



LTSS Trust Commission Recommendation Topics

1. **Portability¹**: The legislature called upon the Commission to develop options for allowing persons who become qualified individuals and subsequently move outside of Washington to access benefits in another state if they meet the minimum assistance requirements to become an eligible beneficiary. The Commission's report must include:
 - a. Considerations of options for conducting eligibility determinations for qualified individuals who subsequently move outside of Washington,
 - b. Alternative forms of benefits for out-of-state eligible beneficiaries,
 - c. Methods of cross-state coordination on LTSS providers, and
 - d. Timing implications of extending benefits to out-of-state eligible beneficiaries with respect to short-term program implementation and long-term collaboration with other states establishing similar programs.The Commission began studying portability in 2021 and developed five preliminary options, none of which were brought forward as viable options that year. Instead, the Commission recommended DSHS conduct additional research on the issue of portability of benefits to develop options for a policy recommendation in the future. The legislature agreed that this issue required further study and tasked the LTSS Trust Commission with doing so.

2. **Recertification of private LTC insurance exemptions²**: The legislature called upon the Commission to develop options for requiring the ongoing verification of the maintenance of long-term care insurance coverage by persons who have received an exemption based on purchasing private long-term care insurance, including consideration of procedures that:
 - a. Minimize administrative burden,
 - b. Minimize negative impact on LTSS account solvency, and
 - c. Incentivize maintenance of coverage.The Commission began studying recertification options in 2021 and developed an initial policy option recommended by the Employment Security Department to require re-attestation.

¹ Per ESSB 5693, the results of these activities 1-3, including any legislative recommendations, to the governor and appropriate legislative committees, are due no later than January 1, 2023

² [2022 LTSS Trust Commission Report](#) contains preliminary information on portability and an initial exemption recertification option



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3. **Opportunity to rescind private LTC insurance exemptions:** The legislature called upon the Commission to develop options for providing workers who have received exemptions based on having private long-term care insurance an opportunity to rescind their exemption and permanently join the WA Cares Fund. Under the original statute, workers nearing retirement would have had to contribute to WA Cares without having a plausible pathway to permanent benefit qualification. Many of those workers purchased private long-term care insurance to receive an exemption from WA Cares. However, legislative changes in 2022 now allow near-retirees (born before 1968) to qualify for pro-rated benefits based on the number of years they contribute. We have heard from many Washingtonians who would like to rescind their exemption and join the program. Under current law, that is not possible. The Commission will explore policy options for allowing workers to do so.
4. **Benefit eligibility:** The original statute (RCW 50B.04.30) required the Commission to propose recommendations to the legislature or appropriate executive agency regarding the establishment of criteria for determining that an individual has met the requirements to be an eligible beneficiary, namely the establishment of criteria for determining that an individual requires assistance with **at least three activities of daily living** (RCW 50B.04.60). DSHS will begin rule making for defining benefit eligibility in 2023. This will include defining the activities of daily living which will be assessed. In making recommendations on benefit eligibility determination, the Commission may wish to consider how the benefit trigger will impact ease of access to earned benefits, seamless transitions to Medicaid, transitions to a private supplemental long-term care insurance policy, ways to address cognitive impairment within the three ADL framework, and impacts to program solvency.
5. **Supplemental private LTC insurance plans:** The Commission shall work with insurers to develop long-term care insurance products that supplement the program's benefit. A charter for this work was approved in September 2021 and the workgroup is engaged in discussions with four primary objectives:



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- a. Serve as a forum for clarifying questions, providing information, and solving problems surrounding the relation of supplemental private long-term care insurance plans to the WA Cares Fund benefit;
- b. Identify and develop recommendations to reduce impediments to the design of attractive, affordable supplemental private insurance plans;
- c. Identify and develop recommendations to manage coordination of benefits challenges between the WA Cares Fund benefit and supplemental private insurance plans;
- d. Develop recommendations for consumer protections in supplemental plans that ensure consistency with NAIC model Act consumer protections and to the extent needed, strengthen such protections for these supplemental policies.