	September LTSS Trust Commission Meeting Minutes						
Meeting Date		9/19/2023		Time		1:00 pm – 4:00 pm	
Att	Attendees						
\boxtimes	Representative Paul Harris	\boxtimes	Representative Bryan Sandlin	\boxtimes	Representative Frank Chopp	\boxtimes	Representative Nicole Macri
\boxtimes	Senator Curtis King	\boxtimes	Senator Judy Warnick	\boxtimes	Senator Karen Keiser	\boxtimes	Senator Steve Conway
	Secretary Jilma Meneses, Department of Social and Health Services		Cami Feek, Employment Security Department		Taylor Linke, Health Care Authority (Kasandra Wilson rep))		Peter Nazzal, Home Care Association Representative
	Madeleine Foutch, Representative of a union representing LTC workers		Michael Tucker, Representative of an organization representing retired persons		Lauri St. Ours, Representative of an association representing SNF/ALF providers		John Ficker, Adult Family Homes Providers Representative
	Ruth Egger, Individual Receiving LTSS #2 (or designee or representative of consumers receiving LTSS)		Andrew Nicholas, Workers who is paying the premium (or will be paying)		Vacant, Individual Receiving LTSS #1 (or designee or representative of consumers receiving LTSS)		Rachel Smith, Representative of an organization of employers who's members collect the premium (or will likely be collecting)
\boxtimes	Laura Cepoi, Organization Representing the Agencies on Aging						
Guest Speakers							
	Ben Veghte, Department of Social and Health Services		Andrea Meewes Sanchez, Department of Social and Health Services		Kristen Maki, Department of Social and Health Services		Travis Fish, Employment Security Department
	Chris Giese, Milliman		Annie Gunnlaugsson, Milliman		Luke Masselink, Office of State Actuary	\boxtimes	Eric Mandt, Department of Social and Health Services

Topic	Minutes
Welcome and Call to Order	 Commission members in attendance indicated above. Secretary Meneses reviewed the meeting goals.
Approve Consent Agenda	No objections were made; items were adopted.
WA Cares Fund	Key program details per current statute (RCW 50B.04):
Program Refresh	Premium rate - \$0.58 cents for every \$100 earned
	• Lifetime benefit maximum –\$36,500, adjusted annually up to inflation, paid directly to providers
	Three pathways to qualified individual status
	 Contribute 10 years without interruption of five or more consecutive years
	 Contribute 3 of the last 6 years from the date of application for benefits
	 For near-retirees (born before 1968): contribute at least one year, earning one-tenth of the lifetime benefit amount for each year contributed



o A person must work 500 hours during a year to receive credit for a qualifying year Eligible beneficiary o A qualified individual who requires assistance with at least 3 activities of daily living (i.e., bathing, dressing, eating, ambulation, medication management, toilet use, transfer, etc.) Program Update **ESD Communications to Farmworkers** ESD outreach • Since June: 18 virtual and 4 in-person presentations to employers and workers, including farmers and farmworkers Outreach partners • Joint L&I community relations/ASWS compliance team MSFW Outreach Program (WorkSource) Spanish radio ads • Broadcast in areas with large populations of migrant farm workers Press releases • Early June and early July • Targeting all markets in WA and border markets in OR and ID **ESD Communications to Self-Employed Workers** Self-employed worker outreach • Self-employed elective coverage webpage • ESD Employer Newsletter Employer webinars • Increased promotion after Oct. 1 Support for individuals who have elected coverage All support given to larger employers Informational newsletter Postal mailer

DSHS self-employed communications

Joint with ESD

- Handout on self-employed opt-in
- Webinar for self-employed
- Web content

Other efforts

- WA Cares monthly newsletter content
- WA Cares Basics presentation slide
- Boosted Facebook posts
- Outreach to media outlets and journalists focused on related issues

Open for questions:

• King: How many people have opted out of the non-immigrant visa workers?



Fish: (From the chat) To date, 24,495 non-immigrant visa holders have applied for an exemption. King: How many self-employed individuals there are in the state that would be eligible for this? Giese: (From the chat) American Community Survey data showed about 360,000 self-employed in Washington as of 2020. Finance Update Milliman's next baseline analysis anticipated in fall of 2024 Will include emerging experience as well as any program changes made during upcoming Legislative session OSA prepares regular reports which will include takeaways from recent analysis, commentary on actual experience and recommendations on achieving and/or maintaining trust solvency Annual Solvency Report Biennial actuarial reporting beginning in 2025 will include, but not be limited to, commentary on actual experience versus assumed Throughout Phase 1, OSA will monitor actual experience and we will alert you if incoming data is concerning from a program solvency perspective

Considerations for Review of First-Year Premium Revenue (Milliman)

- \$934 Million -> estimated first-year premium revenue
 - o Source: <u>2022 Actuarial Study</u>
 - o Projection of cash flows over 75-year horizon for estimating required revenue
- Initial challenges / considerations when examining emerging premium data:
 - o Employer reporting patterns compared to Paid Family and Medical Leave program
 - o Potential reporting lag as premiums remitted for first time and exemption processing
 - Seasonality of quarterly data versus annual estimate
 - o Influence of economic cycles (e.g., wage increases, labor force participation)
 - o Interaction with other program features (e.g., vesting credit to become qualified individual)

Cross-Agency Accounting Workgroup Update

- Anticipate transfer from LTSS Trust Fund Account to Treasury November 2023
 - o Fund balance reports will be provided to this committee on a quarterly basis beginning in December 2023
- First priority is to re-pay the loan from the state General Fund (~\$65 million) once LTSS Trust account receives revenue
 - WA Cares operating and administrative costs as appropriated by the legislature will be paid from LTSS fund balances as well

Open for questions:

- Keiser: Is there a plan to do quarterly reports? Is there something that keeps us in the loop? Having some standard and agreed to reporting might be reassuring for folks.
 - o Masselink: We are having these conversations a lot behind the scenes on this topic. Can't speak to the cadence and who it will be coming from, but just know that is being worked on.
 - Veghte: We have been discussing this at length. The current plan is to have quarterly reports from our crossagency accounting workgroup on inflows and outflows. Then perhaps we could have staff to answer any questions about the broader implications of those quarterly numbers.



Minimum Provider Qualifications: Vote on Workgroup Recommendations

Proposed minimum qualifications for Group 1 Providers:

Adult Family Home

- An agency with a valid Adult Family Home License with DSHS or a Tribe per Chapter 388-76 WAC
 Assisted Living Facility
- An agency with a valid Assisted Living Facility License with DSHS or a Tribe per Chapter 388-78A WAC Nursing Home
 - An agency with a valid Nursing Home License with DSHS per Chapter 388-97 WAC

In-Home Personal Care

- An Individual Provider employed by the CDWA and qualified to provide personal care <u>OR</u> an agency with a valid Home Care Agency license with WA DOH, per Chapter 246-335 WAC with three years of experience as a licensed Home Care Agency and contracted to provide Medicaid services.
- In places where there is a capacity issue, adopt an exception process for Medicaid or years of experience requirement.

Proposed minimum qualifications for Group 2 Providers:

Adaptive Equipment and Technology

- Any retail vendor with a Washington state business license and NPI number (Medical provider only), the contractor must be a legal business entity and legitimately engaged.
- For purchases under \$300 beneficiary may be able to purchase item from a retail or online store of their choice and be reimbursed by a Financial Management Services (FMS) vendor contracted by DSHS if beneficiary submits receipt to FMS vendor for covered purchased item.

Environmental Modifications

- Any General Contractor and/or Specialty contractor registered with L&I, licensed, bonded, and insured and meets the requirements of Chapter 18.27 RCW and contractor owner must pass a DSHS criminal background check.
- Any non-profit 501(c)(3) organization that is bonded and insured that offers environmental modifications or minor home repairs.

Home Delivered Meals

Any Vendor that has a business license with the state of Washington and meets the standards of chapter 246-215
 WAC

Personal Emergency Response Systems

• Current Washington business license and the equipment is approved by the Federal Communications Commission and meets the Underwriters Laboratories, Inc. (UL) or ETL (Intertek) standard for home health care signaling equipment.

Proposed minimum qualifications for Group 3 Providers:

Adult Day Services (Adult Day Health and Adult Day Care)

• Any Adult Day contractor that meets requirements of WAC 388-71-0702 through 388-71-0776

Eligible Relative Care

Same recommendation as Phase 1 for In-Home Personal Care

Respite for Family Caregivers

 Same recommendation as Phase 1 for In-Home Personal Care, Adult Family Homes, Assisted Living Facility, and Nursing Homes



Transportation

- Any Transportation provider that meets the requirements described in the Washington Utilities and Transportation Commission (WUTC) of Chapter 480-30 WAC or Chapter 480-31 WAC
- For Transportation purchases under \$100 beneficiary may turn in receipt for approved transportation purchase and be reimbursed by a Financial Management Services (FMS) vendor contracted by DSHS if beneficiary submits receipt to FMS vendor for covered purchased item.

Open for questions:

- Harris: Regarding home modifications, if a church or an individual was going to build a ramp or add grab bars to a shower, can the individual purchase it through the program and then have a church or group come in to do the project? Can they use the money to buy the material and then have volunteer group come install? Do they have to be licensed, bonded, and insured?
 - Meewes Sanchez: If the church wanted to be paid for the environmental modification, they would need to fall
 under the non-profit requirement. If they were purchasing the equipment and install it themselves, that would be a
 different scenario for them doing it for free and not charging WA Cares.
- King: Under transportation, if a spouse wants to provide transportation, can they be reimbursed for the mileage? Would they need to have a transportation license?
 - Meewes Sanchez: The initial thought was they would need a license, but we can follow up at next workgroup meeting.
 - Harris: Agrees with Senator King and would like further discussion around their question. Transportation is a big issue, especially for families. Would like to see an option for a family to be reimbursed. **ACTION ITEM** Can be difficult at times to find transportation and would like to see that they could document they had a doctor's visit or something. Would like to look at this more in depth.
 - Cepoi: Think there is some overlapping issues because HB 1694 looks at workforce shortages and paying spouses for caregiving. Seems like an overlap with how we pay to support spouses who give care.
 - o King: As we have this discussion about transportation and spouses, maybe we need to look at under PFML that might compliment that. Unsure if it does, but worth looking at.
 - o Linke: If we haven't already, would like to share resources under non-emergency medical program. Could be an opportunity to leverage those brokers if medical transportation services are needed.
 - Linke: (From the chat) Additional details on our Medicaid Non-Emergency Medical Transportation (NEMT) program: https://www.hca.wa.gov/assets/billers-and-providers/NEMT101.pdf
 - Rector: (From the chat) Current law does provide authority to pay spouses as providers under WA Cares, just not
 the authority to do so in Medicaid; although HB 1694 has us doing a feasibility study on paying spouses for clients
 served in Medicaid.

John Ficker made a motion to adopt the Workgroup's recommendation regarding minimum qualifications for groups 1 through 3. Ruth Egger seconded the motion. A vote was taken and 17 voted aye, 0 voted nay. The motion was passed unanimously.

Portability Cost Offsets: Vote on Workgroup Recommendations

Background Information

• The results shared herein build off the structure of the <u>2022 Actuarial Study</u>. The results in this presentation provide premium assessment estimates for various combinations of plan feature alternatives with portability benefits as requested by DSHS to support the subcommittee's work.



- The following estimates are prepared to assist in evaluating the viability of selecting benefit features for WA Cares Fund.

 Any estimates around required program revenue are for feasibility purposes only and are not intended, and should not be used, for setting the program premium assessment.
- For each modeling request, we started with all plan features, methodology, and assumptions consistent with the 2022 Base Plan in our 2022 Actuarial Study.
- The 2022 Actuarial Study and our September 12, 2023 letter documenting the analysis in this presentation should be read in their entirety in combination with these slides.

Workgroup Recommendation:

- Incorporate into functional assessment a 90-day forward certification of need
 - o Not an elimination period (typically used in private LTC insurance)
 - Not a waiting period
- Adopt a HIPAA-style benefit threshold for out-of-state residents
- Give State Investment Board authority to invest Trust Reserves in diversified portfolio, including equities. This would require a ballot initiative to amend the state constitution
- Require individuals to contribute 3 years in-state before they become eligible to participate in portable coverage
- Increase number of hours worked required to earn a qualifying year from 500 to 1000
- Continue to leverage the Risk Management Framework to regularly monitor emerging experience and its impact on actuarial status of the program

Open for questions:

- Warnick: A couple groups they were made aware of from lack of portability was military spouses and non-H2A farmworkers who travel. What is the average length of stay of a military person is in the state of WA? **ACTION ITEM** Would their spouse be able to meet the 3-year requirement? With farm workers, does the 3 years employment have to be continuous?
 - Veghte: Can get back regarding the average length of stay. Regarding the average length of stay, the vesting rules don't change. They would need to contribute for 10 years without a break of five or more consecutive years.
- Tucker: They have a question regarding the 1000-hour annual requirement. Do we have good data on number of older workers that would be working less than that whether because they have to or because they choose to? Wondering what the impact would be on that group of workers. **ACTION ITEM**
 - o Veghte: Unsure if we have it broken down but will provide the data that this is available.
- King: There was a comment made that there isn't a waiting period. Under the initial plan, DSHS has 45-day to approve someone that is applying.
 - o Ben: This 90-day proposal in this recommendation is not a waiting period. You are correct in the current program an application has to be submitted and the law allows up to 45 days to determine eligibility.
- Smith: This portability option would be an opt-in. What would be the advance notice that employees would have to give
 that they want portability? They might not know months in advance that they are needing to move, so what would the
 alerting and timing look like?
 - Ben: That has yet to be determined but perhaps in rulemaking or legislation it could be defined. We have discussed someone could elect to enroll a year after you leave the state. Could maybe have a grace period. It wouldn't be an advance notice required; it would be you have a period of time after you leave.



	 Smith: So, this is you go about your business and when you need portability, you alert the state. Would you do this through your employer or through the agency? Amundson: We have had quite a few conversations between ESD and DSHS about how we would communicate with the public when portability becomes available. We would need to work with communication partners to make sure there is some level of understanding across the state that this benefit could be available to you if you relocate and what the minimum requirements are. We do have some level of rulemaking that will probably want to assure there is some awareness with people who choose to relocate out-of-state. We won't be able to hit everyone, but we are looking at different options to try to make sure that everybody is aware as they move. Smith: Let's make sure we are adding in rulemaking towards the timeline and how the employee goes about getting the benefit.
	Senator Karen Keiser made a motion to adopt the Workgroup's recommendation regarding portability cost offsets. Representative Nicole Macri seconded the motion. A vote was taken and 13 voted aye, 4 voted nay. The motion passed.
Benefit Eligibility: Vote on Workgroup Recommendations	Workgroup Recommendation: Use an eligibility standard similar to Medicaid LTSS Incorporate into functional assessment a 90-day forward certification of need Not an elimination period (typically used in private LTC insurance) Not a waiting period
	 Adopt a HIPAA-style benefit threshold for out-of-state residents, if portability is enacted. Ruth Egger made a motion to adopt the Workgroup's recommendation regarding benefit eligibility. Senator Steve Conway seconded the motion. A vote was taken and 16 voted aye, 0 voted nay. The motion was passed unanimously.
Public Comment	 Public comment was captured in the table below. There were 2 pieces of written correspondences received. This was attached with the meeting materials.
Review Agenda for next Meeting	 Approve 9/19/2023 Commission meeting minutes Approve Administrative Expenses Report Receive Program Update Receive Finance Update Receive update on OSA Solvency Report Report out from Minimum Provider Qualifications Workgroup Review Draft Annual Commission Recommendations Report
Wrap-up	 Action items captured in the table below. Meeting adjourned at 3:04 pm

#	Action Items	Lead	Due Date
1	Consider family members for transportation reimbursement in the min quals workgroup	DSHS	November 7, 2023



#	Action Items	Lead	Due Date
2	Average length of stay in WA for military spouses	DSHS	November 7, 2023
	Data on older working Washingtonians and if the 1000-hour increase has an impact on this group	DSHS	November 7, 2023

Name	Public Comment
Silvia Gonzalez (Ana Ascanio translating)	My name is Sylvia Gonzalez. I am part of Casa Latina as a lead coordinator. I want to begin by expressing my appreciation for the work this commission has done to ensure this program is implemented. There is still much to be done regarding these benefits and how it will impact immigrants and undocumented workers in Washington. The program as it stands right now has a critical issue that we must address. For example, if your relatives are citizens of the United States, you can use the WA Cares benefit to pay them when they provide you with care. However, if your relatives are undocumented, even though you are paying into WA Cares just like anybody else, you won't be able to pay a family member to provide you with care, which is ultimately one of the main reasons WA Cares was created. This means that even though we are all contributing to the program, not everyone will be able to access that benefit in the same way. Additionally, even though undocumented individuals will have access to WA Cares if they pay into it, many undocumented workers will have to opt into the program to be able to access it, as they don't usually work under a W-2. Currently, the process for opting into the program is very difficult and unclear, making it inaccessible for many of us. We know that by addressing these issues and working together to resolve them, WA Cares will be a program of great benefit for our community. I am excited to see the positive impact it will have on our community and the example we will set for the rest of the nation. Thank you.
Dana Barnett – Hand in Hand	Hello. My name is Dana Barnett and I live and work in Washington State. I am calling to share my support for Washington Cares. Through my work with an organization called Hand in Hand, I interact with people regularly who employ home care workers, nannies, or housecleaners in their homes. I support them in building fair and safe workplaces. Many of the household employers that I talked to are in what is called 'the sandwich generation'. Experiencing the pressure of working while caring for young children and aging parents or relatives. I regularly hear about the financial, logistical, and emotional struggles that they face. I have witnessed the situations more and more among my peers too, and friends. I have seen the incredible burdens that unplanned caregiving can bring, brought on by disabling sickness, accident, aging, or just increasing needs of a loved one. As an older parent myself, I worry about what will happen if and when I am unable to work and need support at home. Like many parents during COVID, I struggled to maintain my full-time job, to support my first grader who is doing school at home, and I had to make a shift in my career. I took a part-time job that doesn't have retirement benefits. I worry a lot about the financial burden that may be placed upon our son to manage my care in the future. Given all of this, I am so glad to contribute to Washington Cares. I feel relief and gratitude knowing that I am contributing the small amount each paycheck to a benefit that will help ease some of the burden and the stress and the potential cost and logistics of aging or disability, whether it be for myself, my peers, or future generations of Washingtonians. There is no silver bullet to help families face the inevitable care crunch that we all know is coming but I am proud to live in a state that is leading the way with the innovative benefits like Washington Cares. Thank you for your work on this issue.



Name	Public Comment
Elizabeth Hovde – Washington Policy Center	Hi, I am Elizabeth Hovde from Washington Policy Center, and I am hopeful the commission continues to urge a change to the WA Cares vestment criteria that requires 10 years of paying the tax without a break of five or more years. This penalizes home caregivers which are the very people the state is telling us WA Cares is intended to help. I also want to comment that WA Cares is hurting low-income workers, requiring them to give a portion of their needed income over to a program that in some cases will not benefit them but will benefit people with more resources and to sometimes are not in need. The payroll tax attached to WA Cares is regressive and I encourage lawmakers not to continue it. Thanks.
Kate White Tudor – Washington Association for Area Agencies of Aging	Hello, thank you. My name is Kate White Tutor and I represent the Washington Association of Area Agencies on Aging and I want to thank the workgroup for their diligent work on figuring out how to find savings to cover the cost of a portable benefit. It is really difficult work to balance those criteria. We did some similar work in evaluating the structure of the benefit when we were drafting the legislation in 2018 and in particular, thank you for preserving the nursing facility level of care as the standard for eligibility to WA Cares within Washington State. This is the same standard we use now for qualifying people who are seeking Medicaid supports and by aligning the WA Cares eligibility with Medicaid eligibility, it will be a far better experience for people who need to transition from WA Cares to Medicaid. And aligning these criteria will also ensure that the WA Cares program provides some protections to state budget and the state expenditures for Medicaid long-term cost which was one of the most important goals in creating this program in addition to meeting the obvious public need or Long-Term Services and Supports across multiple generations. So thank you for your work and I think you have handled this difficult question well.
Jess Gomez – We Care for WA Cares	Good afternoon, Commission members. My name is Jessica Gomez, and I am the Coalition Manager for We Care for WA Cares. We Care for WA Cares is a coalition of Washington healthcare and worker organizations, including AARP, 775, Alzheimer's Association, and the Lupus Foundation. Through our website, wecareforWACares.org, we have received hundreds of emails and form submissions from people looking for more information about WA Cares. Many emails are from people wanting to opt into WA Cares after learning more about the program. These are mainly from two types of workers. First those who purchased long-term care insurance in order to opt out of the program, and who after learning more about the benefits are facing problems with the LTC insurance policies they purchased, wants to opt back in which is currently not allowed under statute. The second group of individuals we are hearing from want to opt into the program and are self-employed individuals who are allowed to opt in undercurrent statute. Unfortunately, many of these individuals are experiencing difficulty navigating the sign-up process through the SAW website. Specifically, there is confusion around the websites lack of differentiation or conflation of the PFML and WA Cares programs. But both of these groups really point to a significant trend, and that is that Washingtonians want to participate in WA Cares. I hope the Commission and agencies implement the program will considered issues around workers opting in and their work to improve the program moving forward. Thank you.



Name	Public Comment
Sandra Wood - Benefits Academy	Hi, I am Sandra Wood. I am the President of the Benefits Academy, and I am an insurance agent in the State of Washington for about 33 years now. I am worried about the additional complexity that has been added to the WA Cares program since it was originally enacted. With today's portability vote, we'd be looking at four vesting schedules and now two hours per year thresholds. I am once again requesting that Milliman provide an actuarial analysis of one vesting schedule. It would be 10% per year, paid in with 500 plus hours. The second, paid benefits, once you pay in for three plus years, and the third, pay benefits on a flat, daily, or monthly benefit rather than a reimbursement model based on the original or the 2022 Milliman study that was done. If we look at 3.5% of benefits paid for claims processing alone, that's \$43 million per year paid out on average for claims processing because it is pretty manual with reimbursement model. If it were switch to a flat daily or monthly benefit, of course it would still be probably a couple million, maybe even more, but I don't believe it would be 43 million. So, I still would like to request the additional Milliman actuarial analysis of that. Thank you.
Cathy MacCaul – AARP	Hi, I'm Cathy McCall. I'm the Advocacy Director for AARP here in Washington state. I just wanted to make sure that as we continue to look at the qualifications, that we really make sure we are not excluding family caregivers or harming the ability for family caregivers to be compensated under WA Cares. It appears to me there might be some unintended consequences and I want to make sure we closely look at the policy. Also, my colleague, Mike Tucker, who sits on the commission raised a very valid question related to the 500 hours and the 1000 hours and I know it is incredibly difficult to figure out how to fund portability. There is no argument about that. We just want to make sure we are not putting in peril older adults who rely on part-time jobs to supplement Social Security and we are seeing an increasing trend of people 65 and over in the workforce who really only want to work only part-time, but we see an opportunity for them to vest. Thank you.

