Authority ☐ Private ☐ Public ☒ Governmental

Name of agency personnel responsible for:

<table>
<thead>
<tr>
<th>Name</th>
<th>Office Location</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drafting: Stella Ng</td>
<td>PO Box 42716, Olympia WA 98504-2716</td>
<td>360-725-0883</td>
</tr>
<tr>
<td>Implementation: Barbara Scott</td>
<td>PO Box 42716, Olympia WA 98504-2716</td>
<td>360-725-0830</td>
</tr>
<tr>
<td>Enforcement: Scott Palafox</td>
<td>PO Box 42716, Olympia WA 98504-2716</td>
<td>360-725-1858</td>
</tr>
</tbody>
</table>

Is a school district fiscal impact statement required under RCW 28A.305.135? ☐ Yes ☒ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:
Address:
Phone:
Fax:
Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, may be exempt from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

☐ RCW 34.05.310 (4)(b) (Internal government operations)

☐ RCW 34.05.310 (4)(c) (Incorporation by reference)

☐ RCW 34.05.310 (4)(d) (Correct or clarify language)

☐ RCW 34.05.310 (4)(e) (Dictated by statute)

☐ RCW 34.05.310 (4)(f) (Set or adjust fees)

☐ RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☐ This rule proposal, or portions of the proposal, is exempt under RCW ______.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is not exempt, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☒ No Briefly summarize the agency's analysis showing how costs were calculated. These rules do not apply to small businesses.

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: April 30, 2021

Signature:

Name: Wendy Barcus

Title: HCA Rules Coordinator
WAC 182-31-050 Where does eligibility for the employer contribution for school employees benefits board (SEBB) benefits end? (1) The employer contribution toward school employees benefits board (SEBB) benefits ends the last day of the month in which the school year ends. The employer contribution toward SEBB benefits will end earlier than the end of the school year if one of the following occurs:  
(a) The SEBB organization terminates the employment relationship. In this case, eligibility for the employer contribution ends the last day of the month in which the employer-initiated termination notice is effective;  
(b) The school employee terminates the employment relationship. In this case, eligibility for the employer contribution ends the last day of the month in which the school employee's resignation is effective; 
(c) The school employee's work pattern is revised such that the school employee is no longer anticipated to work six hundred thirty hours during the school year. In this case, eligibility for the employer contribution ends as of the last day of the month in which the change is effective;  
(d) The school employee who returns from approved leave without pay, who maintained or established eligibility as described in WAC 182-31-040 (4)(d), and who subsequently has a change in work pattern that, had the work pattern been in effect at the start of the school year, would not have resulted in the school employee being anticipated to work the minimum hours to meet SEBB eligibility for the employer contribution in the school year. In this case, eligibility for the employer contribution ends as of the last day of the month in which the change is effective;  
(e) The nine to ten month school employee hired late in the year and eligible for the employer contribution as described in WAC 182-31-040 (4)(c)(i), who subsequently has a change in work pattern such that the school employee is no longer eligible under the criteria described in WAC 182-31-040 (4)(c)(i). In this case, eligibility for the employer contribution ends as of the last day of the month in which the change is effective;  
(f) The twelve month school employee hired late in the year and eligible for the employer contribution as described in WAC 182-31-040 (4)(c)(ii), who subsequently has a change in work pattern such that the school employee is no longer eligible under the criteria described in WAC 182-31-040 (4)(c)(ii). In this case, eligibility for the employer contribution ends as of the last day of the month in which the change is effective; or  
(g) The school employee hired later in the year and eligible for the employer contribution as described in WAC 182-31-040 (4)(c), who is no longer anticipated to work six hundred thirty hours the next school year. In this case, eligibility for the employer contribution ends as of the last day of the month in which the change in the anticipation occurs.  
(2) If the SEBB organization deducted the school employee's portion of the premium for SEBB insurance coverage from their pay after the school employee was no longer eligible for the employer contribution, SEBB benefits end the last day of the month for which school employee premiums were deducted to prevent a rescission of SEBB bene-
fits. The SEBB organization must refund any premiums deducted for the school employee's portion of the premium that were deducted in advance of any month's coverage for which the school employee is no longer eligible for the employer contribution.