

**Long-Term Services and Supports Trust Commission  
Bylaws**

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# Long-Term Services and Supports Trust Commission Bylaws

## Article I. Name

The name of this body shall be the Long-Term Services and Supports Trust Commission (“Commission”).

## Article II. Mission Statement

The Commission’s mission is to make decisions and recommendations guided by the joint goals of maintaining Long-Term Services and Supports Trust Program benefit adequacy and maintaining Long-Term Services and Supports Trust Fund solvency and sustainability.

## Article III. Purpose, Function, and Responsibilities

### Section 1. Purpose

The Commission is established to provide a venue for making recommendations to inform the design and implementation of the Long-Term Services and Supports Trust Program as established in RCW 50B.04.

### Section 2. Function and Responsibilities

The Commission functions as the public body responsible to maintain the Long-Term Services and Supports Trust Program benefit adequacy, fund solvency, and sustainability. Responsibilities include:

1. Beginning on November 15, 2020, annually report to the Governor and the fiscal committees of the legislature on agency administrative expenses and anticipated administrative expenses as the LTSS Trust program shifts from implementation into operations.
  - a. The 2025 report must include a recommended method of calculating future agency administrative expenses while providing sufficient funds to adequately operate the program.
2. Beginning on January 1, 2021, annually make recommendations to the appropriate executive agency or the legislature. Recommendations will include:
  - a. Criteria for determining that an individual has met the requirements to be a qualified individual, or an eligible beneficiary.
  - b. Criteria for minimum qualifications for the registration of long-term services and supports providers who provide approved services to eligible beneficiaries.
  - c. Payment maximums for approved services consistent with actuarial soundness which shall not be lower than Medicaid payments for comparable services. The Commission shall engage affected stakeholders to develop this recommendation.
  - d. Changes to rules or policies to improve the operation of the program.
  - e. Refunding premiums for a deceased qualified individual with a dependent who has a developmental disability and is dependent on support from the qualified individual.
  - f. Actions necessary to maintain trust solvency.
  - g. The January 2021 report shall include recommendations regarding:
    - i. Whether and how to extend coverage to individuals who became disabled before the age of eighteen, including the impact on the financial status and solvency of the trust. The commission shall engage affected stakeholders to develop this recommendation.
    - ii. Consult with the Office of the State Actuary on the development of an actuarial report of the projected solvency and financial status of the program.

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3. Annually make recommendation to the LTSS Trust Council for the annual adjustment of the benefit unit.
4. Assist the State Actuary with the preparation of regular actuarial reports on the solvency and financial status of the program.
5. Beginning December 1, 2026, annually report to the Legislature on the program, including:
  - a. Projected and actual program participation;
  - b. Adequacy of premium rates;
  - c. Fund balances;
  - d. Benefits paid;
  - e. Demographic information on program participants, including age, gender, race, ethnicity, geographic distribution by county, legislative district, and employment sector; and
  - f. The extent to which the operation of the program has resulted in savings to the Medicaid program by avoiding costs that would have otherwise been the responsibility of the state.
6. Establish an Investment Strategy Subcommittee that will provide guidance and advice to the State Investment Board on investment strategies for the Trust Account.
7. Hold Commission meetings.
8. Monitor the solvency and financial status of the program.
9. Identify notifications to qualified individuals, eligible beneficiaries and the public to inform them of program design and updates.
10. Identify data needed for monitoring and informing the program.

### **Article IV. Membership**

#### **Section 1. Appointments**

The Commission consists of 21 members as outlined in RCW 50B.04.030. The Commission includes:

1. Two members from each of the two largest caucuses of the House of Representatives, appointed by the speaker of the House of Representatives;
2. Two members from each of the two largest caucuses of the Senate, appointed by the President of the Senate;
3. The Commissioner of the Employment Security Department, or the Commissioner's designee;
4. The Secretary of the Department of Social and Health Services, or the Secretary's designee;
5. The Director of the Health Care Authority, or the Director's designee, who shall serve as a nonvoting member;
6. One representative of the organization representing the Area Agencies on Aging;
7. One representative of a home care association that represents caregivers who provide services to private pay and Medicaid clients;
8. One representative of a union representing long-term care workers;
9. One representative of an organization representing retired persons;
10. One representative of an association representing skilled nursing facilities and assisted living providers;
11. One representative of an association representing adult family home providers;
12. Two individuals receiving long-term services and supports, or their designees, or representatives of consumers receiving long-term services and supports under the program;
13. One member who is a worker who is, or will likely be, paying the premium established in RCW 50B.04.080 and who is not employed by a long-term services and supports provider; and

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14. One representative of an organization of employers whose members collect, or will likely be collecting, the premium established in RCW 50B.04.080.

Other than the legislators and agency heads identified in this section, members of the Commission are appointed by the Governor for terms of two years, except that the Governor shall appoint the initial members identified in (6) through (14) of this section to staggered terms not to exceed four years.

To ensure diversity and inclusiveness on the Commission, the Commission may choose to make recommendations to the Legislature on the size of the Commission and the groups that should be represented on the Commission.

### **Section 2. Vacancies and Removal**

1. In the case of mid-term vacancy of an appointed Commission member, an appointment from the appointing authority replacing a former member shall be for the remainder for the unexpired term.
2. When one of the Governor appointed Commission seats is vacant, the Commission may choose to make a recommendation to the Governor on filling the vacant seat defined in statute.
3. Governor or legislative appointed members appointed to fill a vacancy with a remaining term of less than one and one-half years may be reappointed for the next two-year term.
4. In the case of mid-term vacancy of a Commission member of a named state agency identified in RCW 50B.04.030, the agency will designate agency representation on the Commission.
5. Members' attendance at and participation in the Commission meetings is encouraged and valued. Frequent absences at scheduled meetings, or otherwise failing to accomplish a members' duties shall be cause for the Chair to contact the Governor to suggest replacement of the Governor appointed Commission member.

### **Section 3. Resignations**

If a Governor appointed Commission member is unable to complete their term, they must inform the Governor's Office and the Commission staff from DSHS. A letter of resignation should be sent to the Governor indicating the date their resignation is effective and whether they are able to serve until a replacement is named.

### **Section 4. Attendance**

1. All Commission and Committee meetings will be attended by at least one staff member of the Department of Social and Health Services, Aging and Long-Term Support Administration which is charged with staffing the Commission.
2. Staff taking the minutes of a Commission meeting shall record the attendance of the members in the minutes for the permanent record.
3. If a Commission member misses 3 meetings in a row, without requesting a leave of absence, they will forfeit their position on the Commission.

### **Section 5. Compensation and Reimbursement for Expenses**

1. DSHS will compensate Commission members eligible for such compensation for performing the duties of the Commission in accordance with RCW 43.03.250.

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2. DSHS will reimburse Commission members eligible for travel and other bona fide expenses in accordance with RCW 43.03.050 and 43.03.060.
3. The Commission shall adopt a protocol specifying the procedures for carrying out compensation and reimbursement, and update it as necessary.

### **Article V. Chair**

The Secretary of the Department of Social and Health Services, or the Secretary's designee, shall serve as Chair of the Commission.

### **Article VI. Meetings**

#### **Section 1. Frequency**

1. Meetings of the Commission are at the call of the Chair. All meetings will be considered Special Meetings as defined in the Open Public Meetings Act.
2. All Commission meetings shall be held in conformance with the Open Public Meetings Act, RCW 42.30. It is the intent of the Commission that all meetings of the Commission, other than executive sessions as defined in RCW 42.30.110, shall be open and public, and any and all persons shall be permitted to attend any meetings of the Commission.
3. Meeting notices will be posted on the LTSS Trust Commission website.
4. Commission members may attend meetings via phone or via a virtual meeting platform if they are unable to attend in person.

#### **Section 2. Quorum**

1. A majority of the voting members of the Commission shall constitute a quorum for any votes of the Commission. In the event that there are vacancies on the Commission, a majority of existing members shall constitute a quorum.
2. The Commission may discuss issues and deal with administrative matters in the absence of a quorum, but it may not adopt any resolution, rule, regulation, order, or directive during a meeting unless a quorum first has been established. It may entertain a motion to adjourn without a quorum.
3. Anyone participating in the meeting, including a member of the public in the audience, may call for a roll call at any time after a quorum has been established. If a quorum is not present at the time of the roll call, no further actions can be taken, unless additional members enter the room and re-establish a quorum.

#### **Section 3. Order of Business**

The order of business at each meeting shall be determined by the chair, and shall include at minimum:

- a. Approving of minutes of previous meeting(s)
- b. Reports from standing committees and subcommittees
- c. Reports from ad hoc work groups
- d. Unfinished business
- e. New Business
- f. Action item review
- g. Public comment (if any)
- h. Suggestions for future meeting agendas

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The order of business shall be determined by the posted agenda unless the agenda is altered by the Chair in an open meeting with the concurrence of the Commission.

### **Section 4. Public Comment**

The Chair may solicit public comment on any or all agenda items during meetings. The Chair of the Commission will set the time limit of speakers. Based on the contents of the agenda, some agendas may not include a public comment period.

### **Section 5. Recommendations, Decisions, Motions, and Resolutions**

1. Recommendations and decisions must be informed by actuarial analysis and guided by the joint goals of maintaining benefit adequacy and fund solvency.
2. All proposals for actions or decisions of the Commission should be by motion and/or resolution; a quorum as outlined in Article VI, Section 2 is needed for any vote of the Commission.
3. Approval of sixty percent of those voting members of the Commission who are in attendance is required for the passage of any vote.
4. No Commission member or employee may use the name of the Commission to support or oppose any issue or cause.
5. The Commission and its members may not lobby in their official capacity as Commission members in support or opposition to legislative proposals unless it is required as a function of the Commission, such as testifying as a Commission member. Commission members may provide information to appropriate parties about proposed legislation and its potential effect on the Long-Term Services and Supports Trust Program. Commission members are permitted to lobby in support or opposition to legislative proposals on behalf of organizations they represent or in their individual capacity, provided they do not connect their activities to their position as a LTSS Trust Commission member in any way.

### **Section 6. Manner of Voting**

1. The voting on election, motions, and resolutions shall be conducted by voice vote.
2. In lieu of voice vote, a Commission member may request a vote by roll call, and the Chair will honor any such request.
3. Absentee voting is not permitted.
4. Secret votes are not permitted.
5. Only Commission members identified in Article IV., Section 1, may vote, if authorized.

### **Section 7. Rules of Procedure**

1. The procedures used to conduct Commission business will be determined by these Bylaws, the Administrative Procedures Act, RCW 34.05, the Open Public Meetings Act, RCW 42.56, and the Commission's authorizing statute, RCW 50B.04.030.
2. If a procedural issue arises that is not covered by these Bylaws and applicable state statutes, and the Commission cannot reach consensus on how to proceed, the organization will follow the procedures contained in the most current version of Robert's Rules of Order.

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## Section 8. Meeting Minutes and Agendas

Meeting agendas and minutes will be emailed to Commission members and they will be posted on the LTSS Trust Commission website.

The minutes of all Commission meetings shall be taken by a staff member of the Aging and Long-Term Support Administration. The minutes shall accurately capture and record the action of the Commission on each question or motion.

## Section 9. Commission Staff

The Department of Social and Health Services shall provide administrative and operational support to the Commission.

## Article VII. Subcommittees and Workgroups

### Section 1. Investment Strategy Subcommittee

The Investment Strategy Subcommittee is established pursuant to RCW 50B.04.030(6). The subcommittee includes:

1. The following members from the Commission as voting members:
  - a. Two members from each of the two largest caucuses of the House of Representatives, appointed by the speaker of the House of Representatives;
  - b. Two members from each of the two largest caucuses of the Senate, appointed by the President of the Senate;
  - c. The Commissioner of the Employment Security Department, or the Commissioner's designee;
  - d. The Secretary of the Department of Social and Health Services, or the Secretary's designee;
2. Four members appointed by the Governor who are considered experienced and qualified in the field of investment as non-voting members.

The subcommittee shall provide guidance and advice to the state investment board on investment strategies for the account, including seeking counsel and advice on the types of investments that are constitutionally permitted.

### Section 2. Workgroups

1. The Commission may establish workgroups to assist in executing the work of the Commission. Workgroups are established to study and deal with highly specific issues, and disband upon completion of the assignment. Workgroups are composed of Commission members and non-commissioner members possessing particular expertise and/or interest in a particular subject of interest to the Commission. Workgroups report back to the full Commission to render their recommendations regarding possible action about that subject. Workgroups disband upon reporting completion of their assignment.
2. Workgroup members shall be appointed by the Commission Chair.
3. Chairs of workgroups will be designated by the Commission Chair.

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4. Each workgroup will function under a written charter, approved by the Chair, designating the group’s composition, purpose, inception and termination date and expectations regarding provision and routing of reports and recommendations.
5. Workgroups will use relevant actuarial analysis when making recommendations to the Commission.
6. The termination date of a workgroup can be extended at the discretion of the Chair or by vote of the Commission.
7. Workgroups are subject to review by the full Commission and may be modified or disbanded by majority vote.
8. Any Commission member may attend workgroup meetings.

### Article VIII. Amendment Procedures

#### Section 1. How to Amend the Commission Bylaws

These bylaws may be amended by any meeting of the Commission that meets quorum requirements outlined in Article VI., Section 2 of these bylaws. Approval of sixty percent of those voting members of the Commission who are in attendance is required.

#### Section 2. Notice Regarding Amendments to the Commission Bylaws

Recommended amendments shall be presented at a Commission meeting for discussion and to get all questions answered. Recommended amendments will then be voted on at a subsequent Commission meeting.

### Bylaws Approval

The Commission approved the bylaws by majority vote on September 30, 2020.

Name	Approval Date	Name	Approval Date
Representative Paul Harris (R)		Dan Murphy	
Representative Drew MacEwen (R)		Peter Nazzal	
Representative Frank Chopp (D)		Madeleine Foutch	
Representative Nicole Marcri (D)		Michael Tucker	
Senator Curtis King (R)		Lauri St. Ours	
Senator Judy Warnick (R)		John Ficker	
Senator Karen Keiser (D)		Governor Appointee - TBD	
Senator Steve Conway (D)		Ruth Egger	
Suzi LeVine - ESD Commissioner		Andrew Nicholas	
Bill Moss - DSHS Secretary’s Designee		Sarai Childs	
Taylor Linke - HCA Director’s Designee			