



July 16, 2025

Rules Coordinator
Office of the Insurance Commissioner
302 Sid Snyder Ave SW
Olympia, WA 98504

RE: Implementation of ESSB 5291 (Chapter 380, Laws of 2025), supplemental long-term care insurance, new chapter Title 48 RCW.

Thank you for the opportunity to provide comments on the rulemaking process for supplementary long-term care insurance under the WA Cares program. The National Multiple Sclerosis Society (Society) has supported and engaged the WA Cares program at all stages and appreciates the continued public commenting opportunity throughout the implementation and rulemaking processes. Our comments in this correspondence are limited to pre-existing condition protections.

Background

Multiple sclerosis (MS) is an unpredictable disease of the central nervous system. Currently there is no cure. Symptoms vary from person to person and may include disabling fatigue, mobility challenges, cognitive changes, and vision issues. An estimated 1 million people live with MS in the United States. While there is not yet a cure, we do know that early diagnosis and treatment are critical to minimizing disability. Significant progress is being made to achieve a world free of MS.

Preexisting conditions and MS

People with pre-existing conditions like MS must be able to access continual health coverage, care, and benefits. Anything less will rob people with MS of their opportunity to live their best lives. Interruptions in coverage and care for even short periods can result in the loss of physical or cognitive function that cannot be regained.

Historically, many people living with a pre-existing condition such as MS have faced considerable obstacles in obtaining and retaining health insurance coverage. Prior to the passage of the Affordable Care Act (ACA), insurers could deny coverage to those with pre-existing conditions or charge significantly higher rates if they did choose to cover these individuals, who they saw as higher risk and more costly to insure.

Need for long-term care coverage

Sometimes MS symptoms can progress and significantly interfere with daily activities. When this happens, long-term services such as home healthcare or assisted living centers are an important resource for maintaining control and independence in everyday life.

Nearly 20% of individuals with MS need long-term services and support, and 5%-10% require residential care. Others with MS rely on assistive technology and medical equipment like wheelchairs to remain healthy, mobile and active, and those with progressive MS may use manual or power wheelchairs, and seating and positioning systems that are medically necessary and

[nationalMSSociety.org](https://www.nationalMSSociety.org)

MS Ends With Us

individually configured. To best meet individual needs and preferences, people with MS need choices across a full range of health and social service options that are; age appropriate, affordable, and have home & community-based options.

MS and long-term care insurance

Many types of insurance can be part of an MS care plan including long-term care insurance. Insurers use medical underwriting to determine whether they will insure an applicant and how much to charge. Failure to disclose information about health conditions on applications for long-term care insurance is considered fraud.

ESSB 5291, Chapter 380, Law 2025 sec. 22 language states *“A supplemental long-term care insurance policy or certificate may not define “preexisting condition” more restrictively than as a condition for which medical advice or treatment was recommended by or received from a provider of health care services, within six months preceding the effective date of coverage of an insured person”* for individually purchased products.

While the Society applauds the 6-month look back provision, this will however, have limited benefits and impacts for people living with MS and other chronic conditions who are most often denied coverage due to their pre-existing condition status. Currently, the Society is not aware of any company that offers long-term care coverage on the private market for people with an MS diagnosis regardless of their treatment, or non-treatment, status.

* * *

The Society will continue to advocate for policies which provide insurance benefits for people living with MS. The Society encourages the Office of the Insurance Commissioner to adopt clear rules around pre-existing conditions and to continue to look for ways to prevent pre-existing conditions from being barriers to comprehensive coverage intended to complement our WA Cares program.

Respectfully,

Seth M. Greiner
Senior Manager, Advocacy
Seth.Greiner@NMSS.org



MS Ends With Us

nationalMSSociety.org