

SHB 1323 - S AMD TO HLTC COMM AMD (S-2353.1/21) **737**
By Senator Cleveland

ADOPTED 04/10/2021

1 On page 5, after line 20, insert the following:
2 "(6) By October 1, 2021, the employment security department and
3 the department of social and health services shall jointly conduct
4 outreach to provide employers with educational materials to ensure
5 employees are aware of the program and that the premium assessments
6 will begin on January 1, 2022. In conducting the outreach, the
7 employment security department and the department of social and
8 health services shall provide on a public website information that
9 explains the program and premium assessment in an easy to understand
10 format. Outreach information must be available in English and other
11 primary languages as defined in RCW 74.04.025.

12 **Sec. 1.** RCW 50B.04.030 and 2019 c 363 s 4 are each amended to
13 read as follows:

14 (1) The long-term services and supports trust commission is
15 established. The commission's recommendations and decisions must be
16 guided by the joint goals of maintaining benefit adequacy and
17 maintaining fund solvency and sustainability.

18 (2) The commission includes:

19 (a) Two members from each of the two largest caucuses of the
20 house of representatives, appointed by the speaker of the house of
21 representatives;

22 (b) Two members from each of the two largest caucuses of the
23 senate, appointed by the president of the senate;

24 (c) The commissioner of the employment security department, or
25 the commissioner's designee;

26 (d) The secretary of the department of social and health
27 services, or the secretary's designee;

28 (e) The director of the health care authority, or the director's
29 designee, who shall serve as a nonvoting member;

30 (f) One representative of the organization representing the area
31 agencies on aging;

1 (g) One representative of a home care association that represents
2 caregivers who provide services to private pay and medicaid clients;

3 (h) One representative of a union representing long-term care
4 workers;

5 (i) One representative of an organization representing retired
6 persons;

7 (j) One representative of an association representing skilled
8 nursing facilities and assisted living providers;

9 (k) One representative of an association representing adult
10 family home providers;

11 (l) Two individuals receiving long-term services and supports, or
12 their designees, or representatives of consumers receiving long-term
13 services and supports under the program;

14 (m) One member who is a worker who is, or will likely be, paying
15 the premium established in RCW 50B.04.080 and who is not employed by
16 a long-term services and supports provider; and

17 (n) One representative of an organization of employers whose
18 members collect, or will likely be collecting, the premium
19 established in RCW 50B.04.080.

20 (3) (a) Other than the legislators and agency heads identified in
21 subsection (2) of this section, members of the commission are
22 appointed by the governor for terms of two years, except that the
23 governor shall appoint the initial members identified in subsection
24 (2) (f) through (n) of this section to staggered terms not to exceed
25 four years.

26 (b) The secretary of the department of social and health
27 services, or the secretary's designee, shall serve as chair of the
28 commission. Meetings of the commission are at the call of the chair.
29 A majority of the voting members of the commission shall constitute a
30 quorum for any votes of the commission. Approval of sixty percent of
31 those voting members of the commission who are in attendance is
32 required for the passage of any vote.

33 (c) Members of the commission and the subcommittee established in
34 subsection (6) of this section must be compensated in accordance with
35 RCW 43.03.250 and must be reimbursed for their travel expenses while
36 on official business in accordance with RCW 43.03.050 and 43.03.060.

37 (4) Beginning January 1, 2021, the commission shall propose
38 recommendations to the appropriate executive agency or the
39 legislature regarding:

1 (a) The establishment of criteria for determining that an
2 individual has met the requirements to be a qualified individual as
3 established in RCW 50B.04.050 or an eligible beneficiary as
4 established in RCW 50B.04.060;

5 (b) The establishment of criteria for minimum qualifications for
6 the registration of long-term services and supports providers who
7 provide approved services to eligible beneficiaries;

8 (c) The establishment of payment maximums for approved services
9 consistent with actuarial soundness which shall not be lower than
10 medicaid payments for comparable services. A service or supply may be
11 limited by dollar amount, duration, or number of visits. The
12 commission shall engage affected stakeholders to develop this
13 recommendation;

14 (d) Changes to rules or policies to improve the operation of the
15 program;

16 (e) Providing a recommendation to the council for the annual
17 adjustment of the benefit unit in accordance with RCW 50B.04.010 and
18 50B.04.040;

19 (f) A refund of premiums for a deceased qualified individual with
20 a dependent who is an individual with a developmental disability who
21 is dependent for support from a qualified individual. The qualified
22 individual must not have been determined to be an eligible
23 beneficiary by the department of social and health services. The
24 refund shall be deposited into an individual trust account within the
25 developmental disabilities endowment trust fund for the benefit of
26 the dependent with a developmental disability. The commission shall
27 consider:

28 (i) The value of the refund to be one hundred percent of the
29 current value of the qualified individual's lifetime premium payments
30 at the time that certification of death of the qualified individual
31 is submitted, less any administrative process fees; and

32 (ii) The criteria for determining whether the individual is
33 developmentally disabled. The determination shall not be based on
34 whether or not the individual with a developmental disability is
35 receiving services under Title 71A RCW, or another state or local
36 program;

37 (g) Assisting the state actuary with the preparation of regular
38 actuarial reports on the solvency and financial status of the program
39 and advising the legislature on actions necessary to maintain trust
40 solvency. The commission shall provide the office of the state

1 actuary with all actuarial reports for review. The office of the
2 state actuary shall provide any recommendations to the commission and
3 the legislature on actions necessary to maintain trust solvency;

4 (h) For the January 1, 2021, report only, recommendations on
5 whether and how to extend coverage to individuals who became disabled
6 before the age of eighteen, including the impact on the financial
7 status and solvency of the trust. The commission shall engage
8 affected stakeholders to develop this recommendation; and

9 (i) For the January 1, 2021, report only, the commission shall
10 consult with the office of the state actuary on the development of an
11 actuarial report of the projected solvency and financial status of
12 the program. The office of the state actuary shall provide any
13 recommendations to the commission and the legislature on actions
14 necessary to achieve trust solvency.

15 (5) The commission shall monitor agency administrative expenses
16 over time. Beginning November 15, 2020, the commission must annually
17 report to the governor and the fiscal committees of the legislature
18 on agency spending for administrative expenses and anticipated
19 administrative expenses as the program shifts into different phases
20 of implementation and operation. The November 15, 2025, report must
21 include recommendations for a method of calculating future agency
22 administrative expenses to limit administrative expenses while
23 providing sufficient funds to adequately operate the program. The
24 agency heads identified in subsection (2) of this section may advise
25 the commission on the reports prepared under this subsection, but
26 must recuse themselves from the commission's process for review,
27 approval, and submission to the legislature.

28 (6) The commission shall establish an investment strategy
29 subcommittee consisting of the members identified in subsection
30 (2)(a) through (d) of this section as voting members of the
31 subcommittee. In addition, four members appointed by the governor who
32 are considered experienced and qualified in the field of investment
33 shall serve as nonvoting members. The subcommittee shall provide
34 guidance and advice to the state investment board on investment
35 strategies for the account, including seeking counsel and advice on
36 the types of investments that are constitutionally permitted.

37 (7) The commission shall work with insurers to develop long-term
38 care insurance products that supplement the program's benefit."

1 Renumber the remaining sections consecutively and correct any
2 internal references accordingly.

SHB 1323 - S AMD TO HLTC COMM AMD (S-2353.1/21) **737**
By Senator Cleveland

ADOPTED 04/10/2021

3 On page 8, at the beginning of line 12, after "50B.04.020,"
4 insert "50B.04.030,"

EFFECT: Requires the long-term services and supports (LTSS) Trust Commission to work with insurers to develop long-term care insurance products that supplement the LTSS Trust program's benefit. Requires ESD and DSHS to jointly develop and implement an outreach program to provide employers with educational materials to ensure employees are aware of the program and that the premium assessments will begin on January 1, 2022. Requires the outreach be implemented by October 1, 2021, information to be posted on a public website and made available in English, Spanish, Vietnamese, Cambodian, Laotian, and Chinese.

--- END ---