

# Long-Term Services and Supports Trust Commission Charter

## Purpose

The Long-Term Services and Supports Trust Program ([Title 50B RCW](#)) was enacted in the 2019 legislative session. It creates a public long-term care insurance benefit for all eligible Washington employees funded through an employee payroll premium that will be collected beginning January 2022. The benefit will be available to assist eligible Washingtonians with meeting their needs for assistance with long-term services and supports beginning in January 2025. The bill established a Long-Term Services and Supports Trust Commission (further known as the Commission).

The purpose of the Commission is to make recommendations and decisions guided by the joint goals of maintaining benefit adequacy and maintaining fund solvency and sustainability.

## Commission Responsibilities

The Commission is responsible to:

- Beginning on November 15, 2020, to 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.
  - The 2025 report must include a recommended method of calculating future agency administrative expenses while providing sufficient funds to adequately operate the program.
- Beginning on January 1, 2021, to annually make recommendations to the appropriate executive agency or the legislature. Recommendations will include:
  - Criteria for determining that an individual has met the requirements to be a qualified individual, or an eligible beneficiary.
  - Criteria for minimum qualifications for the registration of long-term services and supports providers who provide approved services to eligible beneficiaries.
  - 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.
  - Changes to rules or policies to improve the operation of the program.
  - Refunding premiums for a deceased qualified individual with a dependent who has a developmental disability and is dependent on support from the qualified individual.
  - Actions necessary to maintain trust solvency.
  - The January 2021 report shall include recommendations regarding:
    - 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.
    - 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.
- Make recommendation to the LTSS Trust Council for the annual adjustment of the benefit unit.
- Assist the State Actuary with the preparation of regular actuarial reports on the solvency and financial status of the program.
- Beginning December 1, 2026, annually report to the legislature on the program, including:
  - Projected and actual program participation;
  - Adequacy of premium rates;

- Fund balances;
- Benefits paid;
- Demographic information on program participants, including age, gender, race, ethnicity, geographic distribution by county, legislative district, and employment sector; and
- 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.
- Establish an Investment Strategy Subcommittee to provide guidance and advice to the State Investment Board on investment strategies for the Trust Account.
- Hold Commission meetings.
- Monitor the solvency and financial status of the program.
- Identify notifications to qualified individuals, eligible beneficiaries and the public to inform them of program design and updates.
- Identify data needed for monitoring and informing the program.



## Commission Members

Current Commission members are listed below. New members will be appointed as turnover in Commission membership occurs.

Commission Member	Name	Commission	Council	Investment Strategy Subcommittee
<b>Appointed House members:</b>				
State Representative (R)	Paul Harris	✓	✓	✓
State Representative (R)	Drew MacEwen	✓	✓	✓
State Representative (D)	Frank Chopp	✓	✓	✓
State Representative (D)	Nicole Marcri	✓	✓	✓
<b>Appointed Senate members:</b>				
Senator (R)	Curtis King	✓	✓	✓
Senator (R)	Judy Warnick	✓	✓	✓
Senator (D)	Karen Keiser	✓	✓	✓
Senator (D)	Steve Conway	✓	✓	✓
<b>Appointed Agency members</b>				
DSHS Secretary Strange's designee	Bill Moss	✓	✓	✓
HCA Director Birch's designee (non-voting)	Taylor Linke	✓	✓	
ESD Commissioner	Suzi LeVine	✓	✓	
ESD Commissioner LeVine's designee	Beth Marchand thru 10/31/20			✓
ESD Commissioner LeVine's designee	Kelly Lindseth Starting 11/1/20			✓
<b>Governor appointed members</b> (Initial members are appointed to staggered terms from 2-4 years. After that period terms shall be 2 years.)				
Representative of the organization representing the Area Agencies on Aging	Dan Murphy	✓		
Representative of a Home Care Association that represents caregivers who provide services to private pay and Medicaid clients	Peter Nazzal	✓		
Representative of a union representing long-term care workers	Madeleine Foutch	✓		
Representative of an organization representing retired persons	Michael Tucker	✓		
Representative of an association representing skilled nursing facilities and assisted living providers	Lauri St. Ours	✓		
Representative of an association representing adult family home providers	John Ficker	✓		
Individual receiving long-term services and supports #1 (or Designee or Representative of consumers receiving long-term services and supports under the program)	TBD	✓		
Individual receiving long-term services and supports #2 (or Designee or Representative of consumers receiving long-term services and supports under the program)	Ruth Egger	✓		

Commission Member	Name	Commission	Council	Investment Strategy Subcommittee
Worker who is paying the premium established in section 9 of the LTSS Trust Act and who is not employed by a long-term services and supports provider (or will likely be paying the premium)	Andrew Nicholas	✓		
Representative of an organization of employers whose members collect the premium established in section 9 of the LTSS Trust Act (or will likely be collecting the premium)	Sarai Childs	✓		

### Bylaws

The Commission will establish a set of bylaws to direct and clarify its actions, procedures and organization. The bylaws will include a number of articles, such as the following:

- Name of the Commission
- Mission statement
- Membership
- Meetings and time commitment
- Executive board (if needed)
- Committees and subcommittees
- Parliamentary procedure the Commission will follow
- Amendment procedures for making changes to the bylaws
- Responsibilities
- Process for making recommendations
- What constitutes a quorum
- Expectations and guidelines for Commission members
- Attendance

### Charter Approval

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

Name	Approval Date	Name	Approval Date
Representative Paul Harris (R)	9/30/2020	Dan Murphy	9/30/2020
Representative Drew MacEwen (R)		Peter Nazzal	9/30/2020
Representative Frank Chopp (D)	9/30/2020	Madeleine Foutch	9/30/2020
Representative Nicole Marcri (D)		Michael Tucker	
Senator Curtis King (R)	9/30/2020	Lauri St. Ours	9/30/2020
Senator Judy Warnick (R)		John Ficker	9/30/2020
Senator Karen Keiser (D)	9/30/2020	Governor Appointee - TBD	
Senator Steve Conway (D)	9/30/2020	Ruth Egger	9/30/2020
Suzi LeVine - ESD Commissioner	9/30/2020	Andrew Nicholas	
Bill Moss - DSHS Secretary's Designee	9/30/2020	Sarai Childs	9/30/2020
Taylor Linke - HCA Director's Designee	9/30/2020		